

THESE MINUTES ARE SUBJECT TO APPROVAL BY BOARD OF SELECTMEN

The Board of Selectmen held a special meeting on Monday, August 24, 2009 at the C.H. Booth Library on Main Street, Newtown. First Selectman Borst called the meeting to order at 7:35pm.

**PRESENT:** First Selectman Joseph E. Borst, Selectman Paul Mangiafico, Selectman Herbert Rosenthal.

**ALSO PRESENT:** Finance Director Robert Tait, Town Engineer Ron Bolmer, Public Works Director Fred Hurley, Deputy Land Use Director Rob Sibley, various department heads, forty five members of the public, two members of the press and one member of the media.

**VOTER PARTICIPATION: Richard Huisking, 31 Key Rock Road, Newtown** stated that he is embarrassed for the town in regards to the Animal Control Office hearings saying it was an inept, ill conceived, poorly executed vendetta. Ms. Mason received adequate performance reviews for two years. She never received the proper instruction or guidance. There was a fair decision handed down, to receive training to do her job when she was reinstated. Mr. Huisking stated that the decision was ignored and she was demoted in an underhanded attempt to get rid of her.

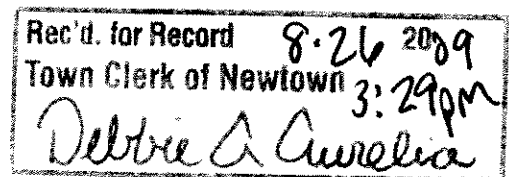
**Gene Rosen, 22 Riverside Road, Sandy Hook** addressed First Selectman saying that Carolee Mason has been locked out of her job for almost eight weeks. What are the rules, what are the criteria for reinstatement, who are the supervisors and what is their expertise? Offering Carolee a lesser job is an absolute insult. Why don't you involve yourself in an even spirited, fair reinstatement of Carolee Mason?

**Chet Hopper, 131 Boggs Hill Road, Newtown** asked who is responsible, Carolee has so many supervisors. She has been demoted on the roster of the Newtown Police Department, on the internet, listed as assistant municipal animal control officer, along with another assistant municipal control officer. How was she demoted, what was she demoted for? Carolee is not being told how long it will take to train her, she is writing policies, how can you write policy if you don't know who you work for or what your title is?

**Sherry Paisley, 38 Walnut Tree Hill, Sandy Hook** stated Carolee Mason was reinstated as animal control office with the understanding she would receive training. She has received two months training but has not been allowed to return to the pound. How can she be evaluated if she hasn't been allowed to do her job? It is unacceptable that Carolee has been subjected to standardless procedure by the Police Chief and the First Selectman. She has accepted this shameful treatment but the Newtown citizens have not. It is clear that we are not pleased with the embarrassing mismanagement of a non issue, nor do we condone what has been inflicted on Ms. Mason. Ms. Paisley addressed the Board as civil servants and asked that they listen to Newtown citizens and immediately allow Ms. Mason to return to caring for the animal population.

**Glen Blake, 17B Nunnawauk Meadows, Newtown** said that at the end of the hearings it was said that Carolee Mason would return to her job. Two Selectmen made this decision. The First Selectmen, Chief of Police and someone from personnel decided they were not going to adhere to the law. He thinks this is a case for the State Attorney General. He recommends the two Selectmen march Ms. Mason back to the pound tomorrow.

**Paula Hopper, 131 Boggs Hill Road, Newtown** has been a teacher or trainer in audio visual classroom work. What kind of "training" did Carolee receive? There doesn't seem to be any criteria of what she is supposed to master. She would like to see the aims, goals and testing that was done.



**Mary Gaudet-Wilson, 12 Whipoorwill Hill, Newtown** said the handling of the Carolee Mason case has been an embarrassment, unfair, expensive and a waste of time. She implored the Town to do the right thing. Job descriptions can be changed.

**Mildred Hawkes, 5 Jeremiah Road, Newtown** asked the Board to do something because this is affecting Carolee's health.

**Marjorie Cramer, 38 Huntingtown Road, Newtown** said that Ms. Mason is gifted at mediating disputes between animals and people. Job descriptions can be shifted. The whole situation looks like bullying.

**Jill Beaudry, 36 Queen Street, Newtown** said that there is a problem establishing which side the sidewalks should go on; she would just like to see sidewalks. The East side is a very narrow strip of land without a lot of frontage. She feels it's the safer side because it's the same side as the Middle School and there would be less crossing. There is a blind spot coming toward Glover Avenue from Big Y and there is no stop sign. She would be happy to shovel the sidewalk on the West side but asks that the town fix the blind corner because it puts people in danger. Let's make a decision and finally do it.

**Lisa Flores, 32 Queen Street, Newtown** agrees with Ms. Beaudry, please make a decision tonight as to where the sidewalks will go.

**Ray Ruzek, 17 Maltbie Road, Newtown** stated that sidewalks are also needed in Sandy Hook; the subject has been on the table since 1994. Sandy Hook provides a major impression to out of towners driving through and if Sandy Hook is revitalized it will make Fairfield Hills more appealing. We are too obsessed with Fairfield Hills and forgetting the other 60 square miles in town. It is time to move forward. The Sandy Hook Streetscape should be in the CIP this year. Mr. Ruzek thanked the Board for their commitment to the Town the past two years. Tax assessments in Sandy Hook center increased between 100%-150% during the last assessment.

**Ann Marie Mitchell, 17 Butterfield Road, Newtown** noted that the Hawleyville neighborhood has been missed. She would like sidewalks in Hawleyville from the commuter parking and the new post office. Please remember Hawleyville.

**Lereine Frampton, 16 Pebble Road, Newtown** said that there are things that need repairing in the Edmond Town Hall. Perhaps the list of projects can be added to the CIP.

**Barbara Field, Serenity Lane, Sandy Hook** stated that school bus drivers need to stop driving while talking on cell phones and smoking at the same time.

Selectman Mangiafico stated he has grave concerns about things he's heard and read in the newspaper. He has received many phone calls regarding Carolee. He said that both he and Selectman Rosenthal have not been notified on any issues with Carolee Mason. His concern is that the decision made was to return her to her previous position. When will we know if the spirit and intent of the Selectmen decision has been carried out? First Selectman Borst stated he cannot answer the question now because the matter will be discussed in executive session. Selectman Rosenthal agreed that he believed the decision would be carried out and was glad to hear it would be discussed.

Ms. Paisley asked if it made a difference that tax paying citizens are here to say the Board, as civil servants, are not doing what is asked of them. Mr. Borst answered that it does make a difference that they are here but the Board is responsible for the operation and administration of the town and have to do what is good for all 26,000 people that live in town. Mr. Mangiafico stated the Board of Selectmen would continue to protect everybody's interests.

**ACCEPTANCE OF THE MINUTES:** Selectman Mangiafico moved to accept the minutes of August 3, 2009. Selectman Rosenthal seconded. All in favor.

**COMMUNICATIONS:**

**FFH Master Plan:** First Selectman Borst read a letter from Ruby Johnson, who was unable to attend the meeting that spoke of her concerns surrounding Fairfield Hills. (att. A)

**Connecticut Resources Recovery Authority Ash Landfill:** First Selectman Borst reported he received a letter from Thomas D. Kirk, President that asked if the town would be interested in having an ash landfill, ensuring that there would be no harm to the environment or public health and there would be a monetary compensation of \$5 per ton of ash deposited in the landfill. (Att. B). Selectman Rosenthal moved to thank Mr. Kirk for his offer but indicate that the town is not interested. First Selectman Borst seconded. Selectman Mangiafico questioned why the Selectmen are opposed, asking if the Batchelder could be used for this. First Selectman Borst stated there are enough problems with the Housatonic Railroad right now. Selectman Rosenthal stated there will be a lot of trucks coming into Newtown and doesn't believe that under any circumstances this would be beneficial for the town. Ash is much more concentrated than normal pollutants. All in favor.

**Grant Update:** Director of Economic & Community Development Elizabeth Stocker reported that last fiscal year the town received \$500,000 in grants.

**Legal Fees:** First Selectman reported that there have been no further legal bills submitted for the Carolee Mason case.

**OLD BUSINESS;**

**Discussion and possible action:**

**Queen Street Sidewalks:** Fred Hurley stated the stimulus money has been withdrawn from Queen Street and will be dedicated solely to Castle Meadow and Castle Hill. Queen Street is in the CIP for resurfacing. Selectman Rosenthal noted the Board voted in a previous meeting to have sidewalks on the West side of Queen Street. A paid for study noted the priority was West side sidewalks because that's where most people live: Lovells Lane, Borough Lane and Elizabeth Street. East side sidewalks would have children crossing Queen Street to get to the sidewalks; that is unsafe. Ultimately sidewalks should be on both sides but the priority is the West side. Mr. Gaston, Borough Warden wanted to know who prevails, the Police Commission, who are against the West side and want East side sidewalks, or the Selectmen who authorized West side sidewalks. Selectman Rosenthal reported that previously the Police Commission recommended the West side; the Selectmen followed the recommendation of the traffic study and the Police Commission. First Selectman Borst told Mr. Gaston that the Board of Selectman voted for the West side. Bruce Walczak of 12 Glover Avenue, Newtown stated that the Police Commission did not endorse either side in their original response. Selectman Rosenthal stated the Police Chief said that the Police Commission did endorse the West side. Mr. Walczak stated Chief Kehoe cannot speak on behalf of the commission as he is not a member and acknowledged that he himself was not authorized by the Police Commission to speak tonight but was speaking as a member of the public. Michael Floros of 32 Queen Street said that no matter which side is chosen there will still be cross walks. Selectman Mangiafico stated that the Board of Selectmen decision was West side sidewalks. Mr. Gaston wants everyone on the same page. First Selectman Borst said both sides are both important but the West side is the priority. Selectman Rosenthal stated the Police Commission made recommendations and asked the Board of Selectmen to fund them.

**Exit 11 Sidewalks:** Ron Bolmer reported that the states proposal addresses three issues. 1.) Extending the sidewalks along Wasserman Way to the fields on Oakview. 2.) Having a push button at the cross walk. The state would prefer not to have one as it could create traffic problems. 3.) Reluctance in having a sidewalk from the commuter parking lot because it would encourage students to park in the commuter lot.

**Tick Borne Diseases Action Committee – game plan:** First Selectman Borst noted that 32 people applied to be on the Ad Hoc committee and said that the Board would meet to go through all the applications and resumes to decide on an 11 member committee. Selectman Mangiafico spoke highly of the applicants and the resumes saying that he believes the members can be chosen based on the resumes alone without the need for interviews, recognizing that it may take much longer to coordinate the three Selectmen and the applicants schedules to conduct interviews. Selectman Rosenthal noted that it is acceptable to hold a meeting in executive session because there will be discussion about members. A member of the public questioned if members of the public would have an opportunity to address the committee. First Selectman Borst stated when the committee is formed they will decide how it is run but said he would pass along what is expected of them as a committee. Monica Roberto, a member of the public, wanted to know how the Board would ensure that the committee would be fair and balanced. Ann Mare Mitchell, a member of the public, questioned how Ad Hoc committees are formed. Selectman Rosenthal said that the Charter allows the Board of Selectmen to form Ad Hoc committees to assist the Selectmen in studying various items and making recommendations, complete with a charge and deadline.

#### **NEW BUSINESS:**

##### **Discussion and possible action:**

- 1. Driveway Bond Release/Extension:** Selectman Rosenthal moved the following driveway bond releases, in the amount of \$1,000 each: Prestigious Homes, LLC, Short Hill Rd, M35, B7, L1.41; Ronald Poidomani, Sr., Curry Drive, M16, B4, L13; D'Amato Builders, LLC, Serene Way, M12, B5, L14.10R. Selectman Mangiafico seconded. All in favor. Bond releases for Curnan Construction and GLT Residential were denied as they expired in June & October 2007 with no request for an extension.
- 2. Common Driveway Bond releases:** Selectman Rosenthal moved to release the following bonds: Blakeman Construction, Hoseye Coach Rd, M46, B4, L105.90 & 105.92 in the amount of \$30,000 and Blakeman Construction, Hoseye Coach Rd., M49, B2, L2.97 & 2.99 in the amount of \$16,000. First Selectman Borst seconded. All in favor.
- 3. Appointments/Reappointments:** Selectman Rosenthal moved to appoint (D) Rudolph J. Pozek of 105 Poverty Hollow Rd, as an alternate to the Zoning Board of Appeals for a term to expire on 12/01/09. Seconded by First Selectman Borst. All in favor.

**4. Presentation of the Community Center:** Present were: Director of Parks and Recreation Amy Mangold, Parks & Recreation Commission Chair Ed Marks, Parks and Recreation Commission member Pat Barczak, Public Building & Site Commission Chair Bob Mitchell, Larry Shilling of O&G and Steve Whitaker of Ames and Whitaker. Mr. Shilling spoke of the square footage of the project. Selectman Rosenthal stated he believed the price of close to \$400 per square feet is outlandish for a stand alone Senior Center. Mr. Whitaker said the price reflects the cost of sight development and demolition. Mr. Whitaker explained that there are wetland issues at the site with severe grade changes that would create significantly higher construction costs. The seniors have been very vocal in their objections about being park of the Parks and Recreation building. Bob Mitchell stated the building size with all components was inappropriate for the site. The seniors would prefer their own building. Larry Shilling stated that the numbers do not include the parking lot or a small demolition, estimating that cost to be \$100,000. Mr. Marks said that this is not the first time numbers of this range have been brought up when talking about classroom space, an enclosed pool, program space for Parks & Recreation, teen center and senior center. Selectman Rosenthal stated that the Board of Selectmen at that time did not support anything of that magnitude. Mr. Marks stated he is

Board of Selectmen  
August 24, 2009

looking for a place holder to show this project is being worked toward. He is looking to move forward. Selectman Rosenthal noted that the CIP for 2010-2011 has the new recreation center, phase one for \$3,680,000. Ms. Mangold stated that the whole amount was put in this time because the seniors didn't put any in. Selectman Mangiafico said the facility is too large and too expensive. A price of \$12,000,000 is needed for the whole project. This will be spoken further when the CIP is addressed.

5. **Transfers:** not addressed; no Selectman approval necessary.

6. **Senior Center Use Fees:** The rate to use the facility for meetings is \$15. Selectman Rosenthal suggested we find out what is charged for the use of other facilities and what does the Board of Education charge, saying that town agencies normally don't get charged. Selectman Mangiafico asked if a custodian needed to be on hand for the meetings.

7. **Woodbury Hall, discussion of financing issues:** This item was not discussed at the request of Town Attorney, David Grogins.

8. **Bridgeport Hall dedication:** First Selectman Borst stated that Bridgeport Hall is scheduled to open the first week of October. The name of the building will be The Newtown Municipal Center as government sounds too hard and complex indicates multiple buildings. A grand opening dedication will take place in November.

9. **Tax Refunds, August 2009 Refund #2:** Selectman Rosenthal moved the August 2009 refunds #2 in the amount of \$25,090.90. Selectman Mangiafico seconded. All in favor.

10. **Establish a date for Town Meeting to establish date of auction of Stonegate Drive property:** Selectman Mangiafico set the date of the Town Meeting for Tuesday, September 8, 2009, 7:00pm. Selectman Rosenthal seconded. All in favor.

11. **CIP:** Selectman Rosenthal moved to table the CIP. Selectman Mangiafico seconded. All in favor.

12. **Legal Matters/Executive Session:** Selectman Rosenthal moved to enter executive session for purposes of discussing property purchase, land use litigation and personnel matters. Invited to attend were Chief Kehoe and Rob Sibley for the portions that pertain to them. Selectman Mangiafico seconded. All in favor. The meeting entered executive session at 10:10pm and returned to open session at 11:52pm with the following motions:

Selectman Rosenthal authorized the First Selectman to pursue legal action against Cassie Brown, 19 Settlers Lane for zoning violations. Seconded by Selectman Mangiafico. All in favor.

**ANNOUNCEMENTS:** none

**ADJOURNMENT:** Having no further business the Board of Selectman adjourned their regular meeting at 11:55pm

Respectfully submitted,



Susan Marcinek, Clerk

Att. A: Ruby Johnson memo

Att. B: CRRA ash landfill letter

RFC

To: Board of Selectmen, Newtown, CT  
Attn: First Selectman Joseph Borst  
From: Ruby Johnson  
Re: Selectmen Meeting Aug. 25, 2009  
Topics: FFH Master Plan, CIP, Woodbury Hall

7/15/09

I will be out of town during the week when you intend to hold your next Selectmen's meeting and I wish to express these opinions.

1. The people of Newtown never approved the FFH Master Plan, and the unwillingness of town leaders to allow citizens to approve or disapprove of any plan for FFH is not the appropriate process for a democracy to use.
2. The CIP request for additional huge sums without a cost/benefit analysis is financially irresponsible.
3. The town of Newtown is ill equipped to serve as a major developer. It has neither the financial resources nor the personnel with broad experience in this field to compete with the private sector. Lease agreements will continue to be "giveaways" of valuable land.
4. To continue down this path, without first setting aside the land needed for municipal services in the next 50 years, is extremely poor planning that future generations will regret.
5. Lease agreements like the Woodbury Hall plan is an example of giving away the town land without a cost benefit analysis.

I urge you to restore the democratic process to our town.

Sincerely,

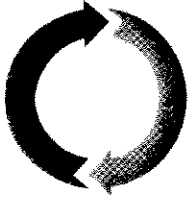


Ruby Johnson

7/15/09

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File:Selectmen



**CONNECTICUT  
RESOURCES  
RECOVERY  
AUTHORITY**

100 Constitution Plaza, 6th Floor  
Hartford, CT 06103  
Telephone: (860) 757-7700 Fax: (860) 727-4141

August 5, 2009

RECEIVED  
AUG 11 2009

The Honorable Joseph E. Borst  
First Selectman  
Town of Newtown  
Edmond Town Hall, 45 Main Street  
Newtown, CT 06470

Dear Mr. Borst:

Since 2005, the Connecticut Resources Recovery Authority has been working to develop a new publicly owned ash landfill that would accept the inert, inorganic by-product of our state's trash-to-energy process.

State and federal standards require that any new ash landfill be engineered and built with systems that ensure it will not harm the environment or public health. Further, state law requires CRRA to compensate the host community a minimum of \$5 per ton of ash deposited in the ash landfill – in this case, host community payments would total up to \$45 million, and possibly more, during its estimated 30-year life, or up to \$1.5 million annually.

In March 2008, CRRA announced that a statewide study had concluded that the optimum site for this facility is in the Town of Franklin, adjacent to an open-pit gravel quarry near the Shetucket River. Since then, we have been performing rigorous on-site testing and evaluation to confirm the site's suitability. Not surprisingly, some people have raised concerns about this location, so CRRA has been asked to redouble its efforts to thoroughly evaluate all alternatives to developing an ash landfill in Franklin.

With this background in mind, please consider this letter as a formal query: would Newtown be interested in hosting this CRRA ash landfill? It is important to note that state regulations, based on hydrological, geological, environmental and other requirements, substantially limit the number of permissible sites. Accordingly, even if your town is interested hosting a CRRA landfill, the site you propose will not necessarily be suitable.

Thank you for your consideration. If you would like to offer a site for consideration or have questions regarding the potential suitability of any site in your town please contact me by August 19. I can be reached at (860) 757-7700.

Sincerely,

Thomas D. Kirk  
President

C: CRRA Chrono file  
P. Egan, CRRA  
P. Nonnenmacher, CRRA  
L. Hunt, CRRA