

March 17, 2011

Minutes are subject to the approval of the Board of Selectmen.

Present: First Selectman Mark E. Lyon, Selectman Nicholas N. Solley.

Press: Jack Coraggio – Litchfield County Times.

Public: John Meeker, Valerie Friedman, Tim Coakley, Robert Tomlinson, Linda McGarr, Pat Devlin, Sheila Anson, Christine Afiouni.

Call to Order:

First Selectman Lyon called the meeting to order at 5:30 p.m.

Minutes:

Motion:

To approve the minutes of the March 3, 2011 Regular Meeting of the Board of Selectmen. By Mark Lyon, seconded by Nick Solley.

Discussion: Mary Anne Greene indicated that the name Pauline Stack (under Resident State Trooper Contract) should be changed to Kathleen.

The motion passed unanimously.

Communications: None.

Appointments/Resignations:

* Resignation of Holly Haas from the Parks and Recreation Commission.

Mark Lyon received a letter from Holly Haas indicating she has “decided to forego her reappointment to the Parks and Recreation Commission for the 2011-2014 term. She urged the Selectmen to fill the position “with a parent of young children that might provide input into new and vital programs...”

Motion:

To accept the resignation of Holly Haas from the Parks and Recreation Commission with sincere gratitude for her 17 years of service to the Commission and Town!

By Mark Lyon, seconded by Nick Solley and unanimously approved.

Mark also explained that he has notified the Webmaster of vacancies on Parks and Rec, Housing, etc. in the hopes of generating interest.

First Selectman’s Report:

Mark Lyon reported:

* Denise Arturi-Greenhouse:

As part of a Shepaug High School senior project, funds have been received for the purchase of a greenhouse that could be used for Judea Garden. Denise is inquiring if it could be placed on Town property – Titus Road? The Selectmen felt there may be some issues with security but would discuss further. They also inquired as to why it could not be placed at Macricostas where the garden is. This will be looked into further and if necessary, invite Denise to the next meeting of the Board of Selectmen.

* Edwin Matthews-Civil War Monument:

Edwin has done research as this April marks the 150th anniversary of the beginning of the Civil War. A number of Washington residents fought in the War and 23 lost their lives. He would like a monument erected in Town (purchased with private fund) similar to those on the Town Hall lawn. Edwin will be invited to the next meeting of the Board of Selectmen to discuss possibly sites.

*** Tony Bedini-Utility Consultants:**

Tony attended a meeting of the Torrington Board of Education at which information was received from Troy & Bank Utility Consultants. They offer a program that would audit energy expenses and utility accounts. If the client (in this case the Town) receives a reduction or refund as a result of this audit, Troy & Banks would receive a percentage of the savings generated. If not, there is no fee. The Selectmen felt it would be beneficial to investigate this further.

*** Wayne Hileman/Housing Commission letter:**

The Housing Commission would like to examine the possibility of adding the Town's Beach House apartment to the Town's affordable housing inventory. Wayne's letter explains the process involved and the need to have an Affordability Administrator designated. Should all the criteria be met, a deed restriction must be filed with the Town Clerk attesting that this property is an affordable dwelling for a set period of time – 12 months would be the minimum time period. The Housing Commission would recommend the 12-month restriction to coincide with the term of the lease. The Selectmen felt this should be explored further as the lease is up for renewal May 1st. Mary Anne Greene will inquire whom the Washington Community Housing Trust uses as their Affordability Administrator.

*** Flood and storm update:**

As a result of the heavy rains and flooding, a culvert was washed out on Shinar Mountain at Walker Brook. The property owner was able to receive an emergency Inland Wetlands permit to have work done to repair his retaining wall. Work was done by the Town on the gravel road that washed out around the culvert. The road is passable for now – will reassess when water level decreases. Other dirt roads experienced washouts – emergency repairs have been done – all roads passable but further work will be required to bring them back to standard. Getting materials proved difficult however, Stone Construction was able to deliver. The total cost of this emergency roadwork has not yet been finalized.

OLD BUSINESS:

*** Town employee termination:**

Mark Lyon explained that due to the issues that have been brought up with the Executive Session (FOI complaint) held March 3, if there were to be any question as to the validity of the meeting, it would be with the business conducted as a result of the Executive Session. Therefore, at the advise of Thomas Hennick of the State of Connecticut Freedom of Information Commission, because of the complaint file with the FOI Commission following the March 3, 2011 meeting of the Board of Selectmen, the following motion is being made at this meeting.

Motion:

To terminate the employment of a Town employee who was suspended without pay on February 24, 2011, as of March 3, 2011.

By Mark Lyon, seconded by Nick Solley and unanimously approved.

*** Follow up meeting with Mr. Peter Pappas/Birch Hill Run:**

Due to scheduling issues a meeting could not be held with Mr. Pappas prior to this meeting. A Special Board of Selectmen's Meeting will be held on Thursday, March 24, 2011 at 8:30 a.m. in the Selectmen's Office. Agenda: Town acceptance of Birch Hill Run.

*** Resident State Trooper contract:**

Mark has received information from Kathleen Stack of the CT Department of Public Safety explaining that the charge to the Town for overtime of 53% is 70% of the fringe benefit expense.

Motion:

As all questions have been answered in regard to the overtime and fringe benefit charges on the Resident State Trooper billing, although not in agreement with the calculation, the Selectmen will sign the contract covering the period July 2, 2009 to June 30, 2011.

By Mark Lyon, seconded by Nick Solley and unanimously approved.

*** Winter Maintenance Budget Update:**

With one more pay period and outstanding bills for materials and contracted services, the Town is 104% over budget in Winter Maintenance. This could amount to \$40,000 - \$50,000. This does not include expenses incurred with the flooding issues of last week, which may be taken, in part, from General Maintenance. The Selectmen discussed how this may be addressed – transfer of funds? (requiring an approval at a Town Meeting, use of Town Road Aid money? Will discuss further with the Board of Finance on March 21st. Mark will be attending a meeting on March 24th regarding the FEMA funds that were applied for covering a 48-hour period for snow removal in January.

NEW BUSINESS:

*** Solar panel grant availability:**

Mark attended a meeting at which DCS Energy gave a presentation on the installation of solar panels on municipal buildings. There would be no fee – DCS would receive all tax credits, rebates, etc. There can be one installation per meter. Mark completed the first step by sending an inventory of the Town buildings and the Gunn Library. All sites were initially approved through satellite surveys. The Town would be responsible for any permitting necessary, net meter installation by CL&P. The next step would be to sign an agreement with DCS – they would then send a team to survey the sites, examine them and put together a proposal. A structural engineer would be hired to make sure structures strong enough. Estimated savings \$80-\$180 month for each system. The final step would be to sign a contract for a five-year lease. DCS is approved with the Clean Energy Fund, and has been advertised through COST. The towns of Lebanon and Salem have done the installation with DCS. Motion: To pursue the next step with DCS Energy to do an inventory of Town buildings for potential installation of solar panels. By Nick Solley, seconded by Mark Lyon and unanimously approved.

*** FOI Complaint filed by John Meeker:**

Mark Lyon explained that on March 3, 2011 the Board of Selectmen called their meeting to order and immediately adjourned into Executive Session in a location other than where the meeting was noticed. Thomas Hennick of the State FOI Commission has explained that the Selectmen were in violation because of this difference of location. Mary Anne Greene, Selectmen's Secretary, was asked to go to the Land Use Room and inform those present that the Executive Session was being held in the Selectmen's Office and that the regular meeting would be resumed in the Land Use Room as soon as possible. No one in attendance raised any objection. Mark further explained that the employee that was going to be discussed in the Executive Session was given the opportunity to meet in public. He declined asking that the meeting be held in private. Out of respect for him and for the large number of attendees for the Selectmen's meeting who would have been asked to exit, the Executive Session was held upstairs. The Selectmen now realize this was procedurally incorrect. John Meeker filed his FOI complaint. John stated he is waiting to hear from FOI.

Visitors:

* Tim Coakley spoke to the Selectmen about AT&T's request for an extension on the telecommunications tower in Marble Dale. If it is determined that AT&T's coverage is equal to Verizon's once on the tower, would this negate the need for more towers in the Route 202 corridor. The Selectmen explained that it was their opinion that it may suggest other towers might not be necessary if large numbers of the population are reached. The FCC does not mandate seamless coverage although carriers have the ability to pursue it. Part of the application process is to show the need for a tower in a particular location. Tim voiced his concern that the independent coverage testing should be done. Mark explained that he believes that type of testing is available.

* Pat Devlin recommended a web site that addresses the question of burden of proof in coverage and advises residents to do their own testing. She also suggests and requests that Town funds be used to hire an attorney in these matters instead of a testing consultant.

* John Meeker asked how many homes on Birch Hill Run are occupied fulltime. Nick Solley said he believed two were part time or seasonal.

Adjournment:

Motion:

To adjourn the meeting at 6:45 p.m. as there was no further business for discussion.

By Nick Solley, seconded by Mark Lyon and unanimously approved.

Respectfully submitted,
Mary Anne Greene
Selectmen's Secretary