

**Board of Selectmen  
Town of East Windsor  
11 Rye Street  
East Windsor, CT**

**MINUTES OF REGULAR MEETING,  
October 4, 2011 at 7:00 p.m.**

These minutes are not official until approved at a subsequent meeting.

Members Present: Denise Menard, Mark Simmons, John L. Burnham, Gilbert Hayes,  
and Richard P. Pippin, Jr.  
Members Absent: None  
Others: Kathleen Pippin, Dale Nelson, Lois Noble, Alan Baker, Marie  
DeSousa, Judith Rajala, Lori Gabriel, Brenda Crockett, Len  
Norton, Dick Sherman, and many others  
Press: C. Garfman (Journal Inquirer) and L. Smith (Patch.com)

**I. Call to Order**

First Selectwoman Denise Menard called the Regular Meeting to Order at 7:01 p.m., in the East Windsor Town Hall.

**II. Attendance**

Denise Menard, First Selectman  
Mark Simmons, Deputy Selectman  
John L. Burnham, Selectman  
Gilbert Hayes, Selectman  
Richard P. Pippin, Jr., Selectman

**III. Added Agenda Item**

It was **MOVED** (Pippin) and **SECONDED** (Simmons) and **PASSED** (U) that the Board of Selectmen adds the following item to the agenda: IX. New Business E. Discuss and Review of Capital Improvement Planning Policy.

**IV. Approval of Minutes**

**Minutes of September 20, 2011 Regular Meeting**

An error was noted in the September 20, 2011 Regular Meeting Minutes. An amendment to the minutes in Section X., Sub-Paragraph b is noted. The following is the noted amendment:

For clarification purposes, Mr. Pippin indicated he would like the record to show that all three contracts which were decided upon, were advertised twice and only two bidders responded for two contracts and only one bidder for another.

It was **MOVED** (Simmons) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen approves the minutes of September 20, 2011 Regular Meeting, as amended.

#### **V. Public Participation**

Ms. Marie DeSousa of 10 Rice Road addressed the Board. She wanted to apologize to the First Selectwoman, Denise Menard, for the aggravation of the unfounded allegations from the Chairman of the Board of Finance, who acted independently. The topic will be discussed at the next Board of Finance Meeting. She thanked Ms. Menard for disclosing all the materials which stemmed from the investigation. It would have been a common courtesy if the Board had a meeting to discuss what was seen at a gas pump on a Sunday before the allegations were brought to the authorities.

#### **VI. Communications**

None.

#### **VII. Selectmen's Reports**

Ms. Menard suggested due to the lengthy agenda and Town Meeting scheduled for this evening, the Selectmen do not give reports. It was agreed.

#### **VIII. Board and Commission Resignations and Appointments**

Ms. Menard noted that due to the Town Elections being held on November 8, 2011, no appointments/reappointments will be made after October 4, 2011 Regular Meeting pursuant to Section 7-1b of the Town Charter.

##### **a. Resignations: None**

##### **b. Re-Appointments:**

##### **Ethics Commission, 4 year terms expiring 11/01/2015**

##### **1. Matthew Crossen (D)**

##### **2. James Richards (R)**

It was **MOVED** (Pippin) and **SECONDED** (Simmons) and **PASSED** (U) that the Board of Selectmen approves the re-appointments of Matthew Crossen (D) and James Richards (R), as Regular Members to serve a four year term expiring November 1, 2015.

**c. New Appointments: None.**

**d. Board and Commission Current Vacancy List**

The list was given to all the Board Members for their review. A brief discussion was held regarding the list and how the list is maintained.

**IX. Unfinished Business**

**a. BMX/Skateboard Park Study Committee Update**

Ms. Menard indicated to the Board Members that in their packet was a letter from CIRMA (Connecticut Interlocal Risk Management Agency) dated October 3, 2011. She received this letter today and has perused it quickly before the meeting. After the last Regular Meeting of the Board of Selectmen, CIRMA indicated they would review all of the materials given to them at that meeting, and would recommend to the Town what factors CIRMA would need in order for the BMX/Skateboard Park to be insured as a Town park. Ms. Menard commented that in the letter CIRMA is recommending a fence be constructed surrounding the park. However, they are stressing that the park will be insured. She reiterated that she has read quickly through the letter and has not absorbed the document in its entirety. She understands that the construction of a fence will be costly to the Committee, but CIRMA is recommending one. She invited Ms. Lori Gabriel and Ms. Brenda Crockett to join the meeting to discuss the letter in more detail. Ms. Gabriel and Ms. Crockett inquired what if a fence is not put up; will CIRMA not insure the park? Ms. Menard did not go as far to say that CIRMA wouldn't insure it; however, CIRMA has indicated, in writing, that a fence is recommended and if something should happen at the park, this might become an issue. Ms. Gabriel wanted to know the reasoning behind this recommendation. Ms. Menard remarked that she did not know the exact reasoning but it is being recommended that signs are posted, closing the park after dark and having a locked fence surrounding the park. Ms. Crockett wondered who is going to lock and unlock the park and Ms. Gabriel recalled that when the Committee originally began talking about opening a park, it was suggested not to lock it, which would be less to maintain. Ms. Crockett mentioned a recent lawsuit wherein a boy jumped a fence and was injured. Ms. Crockett continued that the Committee wanted to create an inviting space to the children and not push them away. She does not agree with the recommendations and the insurance risk and feels that the Committee needs to push back due to the fact that their recommendations are not consistent with other towns. Mr. Hayes indicated he believes that some of the parks are locked and Hazardville being one of them. Ms. Gabriel indicated those parks that are fenced and locked are old tennis courts renovated into skateboard parks. Ms. Menard read from the letter

which indicated to consider posting rules of the park conspicuously around the park. Ms. Crockett indicated that signs will be considered regarding respecting one another, but limiting when skateboarders and BMXers can use the park, she wasn't too sure about. Mr. Pippin believed there should be a rule about when each of the participants uses the park, a set time for each group. Ms. Gabriel still wanted an explanation of why a fence is needed. Ms. Pippin responded to deny access especially during inclement weather. Ms. Crockett indicated that when the discussions of constructing a park began, it was never mentioned of a fence surrounding the park. When inclement weather season began, it was assumed the park was closed. The Committee never had any intentions of cleaning off the snow or maintaining the park during the snow and ice season.

The conversation continued regarding other parks such as basketball courts which the Town provides, and those parks are not locked and are open to the public. It was Ms. Crockett and Ms. Gabriel's contention those parks are no different than a BMX/Skateboard Park. Mr. Hayes agreed. Ms. Menard reminded everyone that serious injuries can occur at skateboard parks. Mr. Hayes inquired as to what the Committee plans on doing if a fence needs to be constructed. Mr. Pippin suggested that the plans of clearing the land and paving the location may be able to take place and more fundraising be organized to raise funds for a fence. In doing so, the Committee won't lose the prices they have secured with contractors. Mr. Simmons commented that he agreed with Mr. Hayes comment wherein he indicated the insurance company has indicated a fence "should" be around the park and it did not indicate "must". Ms. Crockett inquired if the Town Attorney could comment on the wording of the letter to make sure the Town would be insured if the park is constructed without a fence. Ms. Menard indicated the cost of asking for an opinion from the Town Attorney is costly and does not feel that would be necessary at this point. Ms. Menard inquired if the Committee has contacted Parks and Recreation regarding maintaining the park and Ms. Crockett indicated she had and the question of maintenance is still being discussed between Public Works and Park and Recreation and if it is necessary, the BMX/Skateboard Committee will maintain or share some of the maintenance duties.

It was **MOVED** (Pippin) and **SECONDED** (Hayes) and **PASSED** (U) that the Board of Selectmen recesses the Regular Meeting for a Town Meeting which is scheduled at 7:30 p.m. and agree to reconvene the Regular Meeting after the adjournment of the Town Meeting.

Board Recessed at 7:33 p.m.

Board Reconvened at 8:05 p.m.

It was **MOVED** (Pippin) and **SECONDED** (Hayes) and **PASSED** (U) that the Board of Selectmen reconvenes the Regular Meeting and to continue with the topic of BMX/Skateboard Park Update.

Ms. Crockett and Ms. Gabriel requested action taken by the Board of Selectmen so the Committee can move forward. Mr. Pippin suggested securing contractors, clearing the land, putting asphalt down and purchasing the three official pieces of equipment due to the low prices they have received. Once that has been established, the Committee can do more fundraising in order that they can purchase the fence. Ms. Menard agreed with Mr. Pippin about having the Committee work toward the purchase of a fence. They can secure all of their contractors and contracts in writing and those contracts can be reviewed by CIRMA, as all contracts are with the Town. Mr. Hayes also agreed.

A discussion was held regarding securing contracts and equipment. Mr. Burnham disagreed. Nothing should be done until clarification from the insurance company and plans regarding the maintenance of the park and securing the park need to be addressed before anything is done. Another concern Mr. Burnham had was once a maintenance plan was in place, the Public Works and/or Parks and Recreation will be asking for additional monies in their budget in order to keep up with the maintenance. As everyone knows for the past two years, there are no additional monies. Once the fence is in place for the park, it will have to be secured and that would equal manpower. Ms. Crockett commented that the maintenance will be done as the dog park has been doing it, a sub-committee of volunteers who will be formed and will be in charge of maintaining the park.

It was **MOVED** (Hayes) and **SECONDED** (Simmons) and **PASSED** (3-1) (J. Burnham dissenting) that the Board of Selectmen approves the BMX/Skateboard Park Study Committee to move forward in preparing the ground for asphalt and to secure contracts for equipment which will be reviewed by CIRMA and to authorize the First Selectwoman to sign contracts as needed for equipment contractors.

Mr. Burnham commented the reason he voted against moving forward with the BMX/Skateboard Park was because he is not comfortable as of yet, but he thinks the Committee should have patience and get all of the answers from the insurance company before any type of construction is started.

#### **b. Discussion of Shared Services**

Ms. Menard indicated at the last meeting, it was discussed that back in August of 2006, an Ad Hoc Shared Services Committee was established which consisted of the two Board of Selectmen Members, two Board of Finance Members and two Board of Education Members for 60 days to report back to

the Board of Selectmen. The Committee was formed to research combining town services where feasible. Ms. Menard put together some information which was given to all Board Members for their review. She is suggesting reestablishing this committee but changing the make-up of having only one member from each Board rather than two, due to the fact it was difficult to have a meeting due to the attendance of all the members. In addition to the one member from each Board, the Superintendent, Treasurer and First Selectman would also be part of the Committee. Ms. Menard read from the document entitled "Permanent Shared Services Committee". She indicated that the Committee would be established beginning on January 15, 2012 due to the fact that elections are taking place and it would be difficult to start the Committee soon after the elections. Mr. Pippin indicated he was concerned with the number of members of the Committee being an even number. The members should be an odd number so no tie votes can be had. Ms. Menard suggested having the Superintendent, Treasurer and First Selectman voting members and not advisory members. Mr. Pippin indicated that the Superintendent and Treasurer are not electors of the Town and could not be voting members. Ms. Menard suggested having an at-large member appointed by the Board of Selectmen. No objections were made about having an at-large member. Ms. Menard indicated she would change the policy and has one at-large member which would make the Committee consist of seven members and not six. Other minor corrections were made in spelling and grammar.

It was **MOVED** (Burnham) and **SECONDED** (Simmons) and **PASSED** (U) that the Board of Selectmen approves the establishing of a Permanent Shared Services Committee pursuant to document entitled "Permanent Shared Services Committee" with changes as discussed.

It was **MOVED** (Simmons) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen move Agenda Item No. XII. Executive Session to be discussed before X. New Business.

**XII. Executive Session (pursuant to Connecticut General Statutes Section 1-200(6) Personnel and Litigation**

It was **MOVED** (Simmons) and **SECONDED** (Pippin) **PASSED** (U) that the Board of Selectmen enters into Executive Session to conduct a hearing and to preserve the confidentiality of records to include Ms. Catherine Cabral, Treasurer.

The Board entered into Executive Session at 8:36 p.m.

It was **MOVED** (Simmons) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen terminates Executive Session and to continue same later in the meeting and enters into Public Session at 8:45 p.m.

No action taken.

**X. New Business****a. Discussion of accessibility of 44 Norton Road, Broad Brook to include Dick Sherman**

Ms. Menard invited Mr. Dick Sherman, Chairman of the American River Heritage Commission to discuss with the Board of Selectmen the accessibility of 44 Norton Road, Broad Brook, Connecticut. He gave to all Boar Members a packet of paperwork regarding this issue for their review. He indicated he has been on the Commission since September of 2000. As part of the duties of the American River Heritage Commission, the Commission shall maintain an updated inventory of property, both public and privately owned, along the Connecticut River and its tributaries, for the purpose of identifying and recommending acquisition by the Town by purchase, lease or gift. He gave a brief history of the accessibility of 44 Norton Road. This began back in August of 2003. In November of 2003, at a Board of Selectmen Meeting, members of the American Heritage River Commission explained to the Board about two parcels of property the Commission suggested the Town purchase: Two acres on Mill Street and 44 Norton Road. A letter from the First Selectwoman at the time, Ms. Linda Roberts, was sent to Ms. Eileen Norton inquiring if Ms. Norton would be interested in either selling or donating that parcel of land on 44 Norton Road. January 6, 2004 another Board of Selectmen Meeting was held wherein members were shown a map and plans of specifically the property on Norton Road and Mill Street and how the Town's options could be used. There were representatives of the families who owned the properties on Mill Street and Norton Road. On February 4, 2004, a letter was sent to the Planning and Zoning Commission and Parks and Recreation Commission regarding the land acquisition on Scantic River. On June 15, 2004, the Board of Selectmen agreed to allow negotiation to begin on the purchase of 44 Norton Road and Mill Street property. As of the present date, there is no information as to where negotiations are or if they even began. Mr. Sherman is requesting that negotiations of the purchase of the properties can begin in order to secure the properties for recreational use along the Scantic River.

A discussion was held among Mr. Sherman, Mr. Pippin, and Ms. Merard regarding the history and statutory changes. Mr. Sherman indicated there are two different parcels which he is talking about owned by two different families, the Bopka family and the Norton family. Ms. Menard remarked that the American Heritage River Commission is trying to help the rivers if the Town cannot purchase the parcels, maybe the Town can ask for an easement. It was mentioned that one of the family members were concerned over liability issues. Ms. Menard inquired as to the names of the family members which needed to be contacted. Mr. Sherman gave her that information. It was discussed that current trails are part of the Connecticut Greenway Trails. Ms.

Menard indicated she would send letters to the property owners and see what kind of response she receives.

It was **MOVED** (Pippin) and **SECONDED** (Hayes) and **PASSED** (3-0) J. Burnham abstained) that the Board of Selectmen approves actively to pursue the Norton and Bopka properties to operate a river trail, but not to purchase the properties.

**b. Set Salaries for Part Time and Unaffiliated Employees**

Ms. Menard indicated this agenda item should be tabled until the next Regular Meeting due to the email that was received by Ms. Menard from the Chairman of the Board of Finance, Mr. Jack Mannette. Ms. Menard did assure Mr. Mannette that his email would be discussed at this meeting. She thanked him for his advice and she would discuss his concerns with the other Board Members. She indicated his concerns were that there are no funds in the present budget that would provide increases in those salaries.

Mr. Mark Simmons, Deputy Selectman, commented that if the Chairman of the Board of Finance is concerned about this agenda item, he should have come to this meeting and made his concerns known under public comments. The Chairman of the Board of Finance does not dictate what agenda items are discussed at a Board of Selectmen Meeting nor does he dictate agenda items at other meetings, such as Planning and Zoning Commission or Economic Development Commission. Mr. Simmons further said that Mr. Mannette should have come to this meeting and debated the issue and had a dialog, but by sending an email, no discussion can be held.

Ms. Marie DeSousa, a Board of Finance Member who was in the audience, agreed with Mr. Simmons and indicated that the Chairman of the Board of Finance may have a valid concern but the way he has addressed his concern is not the right way.

Ms. Menard indicated that every year the Board of Selectmen meet after the budget has been set to discuss and set salaries in July. However, this year it was postponed due to the fact that contract negotiations were being held. The Board of Selectmen always set salaries after the budget is secured and the monies are taken from the contingency account.

It was **MOVED** (Pippin) and **SECONDED** (Hayes) and **PASSED** (3-0)(M. Simmons abstained) that the Board of Selectmen table the Agenda Item entitled "Set Salaries for Part Time and Unaffiliated Employees" until the next Regular Meeting.



**c. Discussion of Disposal of Town property to include Police Cruiser**

Ms. Menard indicated to the Board that the Police Commission has given to the Police Chief, Edward J. DeMarco, Jr., authority to release a 2005 Crown Victoria with 114,273 miles on it. Ms. Menard indicated there are other pieces of town property which need to be disposed of. She gave an example of three old desks. The Town does not have a place to store such items and she would like to dispose of them as well.

She gave to each Board Member a copy a policy dated December 15, 1994 entitled "Policy Concerning the Disposition of Town Property". The policy indicates that the First Selectman is authorized to sell or otherwise dispose of Town Property subject to certain conditions. Those conditions are as follows:

1. No property having a fair market value in excess of \$500.00 nor any motor vehicle or motorized equipment shall be disposed of without the advice and consent of the Board of Selectmen. In any situation in which it appears that any Town Department may be able to use such property for the benefits of the Town, the Board of Selectmen shall recommend that such property be retained.
2. In those situations where the Board of Selectmen approves disposition and it is proposed to permanently transfer such property, the First Selectman shall publish a notice soliciting bids for any proposed sale.
3. Reference: Terms and Conditions/Disposition of Town Property and Bid document for submission of bid(s).

A discussion was held among the Board Members regarding the police vehicle and possibility of sending it to auction. There was also discussion about the three desks and either sending them to consignment at a local business or having goodwill take it.

It was **MOVED** (Simmons) and **SECONDED** (Hayes) and **PASSED** (3-2)(R. Pippin and J. Burnham dissenting) that the Board of Selectmen authorize the First Selectwoman, Ms. Denise Menard, to dispose of the police vehicle pursuant to letter dated September 16, 2011 from Chief Edward J. DeMarco, Jr.

**d. Tax Refunds**

Ms. Menard discussed an Application for Refund request from the Tax Collector dated September 29, 2011 wherein Ms. Samantha Lee, Tax Collector is requesting under Connecticut General Statutes Section 12-129 a refund from the Town of East Windsor in the amount of \$3,533.92.

It was **MOVED** (Pippin) and **SECONDED** (Simmons) and **PASSED** (U) that the Board of Selectmen approves the tax refunds in the amount of \$3,533.92 pursuant to the Tax Collector's request of September 29, 2011.

**e. Discuss and review of Capital Improvement Planning Policy**

Ms. Menard indicated that the Capital Improvement Planning Advisory Committee has suggested that the decision process of last year was working but some changes in the policy needed to be considered. One suggesting of the Committee was to ask for clarification that the CIP projects are for Town-owned or leased properties. Ms. Menard gave a copy of the Minutes from the August 23, 2011 Capital Improvement Planning Advisory Committee Meeting and a copy of the proposed policy for the Board Members to review.

Ms. Menard discussed the policy and the changes which have been made.

A brief discussion was held.

It was **MOVED** (Burnham) and **SECONDED** (Simmons) and **PASSED** (U) that the Board of Selectmen approves the Capital Improvement Plan Policy as revised on October 4, 2011.

**XI. Budget Matters**

No budget transfers were heard.

**XII. Executive Session (pursuant to Connecticut General Statutes Section 1-200(6) Personnel and Litigation (continued)**

It was **MOVED** (Simmons) and **SECONDED** (Pippin) **PASSED** (U) that the Board of Selectmen enters into Executive Session to conduct a hearing and to preserve the confidentiality of records.

The Board entered into Executive Session at 9:32 p.m.

It was **MOVED** (Burnham) and **SECONDED** (Simmons) and **PASSED** (U) that the Board of Selectmen terminates Executive Session enters into Public Session at 10:00 p.m.

No action taken.

**XIII. Adjournment**

It was **MOVED** (Burnham) and **SECONDED** (Simmons) and **PASSED** (U) that the Board of Selectmen adjourns the October 4, 2011 Regular Meeting at 10:01 p.m.

Respectfully Submitted,

Denise M. Piotrowicz  
Recording Secretary