

Town of East Windsor
Special Town Meeting
November 1, 2011

A Special Town Meeting of the Town of East Windsor was held at the Town Hall, 11 Rye Street, Broad Brook, CT on November 1, 2011. The meeting was called to order by First Selectmen, Denise Menard at 7:35 P.M. Motion was made by John Burnham and seconded by Richard Pippin, Jr. to nominate Gilbert Hayes to preside as Moderator. Jason Bowsza made a motion to have nominations cease, seconded by Mark Simmons. Both motions passed unanimously. Town Clerk, Joanne M. Slater read the call to the meeting. Moderator, Gilbert Hayes read the statement of eligibility to vote.

The following resolution was introduced and read by Dorian Owens.

Item #1: Resolved: To approve the transfer of \$2,877.00 from Road Improvements (3183/0600) to Capital & Non Recurring- Road Improvements (08/1025/0484) in the 2010/2011 budget.

Doreen Owens moved that the foregoing resolution be adopted, seconded by Dale Nelson. No discussion followed.

The resolution passed unanimously.

The following resolution was introduced and read by Richard Ference.

Item #2: Resolved: To approve the transfer of \$520.00 from Public Safety/Employee Benefits-Pension Plan (2195/203) to the Fire Dept-FD Incentive Program (2150/230) in the 2010/2011 budget.

Richard Ference moved that the foregoing resolution be adopted, seconded by Jason Bowsza. No discussion followed.

The resolution passed with a hand count of 14 Yes and 4 No.

The following resolution was introduced and read by Daniel Nadeau.

Item #3 Resolved: To adopt an ordinance entitled “Right to Farm Ordinance”

“Right to Farm Ordinance”

Section I: Purpose and Intent:

Agriculture plays a significant role in East Windsor’s heritage and future. The Town officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, and local economy. This Right to Farm Ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within East Windsor by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

It is the declared policy of the Town of East Windsor to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products and for its natural and ecological value. It is hereby further determined that whatever impact may be caused to others through generally accepted agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community and society in general.

Section II: Definitions:

The terms “agriculture” and “farming” shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

Section III: Right to Farm:

The Right to Farm is hereby recognized to exist within the Town of East Windsor. No present or future agricultural operation conducted or maintained in a manner consistent with accepted agricultural practices, which is engaged in the act of farming as described in this ordinance shall become or be considered, a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural operations may occur any day or night provided such activities do not violate applicable health, safety, fire, zoning, wetlands, life safety, environmental or building codes and regulations and shall include, without limitation:

- 1) The incidental noise from livestock or farm equipment used in generally acceptable farming practices;
- 2) Odors from livestock, manure, fertilizer or feed;
- 3) Dust and fumes associated with normally accepted farming practices;
- 4) The use of agricultural chemicals provided such chemicals and the method of their application conform to practices approved by the State of Connecticut; and,
- 5) Irrigation and water management associated with accepted farming practices.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commission of Agriculture or his/her designee shall be prima facie evidence (on it’s face evidence) that such operations follow generally accepted agricultural practices. Nothing contained in this ordinance shall restrict the powers of East Windsor’s Inland Wetlands Commission, Planning and Zoning Commission, Building or Health Departments under Connecticut General Statutes.

Daniel Nadeau moved the resolution, seconded by John Burnham. The following discussion followed:

Jason Bowsza: Wanted to know what the impetus was behind this ordinance.

Laurie Whitten, Town Planner: Stated that over the last 3 years they redid the farm regulations to make it a more farming friendly town. This enforces and announces that they realize that farming is a viable and important economic resource in town and they want to keep it going and support the farmers.

The resolution passed with a hand count of 19 Yes and 1 No.

The following resolution was introduced and read by Nancy Acito-Larson.

Item #4 Resolved:

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

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; and

WHEREAS, the Board of Selectmen and the Board of Finance of the Town has approved and recommended to the electors and all others entitled to vote at town meetings of the Town that the following resolution be approved.

RESOLVED, 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 therefore, 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.

Nancy Acito-Larson moved the resolution, seconded by Richard P. Pippin, Jr. The following discussion followed:

Edward Alibozek, Chief Operator WPCA:

He thanked the town leaders, residents & visitors for taking part in making decisions for this community. He introduced Tom Davis, Vice Chairman; Arthur Enderle, Superintendent and Paul Anderson, chairman of W.P.C.A. This resolution is about the North Rd. sewer project. The USDA gave us \$3.887 million dollars of which 57% is a loan over 40 years and 43% is grant money. The project did really well and is under budget. If they don't spend all of the \$3.887 million, they lose out on the grant portion of the money. This is the free money to the town. The USDA wants us to maximize the total amount of \$3.887 million so that they can give us the entire \$1.7 million of grant money. This is what you're voting on today. Do you want us to be able to continue and to spend the money that is available to the town at no cost to the residents or do you want this money to go to another community to do a project there? We could put in 1,000 to 1,500 feet of additional sewer line.

Arthur Enderle III, Superintendent, WPCA:

When we first looked at doing the sewers on North Rd. we had borings done and the borings indicated that there were areas that had to have permanent sheeting. Permanent sheeting is basically sheeting that is pounded vertically into the ground and stays there permanently to hold the trenches. These are very wet damp and deep cuts. As it turned out we did not encounter what we had anticipated. When it had gone out to bid we had asked all the contractors to give us unit pricing so in the event that we did not have to use it, that would be deducted from the project. The sheeting carried a \$700,000 price tag. In lieu of the sheeting not having been used, we did have to use trench boxes and do some other excavation. That kind of cut away from the \$700,000. We had anticipated that were going to have \$500,00 - \$600,000 dollars, but we won't know exactly until the project is finished. The 1,000 to 1,500 feet is our best estimate as to how far we think would be able to continue with this. The money we are talking about is grant money and if we don't utilize this grant money it will go back to the government and be given to another community. This will not cost you any more than what we had originally anticipated.

Paul Anderson, Chairman WPCA:

The original project was approved at a referendum for an amount of money and a length of project to a specific point,. We are not spending any more money and we can't go any farther with the project because the referendum specifies how far we can go. The USDA said to change the order and go farther. Our council said that we had to write a multi-page document and go to Town Meeting. We can't go any further than Mullen Rd. unless we get approval. Money is not involved at this point.

Denise Menard, 1st Selectman:

This resolution authorizes the 1st Selectmen to do a lot of things. All of the financing portion of the resolution is necessary because until we get the money from the federal government, we have to do short term borrowing. We are not doing the resolution like we did last time when we said

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we are going to Mullen Rd. We are extending it up to the \$850,000 wherever that can take us.

The resolution passed with a hand count of 20 Yes and 1 No.

Linda Sinsigallo made a motion to adjourn, seconded by Judith Rajala. The meeting adjourned at 8:05 PM.

Respectfully Submitted,
Joanne M. Slater, CCTC

Attest: _____
Town Clerk