

Minutes: Annual Town Meeting October 1, 2007

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**TOWN OF WASHINGTON, CT
Town Meeting
Bryan Memorial Town Hall
October 1, 2007**

**Moderator: Hank Martin
Clerk: Sheila Silvernail**

The meeting was called to order by First Selectman Richard C. Sears at 7:32 p.m. welcoming everyone and requesting nominations for moderator. Hank Martin was duly nominated, seconded, and elected.

SYNOPSIS AND MEETING MINUTES

RESOLVED: That the annual Town Budget Hearing be scheduled for May 8, 2008 at 7:30 and the annual Town Budget Meeting be scheduled for May 22, 2008 at 7:30 p.m.

Motion: Proposed by: Richard Sears. Seconded by: Mark Lyon. Summarized by: Richard Sears.

Moderator: Opened the motion to public discussion. No participants. Reads the resolution. Vote: All in favor. None opposed. Motion passes.

RESOLVED: To amend Town Ordinance 306D - Transfer Station Regulations - as follows:

Delete: "*Brush smaller than 6" in diameter will be accepted at the discretion of the Selectmen. Weather conditions, capacity and the time of year will be limiting factors.*"

Add: The Board of Selectmen will determine the disposal fees for bulky waste "*and all other materials*" accepted at the transfer station.

Add: "This amendment shall supersede Town Ordinance 306D, as amended October 2003 and effective November 12, 2003. It shall become effective November 1, 2007, following publication."

Motion: Proposed by: Richard Sears. Seconded by: Allan Grunberg. Summarized by: Richard Sears.

Moderator: Opened the motion to public discussion.

Participants: Richard Sears, Jack Boyer, Denise Arturi, Valerie Anderson, Mark Lyon

Discussion: Detailed questions pertaining to meaning of intent of resolution. Questioning of proper language for such intent and meaning as written. Discussion pertaining to meaning of current ordinance.

Motion: Motion to end debate and bring 2nd motion to vote. Proposed by: Richard Sears. Seconded and passed unanimously.

Moderator: Reads the resolution.

Vote: All in favor. None opposed. Motion passes.

ADJOURNMENT: Motion made to adjourn, seconded, and passed by majority.

Adjourned at 7:50 p.m.

End of Minutes

I, Sheila R. Silvernail, do certify that the foregoing pages are a true and accurate summary of the Town Meeting of the Town of Washington, CT held on October 1, 2007, to the best of my ability.

_____ Dated at Washington, CT this 3rd day of October 2007.

Note: Copies of minutes, transcript, and audio recording of said meeting are available in the Office of the Washington Town Clerk.

TRANSCRIPT OF AUDIO RECORDING

An ellipsis as indicated by ... indicates a pause or omission due to an inaudible portion.

Square brackets as indicated by [] enclose explanatory material.

Richard Sears Welcome to this Town of Washington Town Meeting at Bryan Memorial Town Hall on this day October 1, 2007. We're glad you're here and we have a short agenda. The first item on the agenda is to appoint a Moderator to run the meeting so I would look for nominations. Mr. Solley?

Nicolas Solley Hank Martin

Richard Sears Is there a second? Jack Boyer?

Jack Boyer Second.

Richard Sears Are there any other nominations to come before the floor? All in favor of Mr.serving as our Moderator say Aye.

Audience Aye.

Richard Sears Opposed, nay.

Audience Silence.

Richard Sears Mr. Martin please take over.

Hank Martin Thank you. Hi everybody! Let's see...call the meeting to order and ask Sheila, our secretary, to read the warning.

Sheila Silvernail Good evening.

Town Of Washington, Washington Depot, CT

Warning

Town Of Washington, Connecticut Annual Town Meeting

The voters and electors of the Town of Washington are hereby warned that the Annual Town Meeting will be held on Monday, October 1, 2007 at 7:30 p.m. at Bryan Memorial Town Hall, Washington Depot, Connecticut to consider and act upon the following:

1. To set the dates for the annual town budget hearing and meeting in May
2. To amend the Town's Transfer Station ordinance.

Moderator Thank you Sheila. As I mentioned we have two resolutions listed in the warning tonight so hopefully it will be a short meeting. For each one we'll have the same approach we've had at all of our town meetings. A motion, a second for the motion, and then discussion for all the members, for all of you...questions whatever comes up. Once a discussion is over and all...recognized we'll vote on the motion. Please raise your hand and I will recognize you. Please direct your questions to me. If I can't answer them, I will refer them to somebody who hopefully will be able to. And please will you, when you are recognized, please state your name and street address even if we know you. I think I know most of you here, but this is for the purposes of Sheila, our secretary, who is recording the transcript of this meeting. It's very helpful for her not to have to look up. With that, could I have a motion for the first resolution on our agenda.

Richard Sears Richard Sears, First Selectman.

RESOLVED: That the annual Town Budget Hearing be scheduled for May 8, 2008 at 7:30 p.m. and the annual Town Budget Meeting be scheduled for May 22, 2008 at 7:30 p.m.

Moderator Thank you Dick. Could I have a second to that?

Mark Lyon Second.

Moderator Mark Lyon seconds the motion. Any discussion for the two dates of May...

Audience Silence.

Moderator I'm going to call the matter to a vote. All in favor of this motion? Let me read it again.

RESOLVED: That the annual Town Budget Hearing be scheduled for May 8, 2008 at 7:30 p.m. and the annual Town Budget Meeting be scheduled for May 22, 2008 at 7:30 p.m.

All in favor?

Audience Aye.

Moderator Any opposed?

Audience Silence.

Moderator OK, could I have a motion for the second item on the warning?

Richard Sears Thank you.

RESOLVED: To amend Town Ordinance 306D - Transfer Station Regulations - as follows:

Delete: *"Brush smaller than 6" in diameter will be accepted at the discretion of the Selectmen. Weather conditions, capacity and the time of year will be limiting factors."*

Add: The Board of Selectmen will determine the disposal fees for bulky waste [which is already in there] *"and all other materials"* accepted at the transfer station.

Add: [at the bottom] *"This amendment shall supersede Town Ordinance 306D, as amended October 2003 and effective November 12, 2003. It shall become effective November 1, 2007, following publication."*

Moderator Could I have a second on this motion.

Audience Second.

Moderator Jack Boyer seconded.

Richard Sears Alan...

Moderator Excuse me, I'm sorry. I heard the voice...but I didn't get the right row. Thank you. Discussion on this matter? To start the discussion I'd like to give Dick Sears an opportunity to explain the amendment.

Richard Sears Thank you. Our book of ordinances for this town is about two inches thick and we've been in business for two hundred years. I've discovered that this ordinance has been written and then amended five times. It was amended each time primarily to change the price of the trash and transfer stuff. So the last time we made any changes you gave the power to the Selectmen to determine those fees. Tonight what this is essentially doing is removing the thing about brush because we don't want to take brush at the transfer station any more and haven't for quite a while. And empowering the Selectmen to determine all other things that we will take at the transfer station without having to come to a town meeting to amend the ordinance. So you'd be empowering the Board of Selectmen to deliberate both the kinds of things we

can take at the transfer station. For instance, and this was precipitated by, we're going to start an e-waste recycling program for computers, and batteries, and light bulbs very soon. That's not going to have to be on the list. Formerly we would have to come back to you for a town meeting to do that. So going forward, whatever it is that the Selectmen deem necessary to recycle or take in, we will have the power to do that. That's the thinking behind this.

Moderator Thank you. Jack?

Jack Boyer Does that power also include the...? Jack Boyer, Nichols Hill. ...the same ordinance that we're considering...Selectmen have the right to set fees on an individual basis, like bulbs so much, computers so much?

Moderator That's right. I believe they already have that authority. There's no change in that. That already exists by an amendment to this ordinance that was done in '03.

Jack Boyer Right, OK.

Moderator So this is just on the Board of Selectmen discretion to decide what to accept or not accept in terms of bulky waste.

Jack Boyer So there'd be another town meeting to approve this other...material?

Richard Sears We don't have...

Moderator No, that's what he's trying to avoid by giving the Board of Selectmen discretion to decide what to accept or not to accept.

Jack Boyer All other articles?

Moderator All other bulky waste articles.

Jack Boyer And you say a prior ordinance already says they can do the cost for each of these new articles. Is that what you said?

Moderator Well, no. Well, yes, they can set an individual cost. The current ordinance that's currently in effect says that the facility, let me read it.

"THIS FACILITY IS DESIGNED TO EXPEDITE THE HANDLING OF MUNICIPAL SOLID WASTE, BULKY WASTE, WHITE GOODS, TIRES, BATTERIES, SCRAP METAL, RESIDENTIAL DEMOLITION MATERIALS, AND RECYCLABLE CONTAINERS FOR NEWSPRINT, CORRUGATED

BOARD, GLASS, METAL AND #1 & #2 PLASTICS FOR A FEE AS SET BY THE BOARD OF SELECTMEN."

That's already in the ordinance.

Jack Boyer So the fees for these electronic things in the future will be, they will already have the authority to set the fee?

Moderator Yes.

Jack Boyer Now I understand.

Moderator Denise?

Denise Arturi Denise Arturi, Shearer Road. I just have...the way I read it; it just says that from now on the Selectmen can determine the disposal fees for different things, but not the articles.

Moderator That was the way the ordinance is construed at the moment prior to us making this amendment.

Denise Arturi No, before it was they could determine fees for bulky items. Now you can determine fees for bulky items and other material. But Dick had just said the intent was not only to determine fees, but also to determine whatever it is they want to recycle.

Moderator That's what the amendment says.

Denise Arturi It says just fees.

Moderator No, the amendment says under the "Add"

"The Board of Selectmen will determine the disposal fees for bulky waste ***"and all other materials"*** accepted at the transfer station.

Denise Arturi But just determine the disposal fees.

Moderator Oh, I see what you're saying.

Audience Inaudible discussion.

Moderator I have to take it she's right.

Richard Sears She's right.

Moderator This is talking fees. It's not talking items which I don't think is your intent because they already have the authority to do the fees.

Richard Sears Right. We can amend it here because, so let's do that. Let's see. Can you help us out Denise?

Denise Arturi Excuse me?

Richard Sears Can you help us out here with the language because the intent is to not have to go back to a meeting? We've already...fees of any certain. It's to determine the materials. You're right. This is not written properly.

Audience Mr. Moderator?

Moderator Yes, we're still in discussion.

Valerie Anderson Valerie Anderson, Blackville Road. You have to deal with this as written and you will have to put it back on your agenda for a future meeting because you're changing language.

Moderator That is absolutely correct. Robert's Rules of Orders allows me to accept an amendment, but Connecticut General Statutes supersede Robert's Rules when it comes to matters of amendments or new items to be put on an agenda. And, let me get that out and explain it.

"Proper written notice must be published for all items of town meeting business." This is direct from Connecticut General Statutes. Nothing can be enacted that was on, let me read this to you.

"Nothing can be enacted that was not properly noticed and published in the warning. The members must vote on the item as written and published." Which means, no amendments or changes. If an amendment or change is desired by the members [all of us] then the current resolution can be voted down and tabled. Then a new or amended resolution can be created from scratch at a subsequent town meeting which in itself must be properly noticed and published.

Richard Sears I move that this motion be tabled.

Moderator So I agree with what you said [directed to Valerie Anderson] and we'll act accordingly.

Jack Boyer Could I comment on the existing?

Moderator Pardon me?

Jack Boyer ...comment on the power of the existing ordinance as printed on the back which I only read tonight? I don't see that these items that are planned to be included under "all other items" or the materials, such as things that didn't exist twenty-five years ago aren't covered by number, the first two bullets here. **"All materials deposited at the transfer station must originate within the town of Washington and be from residential properties."** Well, that's certainly covered.

Moderator Well, I guess my question, let me just keep going here.

Jack Boyer Why isn't that electronic stuff covered already then?

Moderator It could be.

Jack Boyer So I don't know that we need a whole other town meeting for this.

Moderator It could be. The key question that this body has to decide is do we want to vote on, up or down, this motion as written. Mark?

Mark Lyon Mark Lyon, Wilber Road, New Preston. As the ordinance is written and as the methods have changed the disposal fees for bulky waste which are traditional scrap metal, building materials, that type of thing, and all other materials, the intent is to include e-waste that we're going to start collecting. The only thing that it still says what you can and cannot accept is above that which is not being changed.

Moderator Correct.

Mark Lyon It's just stuff that will not be accepted. I think if we vote on this and accept this as is it will allow the Selectmen to set a fee for things other than bulky waste for these accepted items on the top which would include this e-stuff that we're trying to get out of our dumpsters and into recycling...I would move that we vote on this as written.

Moderator You don't have to do that, it's already a motion on the floor.

Mark Lyon I would recommend, I guess, that we vote on this as written and it will cover the new things that we're trying to get into the recycling stream.

Moderator Can I just get a formal sense of the meeting here? Well, I guess I don't really need that. Any other questions before I go back to people who have already asked one? Valerie?

Valerie Anderson Well, I mean this is a small matter, but God is in the details. And that's why I brought this up. I mean frankly we are talking about something that's potentially hazardous waste as well. I mean I would think certainly we could vote on the ordinance change as...

Moderator Let me get you a mic. I'm having trouble hearing you.

Valerie Anderson Valerie Anderson, Blackville Road. Is it on? You know, certainly God is in the details and that's why I brought that issue up. But I do think that we have to be cognizant of the fact that some of these materials are technically hazardous waste. And I would suggest perhaps that we do vote to allow the Selectmen to name the fee, but at a future town meeting then say whether they can actually collect this. Now it's a shame because I know that there is a program, a \$3000.00 allocation to get equipment to take this type of material away, but God is in the details and the law is the law. Yes, we could vote tonight and accept this, but this is a whole other category of waste.

Moderator I have my own personal thinking about this, but it's really not relevant. What's relevant is your... So Dick, what would you like to do?

Richard Sears Move the motion.

Moderator OK, the motion has been moved which means that we will take a vote to end all discussion on this matter and put it to an immediate vote. All in favor of moving the motion and ending debate or discussion, please say aye.

Audience Aye.

Moderator Any opposed?

Audience Silence.

Moderator OK, now we will immediately vote...voting on the motion. And I will read it again.

RESOLVED: To amend Town Ordinance 306D - Transfer Station Regulations - as follows:

Delete: "*Brush smaller than 6" in diameter will be accepted at the discretion of the Selectmen. Weather conditions, capacity and the time of year will be limiting factors.*" [That's deleted.]

Add: [after] The Board of Selectmen will determine the disposal fees for bulky waste [which is already in there] "***and all other materials***" accepted at the transfer station. [and then add]

Add: "*This amendment shall supersede Town Ordinance 306D, as amended October 2003 and effective November 12, 2003. It shall become effective November 1, 2007, following publication.*"

All in favor of this ordinance, this amendment, this resolution I should say, please say aye.

Audience Aye.

Moderator Any opposed?

Audience Silence.

Moderator Thank you. That being the business for tonight. Could I hear a motion for adjournment?

Audience So moved. Second.

Moderator All in favor of adjourning please say aye.

Audience Aye. Thank you Mr. Moderator.

Adjourned at 7:50 p.m.

End of Transcript

I, Sheila R. Silvernail, do certify that the foregoing pages are a true and accurate transcript of the Town Meeting of the Town of Washington, CT held on October 1, 2007, to the best of my ability.

_____ Dated at Washington, CT this 3rd day of October 2007.

Note: Copies of minutes, transcript, and audio recording of said meeting are available in the Office of the Washington Town Clerk.