

**SPECIAL TOWN MEETING  
TOWN OF LITCHFIELD  
SEPTEMBER 27, 2011**

A Special Meeting for the Town of Litchfield was held on Tuesday, September 27, 2011 at the Litchfield Firehouse. Leo Paul, Jr., First Selectman, called the meeting to order at 7:00 p.m. There were approximately 27 people in attendance. Lisa A. Losee, Town Clerk, served as Clerk.

Motion was made by Anne Dranginis that L. Cleveland Fuessenich serve as Moderator, seconded by Ed Weik. There were no other nominations. Peg Perusse moved to close nominations, seconded by Joe Manes. All voted in favor of C. Fuessenich as Moderator.

The Moderator read the notice of eligibility of voters.

Gayle Carr moved to waive the reading of the call which was seconded by E. Weik. Copies were made available to all in attendance. All voted in favor. Motion carried.

The Moderator read Item I of the call:

To amend the Code of Ordinances of the Town of Litchfield, Chapter 11, Planning, Article II, Planning and Zoning Commission, Section 11-26(a)(11); Article III, Zoning Board of Appeals, Section 11-49; Article IX, Inland Wetlands Commission, Section 11-213(13) to provide for the increased additional state DEP fee (\$60.00) collected by the town land use commissions under the Connecticut General Statutes Section 22a-27j.

A copy of the full text of the ordinance was made available to all in attendance and is attached to these minutes as exhibit A. G. Carr made motion to accept said ordinance which was seconded by Barbara Putnam. All voted in favor by voice vote. Motion carried.

The Moderator read Item II of the call:

To amend the Code of Ordinances of the Town of Litchfield, Chapter 12 Solid Waste Management, Article I, Sections 12-2 and 12-12 to allow a single stream method of collection for recyclables.

A copy of the full text of the ordinance was made available to all in attendance and is attached to these minutes as exhibit B. B. Putnam asked if this would allow more options for recycling. L. Paul explained that larger bins will be available to the public so that private haulers could collect all recyclables. All local haulers are willing to participate. E. Weik made motion to accept said ordinance, seconded by Mitchell Fishman. All voted in favor by voice vote. Motion carried.

The Moderator read Item III of the call:

To appropriate a sum of \$54,930 to Account 56-9501-47001-000(Capital & Non-Recurring Fund), the source of funds for such appropriation to be by way of transfer from Account 60-9515-57971-0971 (Woodruff Street Bridge), as recommended by the Board of Finance.

A copy of the full text of the transfer was made available to all in attendance and is attached to these minutes as exhibit C. B. Putnam asked if this was due to the construction of the bridge coming in under budget and L. Paul responded that it was. A. Dranginis moved to accept the transfer, seconded by E. Weik. All voted in favor by voice vote. Motion carried.

The Moderator read Item IV of the call:

To consider and act upon various line item transfers in Capital Projects and Non-Recurring Fund to be within spending limits in the total amount of \$48,153, as recommended by the Board of Finance.

A copy of the full text of the transfer was made available to all in attendance and is attached to these minutes as exhibit D. After a brief explanation by L. Paul, Frank Simone moved to accept the transfer, seconded by Donald Falcetti. All voted in favor by voice vote. Motion carried.

The Moderator read Item V of the call:

To consider and act upon various line item transfers to adjust General Fund departmental budgets to be within approved spending limits for fiscal year 2010/11 in the total amount of \$238,390, as recommended by the Board of Finance.

A copy of the full text of the transfer was made available to all in attendance and is attached to these minutes as exhibit E. Stephen Simonin questioned the BOE-Maintenance Service Contracts-Didn't the Town take over the maintenance of the schools? Leo explained that the school still has responsibilities towards maintenance, for example, the Town did not take over the janitorial contracts. F. Simone moved to accept the transfer, seconded by John Bongiorno. All voted in favor by voice vote. Motion carried.

The Moderator read Item VI of the call:

To appropriate a sum of \$28,309.72 for a new student transportation van, the source of funds for such appropriation to be by way of a IDEA ARRA Grant for Special Education, as recommended by the Board of Finance.

A copy of the full text was made available to all in attendance and is attached to these minutes as exhibit F. F. Simone made motion to accept this recommendation, seconded by P. Perusse. There was much discussion. A. Dranginis voiced her opposition to this expenditure stating that the budget had already been passed and the BOE did not act in compliance, without proper approval of the Town. L. Paul explained that the BOE, BOS, BOF, Town Attorney, and Superintendent met and determined it was an honest mistake; that rules had changed on the side of the federal government which allowed BOE to use the grant for the van purchase and they thought they were authorized to do so because it was not town money. The BOE is now fully aware that they do not have the authority, as a regional school district does, to purchase Capitol items without the proper approval of the BOF, BOS and Town Meeting and we need to move forward on this issue to correct a wrong. G. Carr said the BOE tried many times to budget for this van and is happy that stimulus funds will now cover it as opposed to the Town. S. Simonin voiced his discontent with BOE continued abuse of their power by making changes without town approval, such as the change in school hours

and is asking that the BOS step in. L. Paul said they have no authority over the normal business of the school; it is spelled out in state statute. A. Dranginis stated that the BOE not knowing shows incompetence. L. Paul did not disagree but reinforced the fact that the issue needed to be addressed, nothing is being glossed over, the van is ordered and federal money is spent and the error needs to be fixed by approving this now. Jeff Zullo asked what the recourse would be if denied. Michael Rybak, Town Attorney, said the situation was voidable but not void. If denied the BOE is in breach of contract. In this case the Federal money went directly to BOE and not to the Town which is probably where the confusion came from. M. Fishman asked why the van was needed. L. Paul stated that the current van is old and needs replacing. The old vehicle would be put up to auction and the funds will come back to the Town. It was on the list for capital expenditure a couple of years out. P. Parsons and Tom Battiste spoke in support of the van. S. Simonin asked if the federal money is gone if motion is denied. L. Paul and M. Rybak both answered yes, the money would be lost. J. Bongiorno stated an error was recognized, proper channels were then followed and everything was done upfront to right a wrong. BOE learned a lesson, time to move on. Edgar Auchincloss made motion to move the question, seconded by Beverly Manes. All were in favor. A vote was then taken by hand count. There were 20 in favor and two opposed. Motion carried.

The Moderator read Item VII of the call:

To approve a four-year Board of Education Computer Lease Agreement; as recommended by the Board of Finance.

A copy of the full text was made available to all in attendance and is attached to these minutes as exhibit G. E. Weik made motion to approve said recommendation, seconded by G. Carr. Discussion ensued. B. Putnam asked why the computers needed to be replaced. G. Carr explained that computers are on a rotating schedule within the school district and are moved along a five year cycle. The four year fixed lease is to help keep up with the schedule and maintenance. A. Dranginis asked about getting updated software through the regular software budget. If the lease includes only hardware then what is the cost to load the software? S. Simonin questioned whether they could purchase the 108 computers at the same price. G. Carr said the cost of software varies and that BOE spent many hours discussing and exploring this issue. L. Paul explained that the leasing of the computers was already approved in the budget but the confusion was that the BOS thought it an annual lease. Now the four year lease that BOE wants to sign needs approval. J. Zullo said in 2007 all technology was new and the town bonded them for 20 years, included in the school building project. L. Paul did not agree with the purchase at the time but the School Building Committee voted to include them. Wayne Shuhi said some were replaced in 2007 but not all because of the rotating schedule. Old ones are not thrown out but used somewhere else. It is a total of 108 computers over four years, not every year, at a total of \$80,000. Software costs vary depending on type. The schools have a Microsoft school agreement which runs \$12 – \$14,000 annually. J. Zullo-Lease is not signed yet. If motion is denied what happens? L. Paul-An additional increase of \$60,000 in their operating budget. The BOE is trying this leasing option as an experiment. A. Dranginis-Is there a service contract? W. Shuhi-It is a requirement for schools to carry a 3 year warranty which is included in the lease cost. E. Auchincloss made motion to move the question, seconded by Bob Berson. All were in

favor. A vote was then taken by hand count. 17 were in favor, 8 were opposed. Motion carried.

The Moderator read Item VIII of the call:

To accept the 2008-2009 and 2009-2010 Annual Reports as presented.

Motion was made by A. Dranginis to accept the Annual Reports as presented, seconded by E. Auchincloss. All were in favor by voice vote. Motion carried.

Motion was made for adjournment by E. Weik, seconded by G. Carr.

L. Paul adjourned the meeting at 7:57 p.m.

Respectively submitted,

Lisa A. Losee  
Town Clerk

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Exhibit A:

**LEGAL NOTICE  
TOWN OF LITCHFIELD**

**SUMMARY OF ORDINANCE  
ADOPTED SEPTEMBER 27, 2011**

**RESOLVED:** That the following ordinance amendment to the Code of Ordinances of the Town of Litchfield be and herby is adopted:

CHAPTER 11. PLANNING  
ARTICLE II. PLANNING AND ZONING COMMISSION

Sec. 11-26. Planning and zoning application fees.

[Revise paragraph (a), subparagraph (11) as follows]

“(11) All permit applications shall be subject to the state DEP fee (currently \$60.00) in addition to the municipal fee as required by Connecticut General Statutes §22a-27j, as amended.”

ARTICLE III. ZONING BOARD OF APPEALS

Sec. 11-49. Application fee

[Add paragraph (d) as follows]

“(d) All applications shall be subject to the state DEP fee (currently \$60.00) in addition to the municipal fee as required by Connecticut General Statutes §22a-27j as amended.”

ARTICLE IX. INLAND WETLANDS COMMISSION.

Sec. 11-213. Application fees.

[Revise paragraph (a), subparagraph (13) as follows]

“(13) All permit applications shall be subject to the state DEP fee (currently \$60.00) in addition to the municipal fee as required by Connecticut General Statutes §22a-27j, as amended.”

This ordinance amendment took affect immediately after adoption at the Sept. 27, 2011 Special Meeting.

Adopted at town meeting: September 27, 2011.

Published in Register-Citizen on October 1, 2011

Effective date: September 28, 2011

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Exhibit B:

**LEGAL NOTICE  
TOWN OF LITCHFIELD**

**SUMMARY OF ORDINANCE  
ADOPTED SEPTEMBER 27, 2011**

**RESOLVED:** That the following ordinance amendment to the Code of Ordinances of the Town of Litchfield be and hereby is adopted:

CHAPTER 12. SOLID WASTE MANAGEMENT  
ARTICLE I. IN GENERAL

Sec. 12-2. Definitions.

[Amend to add the following]

“Single stream” means a system of recycling in which all fiber (newspaper, cardboard, mixed paper, catalogs, magazines and junk mail) and containers (glass, metal and plastic) are placed, unsorted, in one large wheeled “toter” by residents, collected by the hauler and sorted at a regional recycling center.”

Sec. 12-12. Refuse collectors responsibilities and obligations.

[Amend to add the following paragraph]

“Refuse collectors may choose to collect and tip recyclables by the single stream method. If this collection method is chosen, refuse collectors shall inform their customers of this choice. A refuse collector choosing to tip recyclables single stream must also collect recyclables single stream, in a closed container provided by the refuse collector to each customer.”

This ordinance amendment shall take effect fifteen (15) days after publication of a summary in accordance with Connecticut General Statutes §7-157(b).

Adopted at town meeting: September 27, 2011

Published in: Register-Citizen on September 30, 2011

Effective date: October 15, 2011

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Exhibit C:

## Memorandum

**Date:** August 5, 2011

**To:** BOS/BOF

**From:** Karl Fisher, Director of Finance

**Re:** Fiscal year 2010/2011 Capital Transfer  
Transfer # 9 for \$54,930

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This transfer is necessary to transfer the remaining \$54,930 from the Woodruff Street Bridge project due to the project being finished. These funds are requested to be transferred back in to the Capital Non Recurring account.

I recommend that the \$54,930 be transferred from the Woodruff Street Bridge capital account to the Capital and Nonrecurring Fund, as follows:

**Budgetary Transfer Requested:**

	Debit (Decrease)	Credit (Increase)
FROM 60-9515-57971-0971 Woodruff Street Bridge	\$54,930	
TO 56-9501-47001-000 Capital and Nonrecurring Transfer In		\$54,930

After this transfer is approved, the Capital and Nonrecurring Fund’s fund balance will be \$446,029.

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Exhibit D:

## Memorandum

**Date:** August 5, 2011  
**To:** BOS/BOF/TM  
**From:** Karl Fisher, Director of Finance  
**Re:** Fiscal year 2010/2011 Capital Transfer  
Transfer # 6 for \$ 48,153

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The Board of Education, Public Works and the Oliver Wolcott Library have completed the various capital projects listed below under the approved capital budget amounts. This request is the usual transfer to close out surplus capital projects' funds to the Capital and Non-recurring Fund, as follows:

<b><u>Budgetary Transfer Requested:</u></b>	<b><u>Debit</u></b>	<b><u>Credit</u></b>
	<b>(Decrease)</b>	<b>(Increase)</b>
Board of Education Projects:		
FROM 60-9101-57419-0419 BOE UPGRADE MEDIA SYSTEM	\$18,000	
FROM 60-9101-57903-0903 BOE FURNITURE	\$ 10	
Public Works Projects:		
FROM 60-9101-57923-0923 LCS CURTAIN DRAIN	\$11,674	
FROM 60-9513-57852-0852 CIRCLE DRIVE EXTENSION	\$ 426	
FROM 60-9513-57914-0914 BLAKESLEE RD ET AL	\$ 10	
FROM 60-9514-57410-0410 NORTHFIELD FIREHOUSE	\$ 1,765	
FROM 60-9514-57509-0509 LFD FIREHOUSE PAVING	\$ 682	
FROM 60-9514-57975-0975 LIS EXTERIOR LADDER	\$ 93	
FROM 60-9515-57710-0710 HIGH BRIDGE ROAD BRIDGE	\$ 6,736	
FROM 60-9516-57834-0818 HIGHWAY GRADER	\$ 78	
FROM 60-9516-57902-0902 FIRE MARSHAL VEHICLE	\$ 491	
Oliver Wolcott Library Projects:		
FROM 60-9516-57979-0978 SAFETY & FIRE EQUIP UPGRADE	\$ 552	
FROM 60-9516-57980-0980 ENERGY UPGRADES	\$ 7,636	

TO 56-9501-47001-000 CAPITAL & NON-RECURRING  
FUND TRANSFER IN \$48,153

If the transfers are made as set forth above, the Capital and Non-Recurring Fund balance will be \$474,205

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Exhibit E:

## **Memorandum**

**Date:** August 1, 2011  
**To:** BOS/BOF/Town Meeting  
**From:** Karl Fisher, Director of Finance  
**Re:** Fiscal year 2010/2011 – Budget Transfer #11 - \$238,390

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The Finance Department is requesting the following year-end transfer to adjust General Fund departmental budgets, including salaries, to be within approved spending limits. Note, although some departments increases are less than the \$20,000 threshold that requires a Town Meeting, at year end, the Town consistently includes them in the final year end transfer. The total of \$238,390 is .8% of the original budget of \$26,759,384.

**FY10/11 Budgetary Transfer Required:**

Dept	Object		Debit (Decrease)	Credit (Increase)
TO	1107	50102	REGISTRARS – ELECTED PART TIME	210
TO	1108	50106	ELECTIONS-PART TIME	140
TO	1201	50103	FINANCE - FULL TIME	12,040
TO	1201	52109	FINANCE - PRF. PAYROLL SVC	1,640
TO	1201	51101	FINANCE – MISC.SUPPLIES	110
TO	1201	51103	FINANCE – MISC. DATA	45
TO	1201	51402	FINANCE - PRINTING	120
TO	1403	52105	ZONING BOARD OF APPEALS – PROF.-LEGAL	2940
TO	1801	52105	LEGAL – PRF. LEGAL	12,000
TO	2101	50110	POLICE- PRIVATE DUTY	220
TO	2202	52102	FIRE PROTECTION– MEDICAL	7,600
TO	3104	53105	PW EQUIPMENT- DIESEL	27,000
TO	3104	51104	PW EQUIPMENT- SUPPLIES TRUCKS	53,000
TO	3104	51105	PW EQUIPMENT – SUPPIES REPAIRS	31,925
TO	3106	51415	SOLID WASTE-RECYLING	46,000
TO	9101	52203	BOE-MAINT SVC CONTRACTS	18,400
TO	9501	58101	TRANS CAPITAL	25,000
FROM	1802	52401	LIABILITY INSURANCE	76,225
FROM	1903	51703	CONTINGENCY	84,925
FROM	7101	55301	DEBT SERV BOND INT	38,000
FROM	8101	56102	FRING. BENEFITS-MEDICAL	39,240
			<b>TOTALS</b>	<b>\$238,390</b>
				<b>\$238,390</b>

Exhibit F:

**Memorandum**

**Date:** September 7, 2011  
**To:** BOF/Town Meeting  
**From:** Karl Fisher, Director of Finance  
**Re:** Board of Education Van Purchase

The Board of Education is requesting approval from the Board of Finance and Town Meeting to purchase a new van for the amount of \$28,309.72. The source of these funds is from the IDEA ARRA Grant for Special Education. Due to this being a capital expenditure, approval



is needed from the Board of Finance and Town Meeting. The purchase has been recommended by the Capital Improvement Committee (8/31/2011) and approved by the Board of Selectman (9/6/2011). This purchase will replace one existing van.

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Exhibit G.

## **Memorandum**

**Date:** September 7, 2011

**To:** BOF/Town Meeting

**From:** Karl Fisher, Director of Finance

**Re:** Board of Education Computer Lease Agreement

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The Board of Education is requesting approval from the Board of Finance and Town Meeting to enter in to a multi-year lease agreement for the lease of approximately 100 computers at the cost of \$20,000 per year. The first year of this agreement has been funded in the Board of Education operating budget through the annual budget process. Approval from the Board of Selectman, Board of Finance, and Town Meeting is necessary in order to enter in to a multi-year agreement.. Authorization for this agreement was recommended by the Capital Improvement Committee (8/31/2011) and the Board of Selectman (9/6/2011).