

July 23, 2014

The Stonington Board of Selectmen held a regular meeting on this date at the Stonington Police Department at 7:00 p.m. Present were First Selectman Edward Haberek and Selectman George Crouse. Selectman Glee McAnanly was available by telephone. Also present were members of the public and press.

(1) Call to Order

Mr. Haberek called the meeting to order at 7:01 p.m. The Pledge of Allegiance was recited.

(2) Approval of the Minutes

A motion was made by Mr. Crouse and seconded by Mr. Haberek to approve the July 9, 2014 Board of Selectmen special meeting minutes. Mrs. McAnanly abstained.

(3) Comments from the Public

- Mr. Aaron Green asked if there was anything new reported on the Nuisance Ordinance.
- Ms. Sue Jones asked how the last ethics commission was dissolved and if that was legal to do. She asked if the people who were on the ethics commission are still on the commission.
- Attorney Tom Londregan stated that their terms would have expired by now.
- Ms. Jones asked how long a term was it.
- Ms. Celena Drury stated she was on the Ethics Commission as the secretary. She stated she doesn't remember being told that when they were interviewed for the job and when we were actually appointed that there was a time limit. She stated after the meetings when they dissolved it, it was done very quickly with a vote of hands that they were going to dissolve it. Ms. Drury stated that it was not a town meeting. Ms. Drury further stated that they were going to present the Board of Ethics Code that they worked hard to present and they were told they were not going to have it. She stated that Mr. Maranell just dissolved the committee. Ms. Drury also stated that they were extremely surprised that that happened and that there is no current written code that they had worked on, on file in the town hall.
- Attorney Londregan stated that the code that they developed was changed by the Board of Selectmen at that time.
- Ms. Drury asked if there is a current code.
- Attorney Londregan stated that he thought there was.
- Mr. Bill Sternberg stated that there is a conflict between the Charter and the Ordinance. He stated that the Charter Revision Commission should take a look at resolving those differences. Mr. Sternberg stated that his recollection is that all the Charter says about an Ethics Commission is that there is one but when you read the Ordinance it is clear that it is only empaneled after a complaint's been filed. There is a conflict there that needs to be resolved.

(4) Public Hearing – to discuss transferring title to a portion of Fellows Street Extension at 45 Sisk Drive, Pawcatuck, Connecticut to the Stonington Housing Authority – Edythe K. Richmond Homes

- Ms. Elaine Schmidt, Executive Director of the Stonington Housing Authority showed the Selectmen a map of the Housing Authority. She stated that when you come into Sisk

Drive on your right there is Building 15, 16 and 17. Ms. Schmidt stated that the parking lot that they maintain is property of the town. She stated that the residents in that section do not have to abide the rules and regulations that all of the other residents have to. She further stated that they plow, they clean it and they maintain it at all times.

- Ms. Ruth Nolder stated that on behalf of the residents of Edythe K. she would like to reinforce what Elaine is saying. She stated that the Stonington Housing Authority respectfully requests the transfer of the title of this promotion of Fellows Street Extension from the Town of Stonington to the Housing Authority-Edythe K. Richmond Homes for the following reasons:
 - 1) The Stonington Housing Authority currently maintains this portion of the Fellows Street Extension. During winter months, the Stonington Housing Authority utilizes maintenance personnel and resources to remove snow and distribute salt to keep the residents in Buildings 15, 16 and 17 safe.
 - 2) The Stonington Housing Authority vehicle regulations prohibit the washing and waxing of vehicles. The regulations also prohibit the servicing of vehicles such as oil changes, etc. Residents in Buildings 15, 16 and 17 are not subject to the Stonington Housing Authority vehicle regulations because the Stonington Housing Authority does not own the area where the residents park.
 - 3) The Stonington Housing Authority vehicle regulations limit the number of vehicles per unit to one. Residents in Buildings 15, 16 and 17 are not limited to one vehicle because the Stonington Housing Authority does not own the area where the residents park.
- Mr. David Brown asked if there would be any liability for the town.
- Attorney Tom Londregan stated that the town doesn't use the road so there would be no liability.

A motion was made by Mr. Crouse and seconded by Mrs. McAnanly to transfer the property to the Housing Authority. Discussion: Mrs. McAnanly asked if this would have to go to town meeting. Mr. Haberek stated that it would go to town meeting. The vote was 3-0 in favor of the Housing Authority's request.

(5) Executive Session

Pursuant to Section 1-200(6)(B) of the Connecticut General Statutes, the Stonington Board of Selectmen will meet in executive session with the Town Attorney, special counsel Kevin Tighe and Keith A. Brynes, Town Planner, to discuss pending litigation and strategy and negotiations with respect to pending litigation, namely:

- **Carol Holt vs. Town of Stonington, case pending 2nd Circuit Court of Appeals;**
- **Carol Holt vs. Town of Stonington, Joe Larking (official capacity) and Joe Larkin (individual capacity), case pending in U.S. District Court for Connecticut;**
- **Carol Holt vs. Town of Stonington, administrative appeal pending in Connecticut Superior Court;**
- **Carol Holt and Thomas Wyper vs. Town of Stonington Zoning Board of Appeals, administrative appeal pending in Connecticut Superior Court.**

A motion was made by Mr. Crouse, seconded by Mr. Haberek and voted unanimously to go into executive session at 7:16 p.m.

(6) Proposed Settlement Agreement with Carol Holt and Thomas Wyper to settle pending litigation cases:

- **Carol Holt vs. Town of Stonington, case pending 2nd Circuit Court of Appeals;**
- **Carol Holt vs. Town of Stonington, Joe Larking (official capacity) and Joe Larkin (individual capacity), case pending in U.S. District Court for Connecticut;**
- **Carol Holt vs. Town of Stonington, administrative appeal pending in Connecticut Superior Court;**
- **Carol Holt and Thomas Wyper vs. Town of Stonington Zoning Board of Appeals, administrative appeal pending in Connecticut Superior Court.**

The meeting was reconvened at 7:24 p.m. A motion was made by Mr. Haberek, seconded by Mr. Crouse and voted unanimously that the Town of Stonington settle all claims and lawsuits with Carol Holt and Thomas Wyper regarding property at Lord's Point subject to four pending lawsuits in accordance with the Settlement Agreement and Release submitted to the Town and the Board allows Mr. Haberek as First Selectman to be authorized to sign said Agreement and Release.

(7) Correspondence

- Mr. Haberek took in correspondence from Ronald Voelkel stating that until he retires from the U.S. EPA and re-locates to his Mystic home permanently, he cannot register to vote in Stonington and thereby would not be eligible to become a member of the Inland Wetlands and Water Courses Commission.
- Mr. Haberek took in correspondence from Richard Balestracci expressing his interest in serving on the Economic Development Commission.
- Mr. Haberek took in correspondence from Cynthia Ladwig, Town Clerk advising the Board that on June 26, 2014 she received petitions requesting the appointment of a commission for the amendment of the charter and specifically requested that the appointed commission review the nomination, balloting, term and party representation requirements for the Board of Finance for the Town of Stonington.
- Mr. Haberek took in correspondence from the Planning & Zoning Department regarding a Zoning Regulation Text Amendment to add Health Clubs less than 10,000 square feet as a use allowed by Special Use permit within the LI-130 Zoning District.
- Mr. Haberek took in correspondence from Van Riley, Superintendent regarding the West Broad Street School Building update.
- Mr. Haberek took in correspondence from James Murphy expressing his interest in serving on the Charter Revision Commission.

(8) Appointments/Reappointments/Resignation

Planning & Zoning Commission

A motion was made by Mr. Crouse, seconded by Mrs. McAnanly and voted unanimously to appoint Shaun Savoie to the Planning & Zoning Commission.

Recreation Commission

A motion was made by Mr. Crouse, seconded by Mrs. McAnanly and voted unanimously to reappoint Joseph McKernan to the Recreation Commission.

Zoning Board of Appeals

The Selectmen acknowledged Jack Guyol's resignation from the Zoning Board of Appeals effective August 12, 2014.

Stonington Housing Authority

The Selectmen acknowledged Ruth Nolder's resignation from the Stonington Housing Authority.

Finance Board

The Selectmen acknowledged John O'Brien's resignation from the Finance Board effective October 1, 2014.

(9) New Business

Allocation of \$200,000.00 from the Town Open Space Fund for preservation of the Davis Farm

After some discussion between the Selectmen, it was decided to get further clarification from the Conservation Commission on this request and the matter was tabled.

Establishment of Special Commission to Address Climate Change Issues

After some discussion between the Selectmen a motion was made by Mr. Crouse, seconded by Mrs. McAnanly and voted unanimously to establish a Task Force to Address Climate Change Issues.

Request the Town Attorney to draft a resolution to establish a Charter Review Commission

A motion was made by Mr. Crouse, seconded by Mrs. McAnanly and voted unanimously to request the Town Attorney to draft a resolution to establish a Charter Revision Commission.

Discussion of Appointments to Ethics Commission

After some discussion between the Selectmen, it was decided to let the Charter Revision Commission handle this and the matter was tabled.

Deans Mill Roof Replacement Building Permit Fee Waiver

After some discussion between the Selectmen, it was decided to get further clarification as to the fee waiver amount and the matter was tabled.

Pawcatuck VFW Variance, Zoning and Building Permit Fee Waivers

A motion was made by Mr. Crouse, seconded by Mrs. McAnanly and voted unanimously to waive the variance and zoning permit fees in the amount \$480.00 and the building permit fee of \$50.00.

(10) Comments from the Public

- Sue Jones asked why when she clicks on any links on the town website she gets bounced to TownofStonington.com which doesn't exist. She also stated that she printed the agenda ten minutes before the meeting and the agenda on the website does not match the agenda that was handed out.
- Kevin Bornstein asked what the schedule is for the Charter Revision Commission. He asked if we are taking letters now and at the next meeting would we be seating the Commission.
- Bill Sternberg stated that as a member of the K-12 Building Committee he thinks it's appropriate to observe that they advertised for architectural services so they hit their first milestone.
- Fran O'Neil stated that she thinks the West Broad Street School should be part of the history of the town.
- Sue Jones stated that at the Board of Finance meeting, they were balking at the ceiling being fixed. She stated that they are dragging their feet at West Broad. Ms. Jones stated that it's not going to be a start of school issue. It's going to be what is the Board of

Education going to have to do away with if they have to come up with that money and the Board of Finance doesn't.

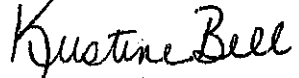
(11)Comments from the Selectmen

None

(12)Adjourn

There being no further business to come before this Board, the meeting was adjourned at 8:01 p.m.

Respectfully submitted,



Kristine Bell

Recording Secretary