TOWN OF EAST WINDSOR BOARD OF SELECTMEN

11 Rye Street

Broad Brook, CT. 06016 First Selectmen's Office – (860) – 623-8122

Regular Meeting Minutes

Tuesday, September 16, 2014 at 7:00 p.m.

BOARD MEMBERS

Denise Menard – First Selectman

Dale A. Nelson - Selectman

Jason E. Bowsza – Deputy First Selectman

James C. Richards - Selectman

Steve Dearborn - Selectman

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

1. CALL TO ORDER:

First Selectman Menard called the Meeting to order at 7:00 p.m.

2. ATTENDANCE:

Present:

Denise Menard, First Selectman Jason E. Bowsza, Deputy First Selectman Steve Dearborn, Selectman Dale A. Nelson, Selectman James C. Richards, Selectman

Absent:

All Selectmen were present.

3. ADDED AGENDA ITEMS:

It was MOVED (Bowsza), and seconded (Nelson) to ADD under Agenda Item 8 – **BOARD AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS** – **under B** – **Re-Appointments:** John Burnham (R) regular membership, East Windsor Housing Authority, 5 year term expiring September 1, 2019. <u>Discussion:</u> None. The Motion PASSED: In Favor: Bowsza, Dearborn, Nelson, Richards. No one opposed/no abstentions.

4. APPROVAL OF MINUTES:

Regular Meeting Minutes of September 2, 2014:

It was MOVED (Nelson) and SECONDED (Richards) to APPROVE the Minutes of the September 2, 2014 Regular Meeting of the Board of Selectmen with the following

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amendment: Page 3, Selectmen's Reports, Selectman Nelson: "Selectman Nelson reported she felt <u>LIKE SHE WAS</u> on vacation <u>BECAUSE SHE HAD NO MEETINGS TO ATTEND</u>; she had no report to submit. <u>Discussion</u>: See highlighted language revisions. The Motion PASSED. In Favor: Bowsza, Dearborn, Nelson, Richards. No one opposed/No abstentions.

5. COMMUNICATIONS:

A. Presentation of Plaque for recognition of volunteers from EthosEnergy for working with The American Heritage River Commission on the Scantic River Trails:

First Selectman Menard introduced Mr. Gary Lemieux, of the Wood Group. Mr. Lemieux reported the Wood Group has recently become EthosEnergy; every year many of the employees work on projects around their own facility to improve their grounds. This year they decided they would like to help the community; he contacted First Selectman Menard to offer their assistance. Ultimately it was agreed Mr. Lemieux's people would assist the American Heritage River Commission clean trails along the Scantic River. Mr. Lemeiux reported the work was a team-building effort for the employees and the community; they would like to do it again.

First Selectman Menard thanked Mr. Lemieux and the Wood Group for their assistance. A plague was presented to Mr. Lemieux, and Certificates of Appreciation were presented to Dick Sherman (Chairman) and members of the American Heritage River Commission, and The River Watcher for his diligent work keeping the filter beds clear for the past several years.

6. SELECTMEN'S REPORT:

A. Denise Menard:

First Selectman Menard reported on the following items:

- New employees have been hired at the Senior Center and in the Tax Department
- Interviews are being held for the position in the First Selectman's Office
- Employees are attending training sessions
- Community Day is Saturday, September 20th.

B. Jason E. Bowsza:

Deputy Selectman Bowsza read his report – See Attachment A.

C. Steve Dearborn:

Selectman Dearborn reported on the following items:

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- He and Selectman Richards attended the 4-Town Fair Parade representing East Windsor.
- A group of people recently drove in a convoy of 800+/- trucks to raise funds for the Make-A-Wish Foundation. It was a big success as they raised over \$1,000,000.00. Selectman Nelson reported FedEx is also a large sponsor of the Make-A-Wish Foundation.

D. Dale Nelson:

Selectman Nelson read her report – See Attachment B.

E. Jim Richards:

Selectman Richards had no report this evening.

7. PUBLIC PARTICIPATION (regarding Items NOT listed on the Meeting Agenda):

No one requested to speak at this time.

8. BOARD AND COMMISSIONS APPOINTMENTS:

A. Resignations:

None.

B. Re-Appointments:

It was MOVED (Bowsza), and SECONDED (Richards), to RE-APPOINT John Burnham as a regular member of the East Windsor Housing Authority for a 5 year term expiring September 1, 2019. *Discussion:* None. The Motion PASSED: In Favor: Bowsza, Dearborn, Nelson, Richards. No one opposed/no abstentions.

C. New Appointments: None.

It was MOVED (Bowsza), and SECONDED (Richards), to TAKE OUT OF ORDER Item 10 – NEW BUSINESS, A. Presentation by Condo Association representatives. <u>Discussion:</u> None. The Motion PASSED. In Favor: Bowsza, Dearborn, Nelson, Richards. No one opposed/No abstentions.

10. NEW BUSINESS:

A. Presentation by Condo Association representatives:

Mr. Sal Saitta, President of the Coleman Farms Condominium Association, introduced Mr. Dan Laurio, who gave the following presentation. See also Attachment C – "Reimbursement for costs of hydrants and qualified street lamps – Definitions", Page 1; "Terms of Agreement", Page 2, and "Schedule A", Page 3.

Mr. Laurio gave a chronology of the development of this document, which began with a presentation made by the East Windsor Condominium Association (EWCA) to the Board of Selectmen (BOS) at one their Saturday Budget Workshops in March, 2014. The presentation included a request for reimbursement of the cost of street lights and fire hydrants within the various condominium complexes. The BOS moved to place a budget item of \$10,000.00 for reimbursement of street lights, and another \$10,000.00 for reimbursement of the cost of fire hydrants in the 2014 – 2015 proposed budget. The motion included authorization for the First Selectman to continue discussions with representatives of the EWCA to discuss developing a framework for reimbursement to occur.

Mr. Laurio referenced Attachment C, and offered an explanation of how they have arrived at their calculations for reimbursement of the items requested. With regard to the Definitions – Eligible Street Lights (outlined on Page 1), Mr. Laurio noted that during subsequent discussions it was said the condominium complexes have too many streetlights. He noted Zoning Regulations require each project proposal to present a photometric study which establishes a minimum number of street lights, however, a developer may propose a greater number. The EWCA is now proposing that reimbursement for street lights be made for "one streetlight for each 200' of eligible roadway"......"plus 1 additional street light for each intersection and each roadway curve." The amount of the reimbursement sought would be the cost per streetlight for which the condominium complexes are billed.

Mr. Laurio reported there doesn't seem to be much argument regarding the cost of fire hydrants, which would be the cost billed to the condominium association.

Mr. Laurio referenced "Schedule A", which summarizes an inventory of street lights and fire hydrants and the estimated annual expense.

Mr. Laurio then referenced the "Terms of the Agreement", Page 2, which addresses the calculation for reimbursement of each item. The Agreement also cites a January 31st annual date for submission of the Schedule A inventory, and a May 15th annual date for submission of an invoice for their costs.

Andy Heath, who had also participated in discussions with First Selectman Menard, added that the agreement being talked about would be an agreement between the Town and each individual condominium association, not the East Windsor Condominium Association collectively. The reimbursements will be between the individual associations and the Town; if a condominium association doesn't choose to participate that would be their decision.

First Selectman Menard concurred that she had met with Mr. Laurio, Mr. Saitta, Mr. Cloutier, Mr. Cormier, and Mr. Heath. Whatever document is eventually

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considered must be clear and concise, and must not put the responsibility of the calculations and billing on Town staff.

First Selectman Menard reported that as part of the budget process last year the BOS recommended \$10,000.00 for reimbursement of the street lights, and an additional \$10,000.00 was recommended for reimbursement of the fire hydrants. The BOS submitted that recommendation to the Board of Finance (BOF). It was noted both line item requests were withdrawn by the EWCA after deliberations held during the BOF Budget Workshops. Mr. Laurio reported the requests were withdrawn as many questions were raised at the BOF meetings. The BOF ultimately approved retaining the \$10,000.00 request for reimbursement for the fire hydrants but removed the \$10,000.00 request for reimbursement of the street lights. Mr. Laurio reported that the EWCA didn't feel they could go back to their membership based on that scenario, and chose to withdraw their request while continuing discussions to develop the Letter of Understanding.

First Selectman Menard queried the Selectmen for comments.

Selectmen Dearborn didn't feel the decision should be made by the BOS. He felt this decision should go to a public vote as it affects everyone's taxes.

First Selectman Menard clarified there is no funding for this request under the current budget. Such a request by the EWCA for the 2015 – 2016 Fiscal Year must go through the same process as last year. It has to go to the Board of Selectmen and the Board of Finance, both of which hold Public Hearings to take public input. The difference this year is the condo association has a solid plan and a proposal for how the plan would be managed and what information would be needed.

Selectman Dearborn reiterated he felt this request should go to a public vote.

Selectman Richards had no questions or comments at this point.

Deputy Selectman Bowsza suggested he sees the BOS as the policy setters for the Town, and one of those considerations is the public safety component which he felt included street lights and fire hydrants. Deputy Selectman Bowsza questioned Mr. Laurio if the policy would be ratified by each condominium board? Mr. Laurio replied affirmatively. Deputy First Selectman Bowsza questioned if/how the numbers would be adjusted if the budget referendums failed? Mr. Laurio suggested he felt there could be an Addendum to the Letter of Agreement which could address the reimbursements on a pro-rata basis based on what was spent the previous year. Deputy Selectman Bowsza indicated he didn't want to commit the Town to a cost it might not be able to fund. He indicated that sometimes the BOF has to prioritize and revise expenditures based on the results of referendums. Deputy Selectman Bowsza also noted the May 15th submission

date for bills from the condominium associations is in the beginning of the referendum process. Mr. Laurio reported the dates are arbitrary.

Selectman Nelson suggested the pro-rata reimbursement was her concern, but that issue has been discussed.

First Selectman Menard queried the audience and the Selectmen for additional questions. Some members of the audience who are condominiums owners questioned the steps of the budget process; First Selectman Menard reviewed the process again. She then thanked everyone for their hard work. She suggested the next step for the EWCA is to go through the same process for this budget year, which will begin shortly. As the EWCA is not a Town department which would be making a formal budget submission they must come to the Selectmen's Office – perhaps in January 2015 - to make this payment request and start the process of being considered by the BOS who would then make a recommendation to the BOF. Both boards hold Public Hearings which residents should attend and offer comments.

Mr. Saitta questioned what was the next step regarding the Letter of Agreement? First Selectman Menard noted the BOS must review it and consider if they want to accept it as submitted, or make further recommendations. Discussion continued regarding review of the document, and discussion of questions which may arise from that review.

Deputy Selectman Bowsza questioned if the EWCA has a feeling for the total cost of the request? Mr. Laurio suggested that, based on the present information gathered from various condominium associations, he estimated the aggregate cost would presently be approximately \$71,000 for the street lights. Deputy Selectman Bowsza noted two additional expenditures which were in this year's budget which are similar going forward are the augmentation of the fire services and the Economic Development Coordinator. Money for both those items was in this year's budget and was held in a budget line waiting for implementation. Mr. Laurio reported under this Letter of Understanding the individual condo associations will have to provide that information and will have to waive their rights if the information is not provided as required. First Selectman Menard reiterated the Town can't enter into this agreement until there is funding for the request.

An unidentified resident questioned if everyone needs to come in to ask for street lights? First Selectman Menard replied affirmatively, noting turning off some street lights has been discussed at Staff Meetings when considering budget constraints.

Mr. Laurio suggested he would like to have the "framework" approved so they can convey to the BOF what the intent is. Mr. Laurio indicated the EWCA would pick up the cost of the legal review of the first draft of the Letter of Understanding

based on approval of the "framework". First Selectman Menard queried the BOS if they were ready to take action on the draft Letter of Agreement?

Selectman Nelson suggested she would like to see some figures as to how much the "framework" would represent in dollars. Selectman Richards suggested he has questions about some of the language regarding the curvature of the roads and some of the other definitions and the cost associated with that; he would like to see maps of what the BOS are committing the Town to. Discussion continued regarding acquisition of that information. Selectman Richards suggested he couldn't vote on this request tonight as his questions can't be answered at this meeting. Discussion continued.

It was MOVED (Bowsza), and SECONDED (Dearborn), to ADOPT the "Terms of the Agreement" as a non-binding framework to develop a reasonable plan to implement reimbursement for the cost associated with street lights and fire hydrants. Discussion: Selectman Dearborn reported he has never been against this; his thing was to go through the process. Get the numbers together so it gets on the next budget. Selectman Dearborn reiterated he has never been against what you want. First Selectman Menard suggested people read the Minutes of the last budget season so you will know where everyone stood on this request. The Motion PASSED. In Favor: Bowsza, Dearborn, Nelson. No one opposed. Abstained: Richards. Deputy Selectman Bowsza clarified that under Robert's Rules of Order the motion carried 3:1 without objection.

First Selectman Menard called for a RECESS at 8:25 p.m.

First Selectman Menard called the Meeting back to Order at 8:33 p.m.

Selectman Richards wished to clarify that he abstained from the previous motion because there was a lack of numbers and information regarding language referencing road curvature specific to the sites.

It was MOVED (Bowsza) and SECONDED (Richards) to TAKE UP Agenda Item 9, UNFINISHED BUSINESS: A. Charter Revision Update. Discussion: None. The Motion PASSED. In Favor: Bowsza, Dearborn, Nelson, Richards. No one opposed/No abstentions.

9. UNFINISHED BUSINESS:

A. Charter Revision Update:

First Selectman Menard reported the Town Attorney needed clarification regarding the Town Administrator's role; she conferred with the Charter Revision Commission Chairman and together they spoke with the Town Attorney. First Selectman Menard received a first draft of the Town Attorney's comments on Saturday evening; she will have copies available of his comments shortly. The

Charter Revision Commission and the Town Attorney have been requested to attend the BOS's October 21st Meeting.

Selectman Dearborn requested that a copy of the Charter with notations regarding the changes be provided for consideration; Selectman Nelson requested the same information. Selectman Dearborn questioned if the Charter can be voted on at this November's ballot? First Selectman Menard reported agreement on the Charter changes would have had to be accomplished in August for a vote to have been included in this November's ballot; however, that doesn't mean it can't be considered during a budget referendum or next Fall's elections.

10. NEW BUSINESS:

A. Presentation by Condo Association representatives:

See discussion previously noted.

B. Discussion with Economic Development Commission:

First Selectman Menard noted members of the Economic Development Commission are not present as requested. Selectman Richards indicated the members were not able to make this Meeting.

It was MOVED (Bowsza), and SECONDED (Richards), that the Board POSTPONE Agenda Item 10 – NEW BUSINESS, B. – Discussion with Economic Development Commission until the Board's October 21st Meeting. *Discussion:* First Selectman Menard requested Board members retain the EDC packet provided for them at this Meeting. The Motion PASSED. In Favor: Bowsza, Dearborn, Nelson, Richards. No one opposed/No abstentions.

C: Approval of Tax Refunds:

It was MOVED (Bowsza), and SECONDED (Richards) that the Selectman TABLE approval of the tax refunds reflected under the Tax Collector's Report dated 9/10/2014. *Discussion:* None. Motion PASSED. In Favor: Bowsza/Dearborn/Nelson/Richards. Opposed: No one. Abstained: No one.

11. BUDGET MATTERS:

Selectman Richards asked for information as to the number and miles of Town roads that DON'T have fire hydrants, and the cost of one fire hydrant. He would like continued discussion to occur under a separate Agenda Item for the next BOS Meeting.

12. EXECUTIVE SESSIONS:

Pursuant to C.G.S. section 1-200 (6) (a) Personnel & (b) Litigation

It was MOVED (Nelson) and SECONDED (Nelson) to GO INTO EXECUTIVE SESSION pursuant to C.G.S. section 1-200 (6) (a) Personnel & (b) Litigation at 8:50 p.m. <u>Discussion</u>: None. Attending were First Selectman Menard, Deputy Selectman Bowsza, Selectman Dearborn, Selectman Nelson, and Selectmen Richards. The Motion PASSED. In Favor: Bowsza, Dearborn, Nelson, Richards. No one opposed/No abstentions.

The Board came out of Executive Session at 9:46 p.m.

13. ADJOURNMENT:

It was MOVED (Nelson), and SECONDED (Richards) to ADJOURN at 9:47 p.m. The Motion PASSED unanimously

Respectfully submitted,

Peg Hoffman, Substitute Recording Secretary, East Windsor Board of Selectmen

Selectmen's Report - September 16

I only had one meeting in the last two weeks that I was able to attend, and that was the Inland Wetlands and Watercourses Committee.

The commission discussed concerns of members about some of the runoff from a proposed gas station at the intersection of winkler and north road. Other concerns involved the culvert and the system that is being proposed. Concerns aside, this marks real development along the route 140 corridor, which is exactly what we had hoped to see when the sewer project was implemented. The commission approved the proposal on 9/3, which is notable because the plans had been received in the planning office on 8/5. In my opinion, this is an example that shows the planning office is going above and beyond to help business grow in town.

The board then discussed a request to open the final phase of the Newberry Village development. There were concerns about the developer's potential to clear cut more trees than are approved in the site plan, causing irreparable damage to existing abutting wetlands and vernal pools. The board also expressed concerns about required reports being submitted incomplete and late - in some cases as much as 4 months late. The board considered postponing approval of the last phase until the 2015 report is submitted on time in May, but thought better of the situation and allowed approval of the final phase with the understanding that if the next report is not submitted complete and on time, the project site would be ordered closed until the required documentation is submitted. I'd stress that this was a decision of the commission, and not a unilateral decision by staff.

I also met with staff in the town planning office to discuss potential Grant opportunities regarding appraisal and conservation projects

Sent from my iPad

Attachment le

Attachment B 9/16/2014

9/10 Police Commission 700 PM

Interview for an officer and dispatcher will be done in executive session.

Stoughton Rd and Abby Rd the traffic lights have changed (not staggered so you can cross Rte. 5), trouble turning into those streets — DOT is working on the Rte. 5 corridor from the Rte. 91 exits. Bid package is out again for the fence (initial bidder went out of business).

Use \$6500.00 from the Private Duty fund to finish upgrades at the PD. Hold off on the dispatch area (equipment is 10-15 years old — not sure if it can take the move.

9/15 EDC 600PM

Marlene and Peg have found 100 new or expanded businesses since 2010. Discussed the Meet & Greet on 9/25 at Merlot – several presentations Voted to discontinue interviews with businesses Not available to attend tomorrow BOS meeting – table until 10/21st

9/15 Housing Authority 700PM

Several questions to Linda & Marisa regarding the financials – October will be the audit.

Tenant association – no meeting just planned events

Public comments – Richard can we get a WII (donated or ask Rotary/Loins) does not have to be new just have bowling

Communication the CHFA quarterly report and the RSC

Executive Director Report – Linda and Marisa attended a conference. 501C3 is an ongoing process. Power washing is taking longer than anticipated, most likely will not finish before the winter. A lot of discussion regarding a security system for the driveway and community areas (are there any grants Homeland Security – will call the Chief – anything the town is working on?) Looking into smoke alarms and pull cord alarm – going to public safety.

Cleaned up the House Rules and will give to all tenants at the next meeting.

Need to fill the empty commission spot – with all the board and commissions needing people to fill the vacancies can the town put an advertisement in the paper?

John Burnham will stop by the town hall – he wants to be reappointed to Housing authority Still working with CL&P for upgrades (by November)

Tenant association working on the by-laws

Suggestion box – would like a bench at the beginning of Park Hill (ask Rotary/Lions)

Respectfully submitted, Dale Nelson Attachment C-pazel

REIMBURSEMENT FOR COSTS OF HYDRANTS AND QUALIFIED STREET LAMPS

DEFINITIONS

ELIGIBLE CONDOMINIUM COMMUNITY: Is a one family dwelling unit owned in fee simple which may be part of an attached, detached, semi-detached, or multi-family structure which is owned in common with other owners of cooperative units along with any other common areas including the land parcel upon which the structure and any improvements or accessory structures are constructed and owned in common with the association of other unit owners and as further defined by Connecticut General Statutes 47-67, Condominium Ownership Act and the Declarant has relinquished control of the Community Association and has transferred control to the condominium owners.

COMMUNITY ASSOCIATION: Is the legally constituted body, as defined by CGS Section 47-67, Condominium Ownership Act, of condominium owners within an Eligible Condominium Community which owns the portions of the property held in common and which is responsible for the governance of the development.

ELIGIBLE ROADWAY: A mile or portion thereof (Rounded to the next one-tenth) of roadway within the Eligible Condominium Community, excluding parking and recreational areas.

ELIGIBLE STREET LAMPS: One (1) street light for each 200 feet of Eligible Roadway (Rounded to the next whole number) within the Condominium Community plus one (1) additional street lamp for each intersection and each roadway curve. However, in no event, shall the total number of Eligible Street Lamps exceed the total number of street lamps for which the Community Association is billed.

ANNUAL EXPENSES FOR STREET LAMP SERVICES: The total amount billed to each respective Community Association by Connecticut Light and Power (CL&P) for the most recent preceding twelve (12) month period.

COST PER STREET LAMP: The Annual Expenses for Street Lamp Services divided the total number of street lamps for which the Community Association is billed.

ELIGIBLE FIRE HYDRANTS: The total number of fire hydrants for which the Community Association is responsible for billing from the Connecticut Water Company (CWC).

ANNUAL EXPENSES FOR FIRE HYDRANTS: The total cost for fire hydrants billed to the Community Association by Connecticut Water Company for the most recent preceding twelve (12) month period.

REIMBURSEMENT: Refers to the payment(s) by the Town of East Windsor to the Community Association in lieu of street lamp and fire hydrant services not provided directly by the Town of East Windsor.

SCHEDULE A: The attachment hereto which contains the inventory of street lamps and fire hydrants and estimated annual expenses for the reimbursable services for each respective Eligible Condominium Community. This schedule will be modified each year during the term of the Agreement to adjust for continued development activity in an individual Eligible Condominium Community, increases in the rate tariffs from CL&P and the CWC or any other changes which may revise the amount of the estimated annual expenses for reimbursable services.

Attackment C-page 2 9/16/2014

TERMS OF THE AGREEMENT

- CALCULATION OF REIMBURSEMENT FOR STREET LAMPS: Number of Qualified Street Lamps multiplied by the Cost Per Street Lamp equals the total amount of reimbursement to the individual Community Association.
- CALCULATION OF REIMBURSEMENT FOR FIRE HYDRANTS: The total amount of reimbursement to the individual Community Association equals the Annual Expenses for Fire Hydrants for the individual Community Association.
- Each year, by no later than January 31st, each Community Association must submit to the Town Treasurer an update to the inventory of street lamps, fire hydrants, eligible roadway and the estimated annual expenses for the reimbursable services contained in Schedule A. Failure of a Community Association to submit the required information by the due date shall constitute a waiver by the Community Association of their right to reimbursement for the ensuing fiscal year.
- Each Community Association shall submit on or before May 15than invoice on the form provided by the Town Treasurer, including copies of the CL&P and CWC bills, for the total amount of reimbursement due.
- Reimbursement by the Town shall be made to the Community Association no later than June 30th.
- In no event shall the total amount of reimbursement due exceed the actual amount of costs incurred by the Community Association.

Revised 08/22/2014

Attachment C-page 3
schedule A 9/16/2014

Name of Communiy Association	
Contact Name	
Phone Number	
A. Eligible Roadway	Miles
B. Number of Hydrants	
C. Annual Hydrant Cost (Most recent preceding 12 months)	\$
D. Number of Street Lamps	
E. Annual Street Lamp Cost (Most recent preceeding 12 months)	\$
F. Cost Per Street Lamp (E divided by D)	\$
G. Number of Street Lamps Per 200 Feet of Eligible Roadway (A times 5280 divided by200)	
H. Number of Intersections	***************************************
I. Number of Roadway Curves	
J. Number of Eligible Street Lamps (Sum of G through I)	
K. Annual Reimbursable Cost For Street Lamps (F times J)	\$
L. Total Annual Reimbursable Cost For Hydrants and Street Lamps (C plus K)	\$