

TOWN OF EAST WINDSOR BOARD OF SELECTMEN

REGULAR MEETING

Tuesday, February 7 2017

7:00 p.m.

Town Hall Meeting Room
11 Rye Street, Broad Brook, CT. 06016

Meeting Minutes

****** Draft Document subject to Board Review/Approval ******

Board of Selectmen:

Robert Maynard, First Selectman
Richard P. Pippin, II, Deputy First Selectman
Jason Bowsza, Selectman
Dale Nelson, Selectman
Steve Dearborn, Selectman

ATTENDANCE: **Board of Selectmen:** Robert Maynard, First Selectman; Richard P. Pippin, II, Deputy First Selectman; Jason Bowsza; Dale Nelson; Steve Dearborn.

GUESTS: Members of the audience identified during Public Participation.

TIME AND PLACE OF REGULAR MEETING:

First Selectman Maynard called the Meeting to Order at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

PLEDGE OF ALLEGIANCE:

Everyone stood and recited the Pledge of Allegiance.

AGENDA APPROVAL:

Selectman Nelson requested that the next Board of Selectmen (BOS) Meeting include the following Agenda Items:

Fire Marshal's Report

BOS Meet and Greet with the public to discuss casino related issues

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Discussion followed regarding the ability to hold a Special Meeting at 6:00 prior to a future BOS's Regular Meeting, or post a revised Budget Meeting Agenda.

First Selectman Maynard also requested moving Item 10B under UNFINISHED BUSINESS – Discussion of Casino to Item 11F under NEW BUSINESS to accommodate the arrival of Attorney Michael Andreana of Pullman & Comley.

MOTION: To TAKE Item 10B – UNFINISHED BUSINESS – Discussion of Casino OUT OF ORDER and move it to Item 11F – NEW BUSINESS – Discussion of Casino.

Nelson moved/Pippin seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (Bowsza/Dearborn/Nelson/Pippin)
(No one opposed/No abstentions)

PARLIMENTARY PROCEDURES:

The process for parliamentary procedures has been discussed at previous Meetings.

APPROVAL OF MEETING MINUTES/Special Meeting Minutes of January 17, 2017:

MOTION: To APPROVE the Minutes of the Board of Selectmen's Special Meeting dated January 17, 2017.

Pippin moved/Nelson seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Bowsza/Dearborn/Nelson/Pippin)
(No one opposed/No abstentions)

COMMUNICATIONS: None.

PUBLIC PARTICIPATION

No one requested to speak at this time.

BOARD AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS

- A. ***Resignations:*** None
- B. ***Reappointments:*** None
- C. ***New Appointments:*** None

UNFINISHED BUSINESS:

- A. **East Windsor's 250th Anniversary Commission Report:**

Rebecca Talamini, Chairman of the East Windsor 250th Anniversary Committee, joined the Board. She noted she has several promotional items – magnets, mugs,

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tote bags, and sweatshirts – with her this evening if anyone would like to purchase items. Hats are also on order; tee shirts will be available in the Spring.

Ms. Talamini also advised the Board of the following Anniversary events:

- **The Slogan Contest**, which is open to East Windsor high school aged students, whether they attend public or private schools, will close this Friday.
- **Masquarde Ball**, December 31st, 2017 – New Year’s Eve – LaNotte Restaurant
- **New Year’s Day Hike**, sponsored by the American Heritage River Commission, January 1, 2018
- **Reenactment/Food Festival** - Scout Hall, June, 2018
- **Vintage BaseBall Game**, May 2018
- **Victorian Lady Tea Party**, perhaps in association with the Senior Center, March 2018
- **Opening the 1968 Time Capsule**, May 19, 2018
- **Blues, Brew, and BBQ**, May 2018
- **Cardboard Boat Race**, sponsored by the American Heritage River Commission, June, 2018
- **Community Day**, Reservoir Park, September 22, 2018
- **Parade**, in conjunction with Community Day, bury a new Time Capsule, conclude with fireworks.

B. Discussion of Casino:

See movement of this Item of Business to NEW BUSINESS.

C. Hours of Voting at Referendums – to go to Town Meeting:

First Selectman Maynard noted the Board had passed a motion at the previous Meeting to hold referendum hours between 6:00 a.m. and 8:00 p.m. but he was advised by the Town Clerk that the hours must be approved by a Town Meeting.

MOTION: To SEND the voting hours of 6:00 a.m. to 8:00 p.m. for the referendums for 2017 to Town Meeting – this motion supsudes the motion made previously.

Nelson moved/Pippin seconded/DISCUSSION: Selectman Pippin noted the need to supersede the previous vote.

VOTE: In Favor: Unanimous (Bowsza/Dearborn/Nelson/Pippin)
(No one opposed/No abstentions)

D. Broad Brook Mill Site Remediation:

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No discussion this evening.

NEW BUSINESS :

A. Discussion of Real Estate Sale:

First Selectman Maynard noted the list of 10 properties presented for tax sales; some properties were the result of foreclosure actions, some have issue regarding the ability to build on them. He noted while several have higher assessed values the Town has been offered substantially lower purchase prices. The properties are being marketed by two local realtors.

MOTION: To CONSIDER AND APPROVE the sale of the following Town properties at market value and authorize the First Selectman to sign a binding sales agreement for the 10 listed properties. I move the forgoing resolution to be adopted.

Nelson moved/Pippin seconded/

DISCUSSION: Selectman Bowsza questioned if the Town has any potential buyers on any of the properties? First Selectman Maynard replied people have come forward with offers on three of the properties. Selectman Pippin felt the Town couldn't move on lower values if the motion specifies market value. Selectman Bowsza suggested the Board needs to know the sale prices to move the sales to Town Meeting. First Selectman Maynard indicated the Town would then have to go to Town Meeting on each separate property, or possibly on groups of properties if multiple offers come in. He also cited the need to act quickly as the buyers won't wait long. Discussion continued regarding the actual values of the parcels under discussion.

First Selectman Maynard suggested if the Board rejects the motion then he would bring back each offer separately.

Selectman Nelson RESCINDED her motion, Selectman Pippin RESCINDED his second. The MOTION was unsuccessful.

B. Town Budget Presentation:

First Selectman Maynard offered the Board a replacement page for the Proposed Budget FY 2017 – 2018 presentation. The revised page reflects updated information regarding the number of people employed by the Board of Education.

Discussion followed regarding the manner in which the Board will approach budget review as each department head or organization presents their budget requests.

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C. Discussion of the Town Treasurer pending vacancy:

First Selectman Maynard reported the current Town Treasurer is leaving to work in Manchester; her last day in East Windsor is March 1st. He offered the Board a synopsis indicating an interview panel will be established to select a new Chief Financial Officer/Town Treasurer. In the interim Gayle Carolus, the current Assistant Treasurer, will attend budget workshops to maintain continuity until a new staff member is hired. First Selectman Maynard read the synopsis.

Selectman Pippin suggested he would like to see someone employed in a certified accounting position included in the second round of interviews; Selectman Bowsza questioned if the South Windsor Finance Director might comply with that recommendation?

Selectman Nelson noted Section 6.6 of the Town Charter is very specific with regard to the position being a Treasurer rather than a Chief Financial Officer. She suggested the difference in title would be an approximate \$40,000 salary difference. First Selectman Maynard suggested the current Treasurer is acting as a CFO now as she handles pension negotiations, etc.; they felt including the CFO in the job title would generate more qualified candidates. Selectmen Bowsza, Nelson, and Pippin requested to review the job description prior to advertisement for the position; discussion followed regarding the timing of a meeting to accommodate that review. Discussion followed regarding remuneration relative to other towns, and the affect of insufficient compensation to retain qualified employees.

D. Approval of Town Clerk's appointments of Assistant Town Clerk/Assistant Registrar of Vital Statistics, Amy Lam for a term of 2/7/2017 Indefinite according to C. G. S. Sec. 7-19 & Sec. 7-38:

MOTION: To APPROVE the Town Clerk's appointment of Assistant Town Clerk and Assistant Registrar of Vital Statistics, Amy Lam, for a term of 2/7/2017 to indefinite according to Connecticut General Statutes Section 7-19 and Section 7-38.

Pippin moved/Nelson seconded/

DISCUSSION: Selectman Bowsza questioned if Ms. Lam was a new employee as he was unfamiliar with her; First Selectman Maynard replied affirmatively. Selectman Bowsza questioned if someone could be appointed to an indefinite term? Selectman Pippin clarified that the Town Clerk appoints the employees, this Board is approving the Town Clerk's appointment. He suggested if Ms. Lam leaves tomorrow then her term would end and another employee would be appointed. Selectman Bowsza reviewed the specific Statutes; he then indicated he was ready to vote..

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VOTE: In Favor: Unanimous (Bowsza/Dearborn/Nelson/Pippin)
(No one opposed/No abstentions)

E. Discuss Pullman & Comley conflict waiver request:

Selectman Bowsza reported he received an e-mail from Pullman & Comley regarding notification of the firm's acquisition of a new client which may result in a conflict of interest with the town. The new client is a solar company, Lodestar Energy, which is proposing a solar farm in East Windsor. Upon review of the e-mail Selectman Bowsza doesn't feel there is any conflict of interest or jeopardy for the town; he suggested this was an open discussion between First Selectman Maynard, himself, and Pullman & Comley which he wanted to bring to the Board's attention.

MOTION: To GRANT the waiver request made by Pullman and Comley as there is no apparent conflict of interest regarding this client.

Bowsza moved/Pippin seconded/*DISCUSSION*: None

VOTE: In Favor: Unanimous (Bowsza/Dearborn/Nelson/Pippin)
(No one opposed/No abstentions)

F. Discussion of Casino:

First Selectman Maynard introduced Attorney Mike Andreana, of Pullman & Comley, LLC, who is negotiating a Development Agreement with the attorneys for the Tribal Nations. First Selectman Maynard reported East Windsor staff from the Police Department, the Planning Department, and the Superintendent of Schools have met and a proposal has been made to the Tribal Nations; detailed negotiations have started.

Attorney Andreana reported he is a partner in Pullman & Comley; he is representing the Town in negotiations with the tribes, the MMCT, regarding the casino. The decision regarding choice of location has not yet been made. The general overview of the process is that many people and department heads have met to analyze the needs and discuss the impact on services and departments - the police, the schools - for East Windsor. That was the original proposal made to the tribes; this is still in the preliminary stages. The process assumes it should move relatively quickly; they have much to accomplish in a short time. They must pick a site, finalize an agreement with the host community, and after that they would go to the Legislature. Attorney Andreana suggested there are people on both sides of this issue in the State. This is big deal, and would be a big development project for East Windsor. The size of the facility, the number of employees - it's a serious and thorough negotiation process.

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First Selectman Maynard invited the public to participate in discussion.

John Matthews: explain PA 15-7 which was passed by the Legislature; was there a commitment for a casino and are the Indians required to find a location? Attorney Andreana clarified that PA 15-7 didn't legalize casino gambling in Connecticut; it authorizes them to find a host community and to do a Development Agreement. They must then return to the Legislature to get casino gambling on non-reservation land legalized in Connecticut. Attorney Andreana reported there are a number of bills about casino gambling which are "placeholder bills"; they are just a title with no details. At this point there is really no legislation regarding details. Mr. Matthews questioned if PA 15-7 specified a county? Attorney Andreana didn't think it did; he felt it was a simple bill that gave the authority for the tribes to find a site.

Bob Lyke: understood that PA 15-7 was litigated and there is an appeal pending; he feels it will be appealed by MGM if not by the Legislature. . Mr. Lyke felt that the MMCT in East Windsor or Windsor Locks has a timeframe. The Public Safety and Security Committee requires approval in this session in June to begin construction in the Summer because they have a 15 to 18 month timeframe. Attorney Andreana indicated there was litigation regarding the passage of PA 15-7; MGM said it was unconstitutional - that it gave these 2 tribes an exclusive right to get a casino on non-reservation land. Attorney Andreana felt that hasn't been decided. Mr. Lyke felt it was then about lobbying Tim Larson, who is Co-Chairman of the Public Safety and Security Committee, and Senator Tony Guigliano is Co-Chairman as well. Attorney Andreana suggested neither town would introduce legislation; that would come from the tribes. He agreed support from the Town would benefit the tribes.

Wendy Parker, 171 Greenwood Lane: she was on the fence regarding the casino and didn't want to make a decision until she had more information but she attended the informational meeting and was impressed with the presentation. Ms. Parker reported she is involved in the Youth Center, and they came to a fundraiser and each tribe donated \$1500 because they believe children are our future. She doesn't know which town they will be in but she wanted people to know. She understands people's concern; it's all over Facebook; she wishes more people would come to Town meetings. If you believe in something sometimes you must put yourself forward, if it's here or the next town over we'll have some of the issues so why not here? She believes in East Windsor's future whole-heartedly .

Joe LaJoie, Reservoir Avenue: Mr. LaJoie understands the decision for a casino must be approved by a referendum in Windsor Locks and it's not necessary to have a referendum in East Windsor; how does that work? Attorney Andreana suggested in Windsor Locks the plan is to have a referendum, the plan in East Windsor is to go with the Charter. They have concluded the Board of

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Selectmen could approve the contract. In neither case would a Development Agreement be signed without the Board of Selectmen's approval, or the Windsor Locks referendum.

Rand Stanley, 87 Rye Street: suggested the Tribal Nations have expressed a desire to be in a community that welcomes and wants them.

Bob Lyke: suggested his understanding was that the donation was a private donation rather than a Tribal donation? Selectman Bowsza indicated that was his understanding as well. Mr. Lyke reported he grew up around a racetrack with legalized gambling; after seeing the character of these men and judging personally he felt you couldn't ask for better people. The Chairman of the Mashantuckets is involved with several charities and is chairman or president of the United Way in that area; the President of the Mohegans is a West Point graduate, a Veteran, and a retired Colonel who has served multiple tours in Beirut and Afghanistan and, if they come to East Windsor or Windsor Locks, he spoke with him about becoming involved with the veterans and help revamp the PTSD Foundation.

Greg Garabelli, Harrington Road: since the time of the presentation has the Town proactively made contact with the tribes, and if so what was the response; if not, why not? Attorney Andreana indicated that after the presentation they have submitted a proposal to the Tribes and have heard very preliminary feedback, but they have not gotten into detailed discussions of what they thought of the proposal. We are definitely in negotiations.

John Matthews: questioned what the facility will look like, and will it include a garage? Attorney Andreana suggested they discussed the size of the building; it may contain a parking structure. Mr. Matthews also noted there are 3 houses on Route 5 that jut into the property profile; he questioned if we are looking to procure those properties to clean up the profile? Selectmen Bowsza felt that would be something the MMCT would consider.

Bob Lyke: questioned that it would have something to do with the approval process? Selectman Bowsza suggested it would go through all the normal zoning and wetlands processes for development of the property.

No one else from the public raised any additional questions.

SELECTMEN COMMENTS AND REPORTS:

A. Dale A. Nelson:

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Selectman Nelson reported she attended the Warehouse Point Fire District Meeting; approximatey 37% of their budget is spent. The budget includes 91 hours a month for the Fire Marshal. The (Clarion) hotel was recently sold; there were several code violations under the previous ownership. Rich Austin is the new (District) Fire Marshal. The department responded to 25 calls during January. The department ordered 6 sets of turn-out gear; they are adding 2 new firefighters. There was also discussion of security cameras.

B. Richard Pippin, Jr:

Selectman Pippin attended a meeting of the American Heritage River Commission on January 19th; they acquired \$9 from the sale of decals at the New Year's Day Hike. There was plenty of cold water. Water testing and sampling continues. Over 200 people attended the New Year's Day Hike; over 183 pounds of food, and additional dog food, was donated for the Food Pantry. They received good media coverage. The Connecticut Trails Day Hike and the Cardboard Boat Race and Rubber Duck Race are planned for June.

He also attended the Inland Wetlands Commission Meeting; Herb Holden Farms came in for an update on their previously approved Wetlands Permit. Gerry Wilcox also reinstated a previous permit for 41 Winkler Road, which will be handled as an Agent Decision. Montserrat Realty/Connecticut Mulch didn't provide required information for their application; the application was denied as it was incomplete. An informal discussion was held with M & L Development regarding construction of a single family home.

C. Steve Dearborn:

Nothing to report.

D. Jason E. Bowsza:

See attachment A.

E. Robert Maynard:

First Selectman Maynard reported that on Superbowl Sunday one of the homes on South Road experienced a leak of a 275 gallon oil tank. The owner was away from the property. There was an underground catch vessel to contain spills but the plug had been taken out. Town Engineer Norton was called to the scene, as were environmental people. The homes, which were previously used for military housing, were built on slabs, but there are 8' walls down below the slabs so oil got

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into the soil. Six loads of contaminated soil was removed from the site. First Selectman Maynard reported the Town owns the properties, while residents own the homes. Discussion followed regarding who has the responsibility for the damage caused by the tank. Warehouse Point Fire Chief Barton noted he was present as well; he suggested the Town must be careful as all of those tanks must be removed. Selectman Bowsza suggested that at some time funding was available from DEEP for remediation; it might be worth a call. Rand Stanley reported he visited the site yesterday; they have identified 7 more tanks without proper protection underneath.

PUBLIC PARTICIPATION (Another opportunity for the public to make comments:

First Selectman Maynard opened discussion to the audience:

Bob Lyke: he indicated he has been critical in the past regarding cooperation among the Board members but he is pleased to see you working together. He's happy to see how you're handling the casino negotiations. Mr. Lyke suggested he's optimistic with regard to upgrading the Town Treasurer's job description and salary; he also likes the idea of including someone with accounting credentials in the interview process.

Tom Talamini, Rice Road: noted discussion remains pending regarding UNFINISHED BUSINESS related to the Broad Brook Mill; he questioned if they plan to come in to discuss the status of the situation? First Selectman Maynard felt they intended to come in and make a presentation in March.

John Matthews: heard this evening that the Pension Committee is negotiating a change to the pension plan; he suggested that under the Charter the Pension Committee's responsibility is to manage the plan, while the Board of Selectmen has the responsibility to amend or change the plan. Mr. Matthews would like to have the Town Attorney read the plan and offer his opinion. Selectman Bowsza suggested that has already been done. Mr. Matthews reiterated his request for a response from the Town Attorney.

SIGNATURES FOR APPROVAL OF CHECK REGISTERS:

The Board signed check registers submitted.

EXECUTIVE SESSION (Pursuant to C. G. S. Section 1-200 (6)(A), E, and 1-210 subsection (b-1) negotiations):

MOTION: To GO INTO EXECUTIVE SESSION Pursuant to C. G. S. Section 1-200 (6)(A), (E) and 1-210 subsection (b-1) negotiations AT 8:20 p.m. Attending the EXECUTIVE SESSION were First Selectman Maynard, Selectmen Bowsza, Dearborn, Nelson, and Pippin, and Attorney Michael Andreana of Pullman & Comley.

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Pippin moved/Nelson seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (Bowsza/Dearborn/Nelson/Pippin)
(No one opposed/No abstentions)

The Board CAME OUT OF EXECUTIVE SESSION at 9:30 p.m.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:30 p.m.

Bowsza moved/Pippin seconded/

VOTE: In Favor: Unanimous

Respectfully submitted,

Peg Hoffman, Substitute Recording Secretary

ATTACHMENTS: A. Selectmen Bowsza's Report

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Jason Bowsza, Selectman:

ATTACHMENT A

Selectmen's Report - February 7, 2017

On January 18, the Pension Board met. We are currently paying our 76 retirees. Our return on investment for the pension plan in 2016 was 6.85% - a very good performance. The plan has earned an 8.22% ROI since inception versus a benchmark of 8.18%, besting the benchmark by 4 basis points.

On the 19th, the 250th Anniversary Celebration planning committee met. They continue to move forward with some really fun, creative ideas, including a "Victorian Lady" who does discussions of fashion, architecture and technology of the period.

They're considering doing a vintage baseball game, and a reenactment of the American Revolution.

On the 23rd, the Pension Board had a special meeting to prepare for upcoming bargaining unit negotiations concerning the Town's pension. This will be a lot of work and keep us pretty busy over the next several months. I will not be reporting on the status of the negotiations until they have been finalized and approved, but will then provide as much information as I am able.

On the 24th, I attended the Chamber of Commerce Business After Hours event with the tribal chairmen from MMCT to mingle with the tribal leaders and town officials and informally their proposal. Later that night, we attended the public information forum about the same topic. Hundreds of people turned out to hear more about the proposal, and to voice their opinions in favor or against. To see this type of participation from town residents was really encouraging.

On the 27th, I joined Bob for preliminary discussions pertaining to the development agreement between the Town and MMCT. This meeting dealt with the public safety implications and request. We had another meeting on January 30th to discuss the implications of the casino on our school system. Once all is said and done, the Board of Selectmen will have to consider the final negotiated development agreement and decide whether or not to ratify the proposal.

Also, three weeks ago at our last Selectmen's meeting, I asked that the Town reach out to CIRMA to determine the liability implications of having volunteers do refurbishment work at the Town Hall Annex. I've received several more requests from constituents who are eager to volunteer their time and talents to help repair the decaying portions of the building. Has there been any progress on securing CIRMA's approval for volunteers to do this? If not, I'm hoping that there will be by our next meeting.