

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

**MINUTES OF REGULAR MEETING,
October 18, 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, Carol Madore, Paul Anderson, Catherine Cabral, Lois Noble, Alan Baker, Marie DeSousa, Len Norton, Dave Menard, Laurie Whitten, E. Arthur Enderle, Edward Alibozek, Thomas Davis, Jay Userry, 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

None.

IV. Approval of Minutes

Minutes of September 20, 2011 Regular Meeting

An error was noted in the October 4, 2011 Regular Meeting Minutes. An amendment to the minutes in Section X., Sub-Paragraph a, Paragraph l is noted. The following is the noted amendment:

“He gave to all **Boar** Members...”
to

“He gave to all **Board** Members...”

An error was noted in the October 4, 2011 Regular Meeting Minutes. An amendment to the minutes in Section IX., Sub-Paragraph a, Paragraph I is noted. The following is the noted amendment:

“**Ms.** Pippin responded to deny access...”

to

“**Mr.** Pippin responded to deny access...”

Mr. Pippin wanted to note for clarification purposes regarding the BMX Skateboard Park that it was decided to purchase the equipment and start paving, but to construct the park was not yet agreed upon. Mr. Hayes didn't believe that was correct. Ms. Menard commented that it was agreed that the Committee can purchase the equipment and start the paving. She also indicated she had spoken to CIRMA and should does not mean must. Contracts and contractors have to be reviewed before any purchase is complete and as of the present date, no contracts have been received from the BMX Skateboard Park Study Committee. Mr. Pippin also wanted to note that CIRMA is recommending an eight foot fence.

It was **MOVED** (Burnham) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen approves the minutes of October 4, 2011 Regular Meeting, as amended.

V. Public Participation

Mr. Paul Anderson of 89 Main Street addressed the Board. He indicated that at the present time the Board of Selectmen has been an outstanding Board and he would like to postpone the elections for two years.

Ms. Kathleen Pippin of Woolam Road addressed the Board. She wanted to comment about the Inland/Wetland Commission and how impressed she was with the last meeting and how knowledgeable the Commission was during the last meeting. The meeting was long, however, put kept under control. She is very proud of those volunteers on that Commission.

VI. Communications

None.

VII. Selectmen's Reports

a. Denise Menard, First Selectmen

Ms. Menard wanted to briefly speak about the changes at the Senior Center. She indicated that Denise Piotrowicz was hired as a temporary receptionist who has started

cleaning files in the office and doing clerical tasks. She also mentioned a newsletter which has been started for the Senior Center and a copy of which has been give to all of the Board Members for their review. This newsletter will give the seniors updated information regarding programs and other events. Ms. Menard commented Denise has become a great fit at the center.

Ms. Menard also commented about the upcoming Veteran's Day Road Race which is scheduled for November 5, 2011. The winner of the race will receive \$500. The registration starts at 8:00 a.m. and the race starts at 10:00 a.m. The race is a preview for those running in the Manchester Road Race on Thanksgiving Day.

b. Mark Simmons, Deputy First Selectman

Mr. Simmons wanted to comment about a new business which has opened in East Windsor, Merlot on the River. The ribbon cutting was last week and what a tremendous job the owners have done to the old building refurbishing and maintaining the building and the grounds. He wanted to inform everyone about a special benefit which is scheduled for Saturday, October 29, 2011 at the location. A ten year old, East Windsor student, who attends a magnet school in Bloomfield, has assisted in planning the event to benefit the victims of Hurricane Irene. Tickets can be purchased at local businesses. The event will include dinner, music from various bands, and a raffle. Tickets cost \$20.00 each.

c. John L. Burnham, Selectman

Mr. Burnham wanted to comment about the CCM Conference he attended last week with Ms. Menard and Mr. Norton. He indicated many office supplies were being given to everyone who attended the conference and he has those items with him and offered anyone who would like a pen, pencil, or other items, may help themselves.

d. Gilbert Hayes, Selectman

Mr. Hayes commented on the Education Foundation which funds projects which teachers may have outside of the budget. Over the last three years, the Education Foundation has granted over \$25,000 in grants. The grants are given in the fall and spring. A young lady who is a senior at East Windsor High School has been developing a project to have a theater workshop to encourage those students who want to participate in the arts. Three sessions will be held by professional actors from the Long Wharf Theater will be leading the workshops.

e. Richard Pippin, Selectman

Mr. Pippin commented on the recent WPCA Meeting which he attended. At that meeting, discussions of purchasing the pumps were revisited. No new applications were and access connect charges were discussed and rescinded. He also mentioned that he was at a hardware store in South Windsor and met a gentleman who recently was

working with the building official of East Windsor. He had praises for the building official and indicated a letter would be forthcoming to compliment the work of that official.

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: None**
- c. New Appointments: None**
- d. Board and Commission Current Vacancy List**

The list was given to all the Board Members for their review.

IX. Unfinished Business

- a. Set Salaries for Part Time and Unaffiliated Employees**
- b. Ordinance establishing “Permanent Shared Services Committee”**

Ms. Menard indicated that the two unfinished business should be tabled and discussed at the next regularly scheduled meeting. The ordinance that was to be discussed has to be revised before it is brought to the Board for approval.

It was **MOVED** (Pippin) and **SECONDED** (Simmons) and **PASSED** (U) that the Board of Selectmen table Agenda Items: IX. Unfinished Business a. Set Salaries for Part Time and Unaffiliated Employees and b. Ordinance establishing “Permanent Shared Services Committee” until the next Board of Selectman Regular Meeting.

X. New Business

- a. Discussion of Revaluation of Real Estate process to include Carol Madore, Assessor**

Ms. Menard invited Ms. Carol Madore, Assessor to discuss with the Board of Selectmen the revaluation of real estate process. She indicated that the bids were opened on September 29, 2011 with the following results:

- Equality Valuation Services
Option A - \$10,000/Option B - \$49,500

- Municipal Valuation Services, LLC
Option A - \$144,000
- PBS Systems LLC
Option A - \$56,250
- Vision Government Solutions Inc.
Option B - \$105,000

She indicated that during the bid process it was asked if companies would bid on residential and commercial. Out of the four bidders, one bid only on the commercial, two bids on the residential, and one bid on a combination of both residential and commercial. She discussed the figures with the Board Members and what those figures entailed including legal fees. Ms. Madore commented that she has worked in the past with Equality Valuation Services and that company is aware of the market in East Windsor and she is recommending Equality Valuation Services.

A brief discussion took place among the Board Members and Ms. Madore.

It was **MOVED** (Burnham) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen allow Ms. Carol Madore, Assessor to hire Equality Valuation Services and to authorize Ms. Denise Menard, First Selectman to sign the contract with Equality Evaluation Services.

b. Discussion, Possible Adoption and Send to Town Meeting the “Right to Farm Ordinance”

Ms. Menard invited Ms. Laurie Whitten, Town Planner, to discuss with the Board of Selectmen the “Right to Farm Ordinance”. Ms. Whitten indicated that the Right to Farm Ordinance is one method of showing that East Windsor truly wants to protect the farm, farmer, and agricultural activities. Such an ordinance states that farming activities occur in the Town, and that noise, odor, and animals occur with agricultural activities, which are permitted. This gives notice to residential and commercial neighbors that the farms have the right to these activities, and helps to limit nuisance lawsuits.

The proposed ordinance has been reviewed and approved by PZC. In November, 2009, the Right to Farm Ordinance was brought to the Board of Selectmen. It was tentatively approved, pending Town Attorneys review. Ms. Rebecca Lamont did review the ordinance, and appropriate, yet minor changes were made.

The Farm Regulations were adopted in August of 2011. Adoption of this ordinance is the next and final step in concluding the updates for a farm friendly East Windsor. At this time, Ms. Whitten is requesting the Right to Farm Ordinance be sent to Town Meeting for adoption.

A brief discussion was held.

It was **MOVED** (Burnham) and **SECONDED** (Simmons) and **PASSED** (3-0)(R. Pippin abstained) that the Board of Selectmen adopt the “Right to Farm Ordinance” as presented and forward it to a Town Meeting.

It was **MOVED** (Burnham) and **SECONDED** (Simmons) and **PASSED** (U) that the Board of Selectmen agree to move the discussion of Agenda Item XI. Budget Matters, Sub-paragraph a. Budget Matters to include Ms. Catherine Cabral, Treasurer.

XI. Budget Matters

a. Budget Transfers

Ms. Menard introduced Ms. Catherine Cabral to the Board Members. Ms. Cabral indicated there are only two transfers to discuss. The first being to CNR/Road Improvements from Road Improvements in the amount of \$2,877.00, this is a year end transfer.

It was **MOVED** (Burnham) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen approve the transfer of \$2,877.00 to Account No.: 08/1025/0484 CNR/Road Improvements from Account No.: 3183/0600 Road Improvements as a year end transfer and send it to a Town Meeting.

Ms. Cabral indicated the other transfer would be for the Fire Departments. She indicated that this matter was tabled at a previous Board of Selectmen’s meeting; however, the Board of Finance has approved the transfer and sent it back to this Board for approval. She indicated that due this is the last transfer for fiscal year 2010-2011 and is holding up the year end reports. She indicated it has to be paid pursuant to the agreement. She has given copies of the Warehouse Point Fire Department Commission Meetings and it is indicated these services were for the period of April through June. She also indicated that Broad Brook Fire Department was asked to revise their figures and those figures have been revised; however, the Warehouse Point Fire Department 4th Quarter was over expended.

A motion was entertained by Mr. Hayes and seconded by Mr. Simmons that the Board of Selectmen approve the transfer of \$520.00 to Account No.: 2150/230 Fire Departments/FD Incentive Program from Account No.: 2195/203 Public Safety/Employee Benefits to cover the Warehouse Point Fire Department 4th Quarter commission payments and tornado coverage and send it to a Town Meeting.

A discussion was held. Ms. Menard indicated that applications to FEMA to reimburse towns for expenses and the monies may be paid back to the towns and the extra funds were used for mutual aide calls for the tornado in June. Mr. Pippin indicated mutual aide due to a tornado is like any other call, there is no difference. Mr. Hayes those volunteers risk their lives for those calls and should be paid, he would hope if this Town needed help during a disaster, other towns would come to East Windsor's aide. He doesn't understand why the argument over such a small amount of money. Ms. Menard commented that she has met with the Treasurer's Office and it has been agreed that the Treasurer's Office will oversee the Fire Departments incentive programs and receive quarterly reports so the monies can be monitored. Mr. Pippin responded that he has not found the minutes of the meeting which indicate that the Fire Departments agreed that they would not over spend if they had an increase in their incentives. He insisted that the Fire Departments were told not to overspend. Mr. Simmons agreed with Mr. Hayes indicating the services were performed and it should be paid, it is such a low amount. Mr. Burnham questioned if the amount of excessive, would the principle be the same and pay it due that services were performed. Ms. Menard indicated she could put this matter on the next agenda to be discussed further. Mr. Pippin remarked if this is passed it is telling the Fire Departments to overspend and it is not the way it should be.

A Vote was taken. It was **PASSED** (3-2) (In favor – G. Hayes, M. Simmons, D. Menard)(Dissenting – R. Pippin and J. Burnham).

It was **MOVED** (Burnham) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen agree to continue with the order of the Agenda Item VI. New Business Sub-paragraph c. Discussion of Phase III of North Road Sewer to Include WPCA.

c. Discussion of Phase III of North Road Sewer to Include WPCA

Ms. Menard introduced to the Board Members Mr. E. Arthur Enderle, III, Superintendent of the WPCA, Mr. Edward Alibozek, Mr. Jay Userry, a licenses surveyor with JR Russo, and Mr. Paul Anderson, Chairman of the WPCA. Mr. Enderle addressed the Board. He indicated the sewer project on North Road is progressing very well, so well, that it is under budget. The budget and/or loan/grant is in the amount of \$3.8 million dollars and in order to obtain the grant monies, all of the loan funds need to be exhausted. Maps were given to all Board Members and any audience members to follow along with the presentation. The reason the members of the WPCA were at the meeting was to get approval of a resolution to continue with the North Road Sewer Project. The project began in May of 2011 and the Town has hired Jay Userry of J.R. Russo as the licensed surveyor for the project. When the project began, there was a concern about the how much water was going to be an issue for the project and a large amount of monies was budgeted for such

an issue due to the fact it was felt at that time permanent sheeting would have to be installed to prevent the road from collapsing. However, it was better than expected and the amount of sheeting that was first anticipated that would be needed was not. Meetings regarding the financial aspect of the project are held once a month, Ms. Menard has been in attendance at every meeting. It has been discovered that approximately \$700,000 has been saved due to the fact that the sheeting was not necessary. This money would be taken off the grant. However, in speaking with the representative from the USDA, it has been encouraged that the Town use the savings for additional work to the sewer project. Mr. Jay Userry of J.R. Russo, has been consulted to produce maps to show additional lines which can be done to continue this project. When the project was first developed, it was thought that Mullen Road would be the most logical place to stop the line using the funds from the loan/grant. However, due to the additional monies which have been saved, it is being suggested that the sewer line continue approximately 1000 feet to 1500 feet. If the line goes 1000 feet, it would go to Wells Road, if it goes 1500 feet, the line will go a little further. Mr. Jay Userry was introduced and began explaining the area in which the line would be expanded. He explained what the sheeting was going to be used for and why it was needed as first thought.

Mr. Enderle and Ms. Menard explained to the Board the reason why this proposal has to be approved by the Board of Selectmen. It was indicated in the original application for the loan/grant it was specific to stopping at Mullen Road. In order to move past that area, the legal language has to be changed. Mr. Enderle has spoken to the Bond Counsel and they have drafted a resolution which needs to be approved by the Board of Selectmen. He gave a copy of that proposed resolution to the Board Members for their review and is marked as Exhibit A and attached hereto. Ms. Menard commented that it is not anticipated to go over \$850,000, but they are planning to spend within the amount of the original USDA loan/grant.

Mr. Paul Anderson, Chairman of the WPCA, addressed the Board. He indicated that the use of this money to expand the sewer line is positive for the Town. Townspeople in that general area have expressed interest in having sewers versus septic systems. In doing this expansion presently, it will give the Town a great head start on expanding the sewers in the future. He also indicated that some septic systems on Rolcott Road are endanger of failing and this could be a problem for those residents due to the fact those systems may not be able to be fixed. Another problem with septic systems which are failing, it becomes a health issue and the homes would not be able to be inhabited.

A lengthy discussion continued regarding the proposed expansion for Phase III and future expansions of the sewer line. The use of the map which was given to the Board Members was also used to show the progress, proposal, and future construction.

It was **MOVED** (Pippin) and **SECONDED** (Burnham) and **PASSED** (U) that the Board of Selectmen approve the Resolution as presented and marked as Exhibit A, and recommend said resolution to the Board of Finance and to a Town Meeting.

It was **MOVED** (Simmons) and **SECONDED** (Hayes) and **PASSED** (U) that the Board of Selectmen agree to move the discussion of Agenda Item XI. Executive Session to include Mr. Len Norton.

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

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

The Board entered into Executive Session at 8:25 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 9:23 p.m.

No action taken.

It was **MOVED** (Burnham) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen agree to continue with the order of the Agenda Item VI. New Business Sub-paragraph d. Unclaimed Property.

d. Authorization of Resolution for Unclaimed Property

It was **MOVED** (Burnham) and **SECONDED** (Hayes) and **PASSED** (U) that the Board of Selectmen approve the Resolution dated October 18, 2011 which reads as follows:

"Be it resolved to authorized the First Selectman, Denise Menard, to act on behalf of the Town of East Windsor to sign any documents or statements by the State of Connecticut to any unclaimed property as motioned and approved at the May 4, 2010 Board of Selectmen meeting."

e. Tax Refunds

Ms. Menard discussed an Application for Refund request from the Tax Collector dated October 12, 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 \$1,173.32.

It was **MOVED** (Burnham) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen approves the tax refunds in the amount of \$1,173.32 pursuant to the Tax Collector's request of October 12, 2011.

f. Discussion of November Board Meetings

Ms. Menard indicated the next Board of Selectmen meetings are scheduled for November 1, 2011 and November 15, 2011. The meeting scheduled for November 15, 2011 is after the elections and basically the Board will be considered a lame duck Board due to the fact the swearing in the new Board Members pursuant to the Charter happens on November 22, 2011. She inquired with the Board if they would like to cancel the November 15, 2011 Meeting.

A brief discussion was held between the Board Members and it was indicated the meeting scheduled after the November 15, 2011 meeting is scheduled for December 6, 2011. That meeting will basically be an organizational meeting. Mr. Pippin and Mr. Burnham indicated they would have the November 15, 2011 Meeting and Mr. Hayes thought it should be cancelled.

XI. Budget Matters

Item already discussed previously during the meeting.

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

Item already discussed previously during the meeting.

XIII. Adjournment

It was **MOVED** (Hayes) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen adjourns the October 18, 2011 Regular Meeting at 9:28 p.m.

Respectfully Submitted,

Denise M. Piotrowicz
Recording Secretary

EXHIBIT A

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
RESOLUTION**

RE: Appropriation and Bond Authorization of \$850,000 for the North Road Sewer Project, Phase II.

At a meeting of the Board of Selectmen held on _____, on a motion by Board Member

_____ and seconded by Board Member _____, the following resolutions were adopted:

WHEREAS, the Town of East Windsor (the "Town") appropriated and authorized the issuance of bonds in the amount of \$3,950,000 or so much as may be necessary after deducting grants or other sources of funds available therefore for the North Road Sewer Project to finance, among other things, the construction of sewer pipes from Shoham Road to Mullen Road; and

WHEREAS, the North Road Sewer Project is expected to cost less than \$3,950,000; and

WHEREAS, the Town desires to extend the sewer pipes further down North Road.

NOW THEREFORE BE IT RESOLVED, that the Board of Selectmen of the Town hereby approves and recommends to the Board of Finance that:

(i) the sum of \$850,000 be appropriated for the cost of the North Road Sewer Project, Phase II including, but not limited to, the construction of sanitary sewer lines to extend sewer service along North Road from Mullen Road and continuing approximately 1500-2500 feet, and all alterations, repairs and improvements in connection therewith, as well as engineering, architectural and temporary and permanent financing costs (the "Project"), and to meet said appropriation and in lieu of a tax therefor, bonds of the Town be issued pursuant to Chapter 109 of the Connecticut General Statutes, as amended, the Town Charter or any other provision of law thereto enabling, in the amount of \$850,000 or so much thereof as may be necessary after deducting grants or other sources of funds available therefore, provided, however that the appropriation and bond authorization for North Road Sewer Project plus North Road Sewer Project, Phase II shall not exceed \$3,950,000; and

(ii) that the First Selectman and the Town Treasurer be authorized to issue and sell temporary notes of the Town not to exceed \$850,000 in anticipation of the receipt of the proceeds from the sale of such bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such notes or bonds, pursuant to Chapter

109 of the Connecticut General Statutes, as amended, the Town Charter or any other provision of law thereto enabling, provided that the proceeds from the sale of such notes shall be used for said purpose; and

(iii) that the First Selectman and the Town Treasurer shall sign the bonds or notes by either manual or facsimile signatures and that the law firm of Pullman & Comley, LLC is designated as bond counsel to approve the legality of the bonds or notes; and

(iv) that the First Selectman is authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes including entering into any contracts or agreements with the United States Department of Agriculture, Rural Development. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the First Selectman and the Town Treasurer are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years. If the bonds are issued on a taxable basis, it is hereby determined that the Project is in the public interest; and

(v) that the First Selectman is authorized to acquire for the Town by purchase or eminent domain any easements or interests in real property necessary or appropriate to construct or complete the Project and to sign all documents and to do all things necessary or appropriate to acquire such easements or interests in real property.

BE IT FURTHER RESOLVED, that the Town reasonably expects to incur expenditures (the "Expenditures") in connection with the capital project for which a general functional description is provided above. The Town reasonably expects to reimburse itself for the cost of the Expenditures with the proceeds of general obligation bonds and notes of the Town described above. The maximum principal amount of such debt (both bonds and notes) is not expected to exceed \$850,000. This declaration of official intent is a declaration of official intent made pursuant to Treasury Regulation Section 1.150-2.

BE IT FURTHER RESOLVED, that should the Board of Finance approve the appropriation recommended above for the North Road Sewer Project, Phase II, a Special Town Meeting is hereby called to be held on November 1, 2011 at 7:30, p.m. at Town Hall, 11 Rye Street, Broad Brook, Connecticut (the "Town Meeting"), to consider and vote upon the resolution recommended and approved by the Board of Selectmen at its meeting held on October 18, 2011 and the Board of Finance at its meeting to be held on October 19, 2011, to appropriate \$850,000 and authorize bonds and notes to fund such appropriation for the North Road Sewer Project, Phase II.