

**Town of Washington Annual Town Meeting
Oct 4, 2010 at 7:30pm**

Moderator: Hank Martin

Secretary: Sheila Silvernail

Meeting Minutes

First Selectman, Mark Lyon, requested everyone take seats and entertained a motion to elect a Moderator for the meeting. Mr. Jim Brinton nominated Hank Martin and seconded by Tony Bedini. With no other nominations, vote for Hank Martin as Moderator passed unanimously. Upon request from several people, Moderator confirmed rearranging items from sequence listed in order to address items according to relevance.

Warning: Town Of Washington 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 4, 2010 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 Annual Town Budget Meeting in May 2011.
- 2) To adopt Food Service Establishment Licensing Ordinance and amend Ordinance # 307A that sets Health Department inspection fees.
- 3) To amend Ordinance #107 that sets the time of Town Meetings.
- 4) To approve an ex-budget appropriation for tax refunds.
- 5) To rescind Ordinance # 602 Hours for Alcoholic Liquor Sales on Sunday.

Dated at Washington, Connecticut this 23rd day of September, 2010
Mark E. Lyon, James L. Brinton, Nicholas N. Solley: Board of Selectmen

Item #3: RESOLVED: To amend Ordinance #107 “Date and Time of Annual Town Meeting” as follows: Delete Section Adopted May 18, 2006, Effective July

1, 2006 that states: All Regular and Special Town Meetings shall be at 7:30 p.m. unless deemed an emergency by the Board of Selectmen, who may schedule said meeting at an alternative time.”

Proposed by: Mark Lyon

Seconded by: Valerie Anderson

Discussion: Clarification regarding dates and times for flexibility and convenience to allow more to attend meetings.

Vote: Motion carried with one opposed.

Item #1: RESOLVED: To schedule the annual Town Budget Hearing to consider the 2011-2012 fiscal year budget for May 5, 2011 at 7:30 p.m. and the annual Town Budget Meeting for May 19, 2011 at 7:30 p.m.

Proposed by: Mark Lyon

Seconded by: Audience.

Vote: Motion carried unanimously.

Item #2 Primary: RESOLVED: To adopt Food Service Establishment Licensing Ordinance and Amend Ordinance #307A Health Department Fee Schedule, follows: ... to amend it would be to ... Delete: entire “Food Service Establishments Section”.

Read by: Mark Lyon

Proposed by: Valerie Anderson

Seconded by: Mary Anne Greene

Discussion: Suzanne Von Holt, Town Sanitarian, explained purpose and need for licensing rather than just inspecting. Numerous questions were raised regarding types of businesses affected and clarification of terms and laws. State law now requires inspections performed by the towns. Licensing would allow a business to provide proof to outside entities. It pertains only to businesses identified as “food service establishments” with other laws covering caterers, potluck suppers, one-time events, peddlers, etc.

Secondary Motion: To postpone Item #2 indefinitely.

Proposed by: Linda McGarr

Seconded by: John Meeker

Discussion: Several were concerned with need for more time to consider details and ramifications.

Vote: Motion did not pass with seven in favor and ten opposed.

Item #2 Continued: Further discussion and clarification continued distinguishing between caterers and restaurants defined as “food service establishments.” Several raised concerns about over-regulation and detriment to small business. Current laws for inspection, restaurant classes, and how a single fee for a license versus multiple fees per inspection were explained.

Vote: Motion carried with a show of hands twelve in favor with eight opposed.

Tertiary Motion: Proposal to set effective date for Item #2 for January 1, 2011 with conditions that prior communication regarding licensing and changes be provided to affected businesses and parties.

Requested by: Moderator

Proposed by: Annette McDonald

Seconded by: Dan Leab

Discussion: Included requests to publish inspections and related information.

Vote: Motion carried unanimously.

Item #5: RESOLVED: To rescind Ordinance #602 Hours for Alcoholic Liquor Sales on Sunday.

Proposed by: Valerie Anderson

Seconded by: Kathy Gollow

Read by: Mark Lyon

Discussion: Question was asked if this allowed the market to sell beer on Sunday.

Rescinding this ordinance would not allow such. The ordinance was an old one and now superseded by state regulations.

Vote: Motion carried unanimously.

Item #4: RESOLVED: To approve an ex-budget appropriation not to exceed \$41,650.00 for tax refunds.

Proposed by: Mark Lyon

Seconded by: Dan Leab.

Discussion: First Selectman Mark Lyon and Town Treasurer Linda McGarr provided details regarding overpayments of \$41,650 in property taxes and lack of response from related banking institutions. After three years money becomes town property, but town prefers and considers it a moral obligation to refund money to proper parties

with proper documentation.

Vote: Motion carried with one opposed.

Adjournment: Valerie Anderson moved to adjourn with a second. Adjourned at 8:42 p.m.

Transcript of Audio Recording of Meeting

First Selectman, Mark Lyon, requested everyone take seats and entertained a motion to elect a Moderator for the meeting. Mr. Jim Brinton nominated Hank Martin and seconded by Tony Bedini. With no other nominations, vote for Hank Martin as Moderator passed unanimously.

Moderator: Hi everybody, think we can get out of here by 9:00 o'clock so we can all go home and watch the Patriot's game?

Audience: Laughter.

Moderator: The business we have tonight is more important than that, but if we could, it would be nice. Ok, we have a warning with the five items on it we need to read. Sheila, could you come up and read the warning as Secretary of the Meeting? Can you all hear me? Is this thing working?

Audience: Yes.

Moderator: Ok.

Sheila Silvernail: Warning...Town Of Washington Annual Town Meeting

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Dated at Washington, Connecticut this 23rd day of September, 2010
Mark E. Lyon, James L. Brinton, Nicholas N. Solley: Board of Selectmen

Moderator: Thank you Sheila. So, we have five items we have to get through. For each one of them we'll have a motion or resolution and then there'll be a second for it. Then there'll be discussion which will consist of whoever is proposing the item, the motion, explain it a little bit to us and the opening up to questions for you all. Then we'll vote on it. And when we finish the one, we'll move on to the next one and just plow our way through. The ground rules are basically just raise your hand when it's time and ask your question. I will recognize you. And, we'll work to get an answer. Even if we know you. Even if I know you, please state your name though, because Sheila's looking down at her screen and she's not looking up to see who's talking. So it will really help with the minutes if you stated your name. Are we ready to go? Ok, the first resolution then, Mark?

Mark Lyon: Something I thought of this afternoon, Mr. Moderator, I was wondering if it would be possible to change order of our resolutions in that Resolution #3 is strictly pertaining to Resolution #1?

Moderator: Right, I had noticed that and was going to use the discretion I have as Moderator to do that and go to Item #3 second after we finish with Item #1.

Mark Lyon: We want to do it first because this may affect Item #1.

Moderator: All right, you want to do it first?

Mark Lyon: Yes, if we could.

Moderator: All right, then I'm happy to do that so it will be on the agenda, the third item, Agenda Item #3, we're going consider first. OK? All right Mark.

Mark Lyon: Thank you,

RESOLVED: To amend Ordinance #107 "Date and Time of Annual Town Meeting" as follows: Delete Section Adopted May 18, 2006, Effective July 1, 2006 that states: All Regular and Special Town Meetings shall be at 7:30 p.m. unless deemed an emergency by the Board of Selectmen, who may schedule said meeting at an alternative time."

Moderator: Ok, so that's the motion. Does anybody here choose to second that motion?

Valerie Anderson: Second, Valerie Anderson.

Moderator: Ok, Valerie Anderson seconded it. Does everybody understand why we want to make this change? I think I could explain it. Actually, I learned a little bit today I didn't know before. This is the Annual Business Town Meeting tonight. The one we have in May is the Annual Budget Town Meeting and then of course we could have Special Town Meetings that come up from time to time. So, what this is doing is amending the ordinance to give the Selectmen the flexibility to schedule the Budget Town Meeting or a Special Town Meeting at a time other than Monday night or Tuesday night at 7:30. Like for example, maybe Saturday morning. The Selectmen tried to do this last year not realizing this ordinance was in place and the realized they couldn't do it until the ordinance got changed. So that's all it is. They have decided not to change the wording as it pertains to the Business Town Meeting, the one we're on tonight, which is in the ordinance to be scheduled on the first Monday of October unless it's a holiday in which case it moves forward one day. I, you know, all this does is it gives the Board of Selectmen the flexibility to change the schedule. It's not saying that they are going to. Are there any questions?

Dorothy Hill: Yes, this ...

Moderator: Dorothy.

Dorothy Hill: Dorothy Hill, sorry. When Mark was reading it, said something about Annual Town Meetings. I just, I'm not sure it's clearly. It's not clearly written in my mind.

Mark Lyon: Ok.

Moderator: All right.

Mark Lyon: The section we want to delete mentions that all regular and special town meetings shall be at 7:30. So we want to add the flexibility because it's come up a couple of times and people thought it would be ...

Dorothy Hill: Oh, so it's just the time, not the ...?

Mark Lyon: Just the time of any regular or special town meeting.

Moderator: Regular meeting, also a synonym for that is "Business Town Meeting." Yes?

Dan Leab: Dan Leab, Washington. I'm just curious as to why you decided to do this now? There must be a reason.

Mark Lyon: When we're scheduling most, the budget hearing and town meeting in May, a couple of people have made the suggestion that it might be more convenient for taxpayers to attend if it was on a Saturday morning. That was brought up when we scheduled the Annual Business Meeting last spring, but we weren't allowed to do it. We could have scheduled it for 7:30 Saturday night, but we didn't think that would be. That would probably cut into attendance even more than having it on a weeknight. So, it just gives the flexibility to have a town meeting at a time other than 7:30 p.m.

Moderator: Any other questions? Let me try just one more thing to help clarify. Once we do this, if we do it, the only part of ordinance that would be left in place is as follows:

"The annual Business Meeting of the Town", tonight's meeting, "shall be held on the first Monday in October at town hall at 7:30 p.m. except on those days where it shall coincide with a religious holiday. It shall then be held on the first Tues of October."

Everything else is out and it will be up to the Board of Selectmen to schedule it at their discretion with, of course, the proper notice and warning that we always are used to. I think that some people that suggested the date of the Budget Town Meeting last year, were thinking that if it were on a Saturday morning we might get greater attendance, including greater attendance from weekenders who may not always be able to be here, but yet have a vested interest in the tax rate. So, that's part of the rationale.

I'm seeing no hands, are we ready to vote? Ok, let me just read the motion again.

RESOLVED: To amend Ordinance #107 "Time and Date of Annual Town Meeting" as follows: Delete Section Adopted May 18, 2006,

... which we've already read, I'm not going to read it again. All in favor of this resolution please say aye.

Audience: Aye.

Moderator: Any opposed?

Audience: Nay [single voice].

Moderator: Please note we have one opposition. Thank you very much.

So now we'll go over to Item #1 which is to schedule this May of 2011's Town Budget Hearing and Annual Town Budget Meeting.

Mark Lyon: RESOLVED: To schedule the annual Town Budget Hearing to consider the 2011-2012 fiscal year budget for May 5, 2011 at 7:30 p.m. and the annual Town Budget Meeting for May 19, 2011 at 7:30 p.m.

Audience: So moved.

Audience: Second.

Moderator: Ok, we have a motion made and seconded. We do this every year. I think the dates are pretty much similar to the dates in past years.

Mark Lyon: Yes.

Audience: Thursdays?

Mark Lyon: Thursdays, yes.

Moderator: Are there any questions about this? Are we ready to vote? Ok, all in favor of setting these two meetings, the Annual Town Budget Hearing and the Annual Town Budget Meeting on May 5th and May 19th respectively 2011 please say aye.

Audience: Aye.

Moderator: Any opposed?

Audience: Silence.

Moderator Ok, two down, three to go. The next one pertains to, this is now Agenda Item #2 pertaining to adopting a Food Service Establishment Licensing Ordinance. Mark?

Mark Lyon: RESOLVED: To adopt Food Service Establishment Licensing Ordinance and Amend Ordinance #307A Health Department Fee Schedule, follows: ... to amend it would be to ... Delete: entire "Food Service Establishments Section".

Valerie Anderson: So moved.

Mary Anne Greene: Second.

Mark Lyon: Valerie Anderson and Mary Anne Greene.

This is recommended by the Town Health Department, it's a contract service with New Milford Board of Health. And, Suzanne is here and she can probably do a lot better job of explaining it than I will, but basically our food establishments now, their inspection schedule is regulated by the state. They are charged per inspection, a fee for inspection. This would provide for a one-time fee of licensing which is, it works out to be less than the per inspection fee. It also provides the food establishments with a food service license based on the class of service that they provide. It allows, one of the issues that has come up that was brought to our, my attention by our Health Department, that as more and more restaurants and food service do catering that they go out of town. Typically that town's health department will ask if they have a license. And if they don't, that unearths a whole lot more of inspections and so on that they have to do to be compliant as out-of-town establishment. So that's basically what it is. And like I said, overall, the service that our Health Department provides, inspection wise and so on, doesn't change. And it will be a one-time fee instead of per-inspection fee which on the overall schedule works out to be less per year.

Moderator: All right, before I open up to questions, Suzanne do you have anything you'd like to add? Come on up.

Suzanne Von Holt: Thank you. Suzanne Von Holt, Sanitarian for the Town of Washington. We are probably one of the only towns left in the state without an ordinance for a license. The state recommends it. There are several features to it and one of the most important ones is the catering part so that they have a license to show another town. This, actually this morning I received a letter from an attorney who asked me for a copy of somebody's license and I had to call him up and say, "No we don't have that." And another thing would be for our secretarial staff is that instead of every three months having to send out bills, we would do it all in the beginning of

January. Then the restaurants also don't have to keep remembering to send us a check every time they are inspected.

The other thing is which we have not had to do this or have to deal with a very problem restaurant as per sanitation in the town, but it does give us a little extra leeway to call them in for a hearing and say, "If you really don't shape up, we can take your license for a temporary period until you then comply."

And, the other thing is for tax reasons. We did have a restaurant in town that was delinquent in their taxes. There is a state statute, I'm not sure which it is, that links a health department license with a restaurant to delinquent taxes and we can then pull the license until they pay their taxes. That restaurant was sold and the taxes were never paid.

Any questions?

Tony Bedini: Tony Bedini from Dark Entry Road. Will it affect the volunteers at school feeding the kids?

Suzanne Von Holt: No, it won't. All volunteers are ...

Tony Bedini: Ok.

Suzanne Von Holt: We do inspect them and the same with firemen. It's every non-profit, there's no charge.

Tony Bedini: Thank you.

Suzanne Von Holt: You're welcome.

Moderator: Any other questions?

John Meeker: Have you had a problem with caterers going out of town?

Suzanne Von Holt: This past season, yes, many towns calling.

John Meeker: How often?

Suzanne Von Holt: Probably at least five to six a month.

John Meeker: That much?

Suzanne Von Holt: Yes, asking for, you know, a copy of the license.

Moderator Dan?

Dan Leab: Will this supplement the Connecticut fee or will it replace it?

Suzanne Von Holt: It's a fee to the town. It's not to the state.

Moderator: Ok, Linda did you have your hand up?

Linda McGarr: Yes, so those, those ... towns ... asking ... was that in this town?

Suzanne Von Holt: Yes, ... this town.

Moderator: Suzanne, could you repeat the question so everybody can hear it?

Suzanne Von Holt: It is about the people going out of town asking the caterer.

Female: Correct.

Suzanne Von Holt: Yes, it was this town. That other establishments were doing events and the other towns were doing due diligence asking ... to see a license ...

Linda McGarr: And?

Suzanne Von Holt: ... to make sure that they are inspected. So instead, we have to get on the phone, talk to the sanitarian in the other town, and say yes and explain why they didn't have a license.

Linda McGarr: So, and with that you would be inspecting their kitchen to see that it's properly ...?

Suzanne Von Holt: We've been doing it. Certain restaurants have to be inspected four times a year.

Linda McGarr: That's state done right?

Suzanne Von Holt: Yes.

Linda McGarr: But I mean the caterers?

Suzanne Von Holt: They are inspected too, yes.

Linda McGarr: Right, and how often are they inspected?

Suzanne Von Holt: Four times a year. And there should be no catering out of homes. That's illegal in the state unless they have a commercial kitchen that's separate from their regular kitchens and a separate septic system. So, we do not have any in this town that are ...

Moderator: Dan?

Dan Leab: Will this impinge ... that the parish hall or church, do they have to be licensed then also?

Suzanne Von Holt: No they don't. We would inspect them when they have dinners or something if they let us know. That's another thing. I work part-time in the Town of Sherman and once the word got out into town, we did an ordinance, it was a year ago in June, that the non-profits are actually coming to us and saying, "We didn't realize that we should be inspected and please come we're having a dinner on this day." And, they've been very cooperative. So, it actually gets us inspecting people that we've missed in the past and showing them what the proper procedures are.

Moderator: Ok, Kathy and then up front.

Kathy Gollow: Ok, Kathy Gollow. Does this mean that people who have catering businesses now and do it from their home, they won't be able to do it in the future?

Suzanne Von Holt: If we find out who they are, we would have to notify the State Health Department plus Consumer Protection and us. And we pretty much shut them down. What they. What we do try to do though is to find a kitchen that is licensed that they might serve luncheon, breakfast and lunch, but they have no dinner, have a licensed kitchen. So we have a lot of people in New Milford especially now with the bad economy are renting out their kitchens to somebody else to use the kitchens for catering.

Moderator: Yes.

Annette McDonald: Does this apply to a bed and breakfast where they stay overnight?

Suzanne Von Holt: No, bed and breakfast are excluded. The only thing that bed and breakfast have to do is, at the sign-in counter, they have to place a placard stating that this facility is not inspected.

Moderator: Valerie?

Valerie Anderson: Valerie Anderson, Blackville Road. I understand that the leverage, if a restaurant or catering business needs a license now and there's some leverage we have to take the license away or if they don't pay taxes to take the license away, and of course caterers who go out-of-town, but first off is this state mandated that we have to do this?

Suzanne Von Holt: It's not state mandated at this time. They are talking about changing the regulations.

Valerie Anderson: So why haven't we done this before? What's the other side of this question?

Suzanne Von Holt: What happened was many years ago, New Milford was contracted back in 1998 to do the restaurant inspections and all sanitary duties. And unfortunately, and I don't even know who the Board of Selectmen were at the time, my supervisor tried to do this, but unfortunately the ordinance that was passed was charging a fee for inspecting. And, that was not the intent. So we've had this ordinance all along that was to charge the restaurant for inspection which we did not want to do. My supervisor ... after ... take this and come to a meeting and speak to the Board of Selectmen and he said, "Go for it."

Valerie Anderson: So, we really, this is just about collecting money to offset costs. It's nothing more than that? I see our First Selectman shaking his head.

Suzanne Von Holt: No, it actually gives us more control. So, if say, a restaurant, in order to fail you need a ... item or a score below eight. Some establishments barely pass and have the same violations all the time. And so what we can do with this ordinance is then call them in for a hearing and say, "You have to correct these items or your license will not be issued or temporarily taken." Usually at the hearing part, compliance is gained. We've never had to ...

Valerie Anderson: So...

Suzanne Von Holt: I've been in New Milford twenty-one years and since 1998 here. The only time, and we've never closed a restaurant down in Washington, however in New Milford for failure of inspection to be closed, but we've never removed a license.

Valerie Anderson: So, just to understand, one of my favorite sections of the Waterbury Republican is the food inspection so I can check restaurants. It is a curiosity to me that frankly, now that I think of it, I've never seen this in Town of Washington. I've seen some in Warren and you know, periphery, but is that the reason we've never actually had health inspections that can be published like other towns?

Suzanne Von Holt: No, no. All the inspections ... published. It's that the papers have never come to us because it's all about the information in our files. What the violations were, what the scores are.

Valerie Anderson: So inspection is actually happening and this is just about the fees?

Suzanne Von Holt: No, it's about a license.

Valerie Anderson: It's about giving licenses now on top of the inspection.

Suzanne Von Holt: Correct, Actually the fees will be lower. I'm not even sure what they are charged per inspection.

Mark Lyon: Yes.

Suzanne Von Holt: The way Mark and I were, he was looking at this and said that some of them will be lower than doing it every three months.

Valerie Anderson: By the way, please put those inspections in the newspaper.

Suzanne Von Holt: I would love it. Actually help us too because the restaurant owners don't want to see a low score.

Valerie Anderson: We don't either, but I mean why can't it be in the newspapers?

Suzanne Von Holt: And, and the news...

Moderator: Suzanne, you have a right to publish them if you want to, right? It's public information.

Valerie Anderson: Yes.

Suzanne Von Holt: That's true. And, what we do do is ...

Moderator: Or at least post it somewhere.

Suzanne Von Holt: ... on our website ...

Moderator: ... post it on the website or something.

Suzanne Von Holt: Definitely do on the website in New Milford.

Valerie Anderson: Well in the town, but we're here in Washington. Can this please be published somewhere, call it in to the Waterbury Republican or whomever?

Moderator: Let me move this along. We've got a lot of hands raised. Let me start with Sheila, then we're going to go to Denise, and then back to Linda.

Sheila Anson: Sheila Anson, Suzanne, you and I worked together on this and as Town Clerk, coverage license, we're going to review that probably some point that ordinance, but basically right now when I get someone come in to do a peddler's license for hot dogs or ice cream or whatever, I try to give you the information and then you go and do the inspection.

Suzanne Von Holt: Correct.

Sheila Anson: So, this doesn't really have anything to do with that right? That's a whole other?

Suzanne Von Holt: Correct:

Sheila Anson: ... peddler's license ...

Moderator: Ok, Denise?

Denise Arturi: Denise Arturi, I just, to clarify this part as caterers though in private kitchens, what Kathy had spoken about before, am I understanding you correctly that right now, even as it exists according to state law, that they're not allowed to do it out of their homes? They're private homes?

Suzanne Von Holt: Right, in thirty-two years I've only had two kitchens licensed out-of-home. Plus, the expense is very high. You have to put in a commercial kitchen, plus, if you are on a septic system, you have to do another septic system just for the kitchen waste from the caterer.

Denise Arturi: So this ordinance is not going to change ...

Suzanne Von Holt: No

Denise Arturi: ... the way the caterers ... existing now?

Suzanne Von Holt: No.

Denise Arturi: Whether we know about it or not?

Suzanne Von Holt: No.

Audience: Laughter.

Suzanne Von Holt: Sometimes, we get the gal, the inspector down from Consumer Protection, and she will go through the newspaper looking for people and then call them up and say, "Hi, I'd like to" and then ... busted.

Denise Arturi: But this doesn't affect, it's not going to allow ...

Suzanne Von Holt: No.

Moderator: Ok Linda.

Linda McGarr: I'd like to see this tabled for this meeting because I didn't come prepared to read this whole thing. I think that people should read this whole thing before they vote on it.

Audience: ... this is being removed ... Isn't this part being removed?

Mark Lyon: Just the fee schedule.

Audience: The fee schedule, ok.

Moderator: Ok, now, I've got to jump in as Moderator now. Are you making a formal motion to table this resolution? Let me explain what happens. A second is required and I'm not asking for it yet. I just want to explain the process. It's non-debatable and it will pass with a majority vote of all of you here. And, at that point it will, actually, do you want? Well, let me ask you a question. Tabling it means you lay it on the table to take up later in tonight's meeting. The other option is to postpone indefinitely which means that it would not be taken up until a future meeting, not in this meeting. Which one do you mean?

Linda McGarr: The second one.

Moderator: The second one, all right so. You're formally retracting the first motion then, right, and substituting with a motion to postpone indefinitely? Ok, I'm just asking, I'm not trying to put words in your mouth. All right, that motion requires a second. It is debatable and it would be voted on by us and a majority vote would carry it. So, Linda has made a motion to postpone this issue indefinitely which means it won't be taken up any more tonight. It would probably be taken up at the next town meeting. Is there a second for that motion?

John Meeker: John Meeker, second.

Moderator: Ok, we have a second. Got that Sheila? All right, we are now off of the pros and cons of the original motion and we're on the subject of postponing it indefinitely until some future meeting. Anybody have anything they want to say about that or are we ready to vote? Yes, Rocky?

Rocky Tomlinson: ... I agree with the motion on the table from the point of view I'm still not clear by any of the explanation here about state statute that's already in place and how we've already been progressing along. It's been indicated here, there's already inspections that are done. I understand about the fee thing, one versus three, which that in itself could be changed rather simply, but this appears to be a larger effort and larger change that I think will affect people in this town. And, I think as the motion indicates we need to have some time to review it and digest it so to speak and then come back in a future meeting.

Moderator: So, is what your saying is you're not necessarily against it, you just think there ought to be more time to consider it and get the word out to people who may not be here tonight? That type of thing?

Rocky Tomlinson: At this point, yes, that's true.

Moderator: Any other input pro and con before we vote on whether we want to postpone this matter indefinitely? Ok, Linda's made a motion and it's been properly seconded to postpone this matter indefinitely. If we agree with that, I'm going to ask you to say aye and raise your hands at the same time that way I have visual and audio going at the same time for myself. And, if it carries, the matter is ended for tonight and we'll drop it and go on to the next item on the agenda.

So, all in favor of the motion to postpone indefinitely, please say aye and raise your hands.

Audience: Aye.

Nick Solley: Keep your hands raised please. Seven, somebody else confirm seven. One, two, three, four, five, six, seven.

Moderator: Ok, now for all those who don't want to postpone indefinitely, but would like to take it up tonight one way or the other, would you please say nay and raise your hands.

Audience: Nay.

Nick Solley: One, two, three, four, ... eight, nine, ten. Ten

Moderator: Ok, based upon the fact that the majority rules in this case, the majority has said nay. The motion to postpone indefinitely has not carried. So now we're back to where we were before which is debating this proposal. Are we, are the questions finished? Are we ready to vote on this? Linda?

Linda McGarr: I'd like to just make one more comment, but again, it hurts small businesses.

Moderator: Hold on, I'm having trouble hearing you. Could you get a microphone to her?

Linda McGarr: I can talk louder if you want. I was thinking of hurting small business by doing this. And, again, this is not just our little town. It's state. It's national. We continue to regulate this kind of thing. I've worked catering for over forty years and I believe we have a cleaner system than restaurants do. So, I'm not sure where this is coming from exactly, but I just think we are over regulating it.

Moderator: Ok, thank you.

Female: I would just like to make ...

Moderator: Any other questions, comments, issues before we vote? Yes sir?

John Meeker: John Meeker. ... user friendly. At the very least we ought to take out the imprisonment part of the penalty for restaurant inspections.

Audience: Laughter.

Moderator: Do you want to say anything about that?

Suzanne Von Holt: The only thing I want to address is that we're not just singling out caterers. When I meant caterers is restaurants that do catering on the side. Those are the people that are asking for a license, several of them are, like I said, when they go to other towns. We're not addressing the other situation. I'm not sure ... of the potential of private caterers in their homes. This has nothing to do with that ordinance.

Linda McGarr: I thought you just said that caterers have to have a separate kitchen than their own kitchen ...

Suzanne Von Holt: If they are out of the home ... licensed kitchen now.

Linda McGarr: That's what I'm saying. Caterers have mostly worked out of their own kitchens in their home. After they pay a rental fee of renting another kitchen to do their business you will not have this. You will have city people from New York coming in to cater in this town and not and not town people.

Suzanne Von Holt: Honestly, we have been trying to be cooperative in that arena. I ... what to say. At this point we could probably find out everybody's who has got a business license and send them a letter and say, "You can't do that." But, we have not done that. We are addressing the restaurants that are food service establishments. That's what this ordinance is about, the food service establishments.

Linda McGarr: But I'm saying there are people in town that are caterers.

Suzanne Von Holt: I do know that.

Moderator: Ok, Jim you had your ...

Suzanne Von Holt: ... addressing that at this meeting.

Moderator: Jim had his hand up and then back to Valerie.

Jim Brinton: Jim Brinton, South Street. I'm a little concerned. I know a lot of people in town and they're not "professional caterers" and I understand streamlining this with the licensing and having a certain amount of continuity. But, I am concerned, for example, right now, there's a lot of young people, and I know because I sell product to them, there's a lot of young people trying to make ends meet and they take catering jobs or they create catering jobs. Right now if we get a phone call from someone out of town, there is no licensing program in Washington. If this passes, you can then look up and say, "Jane Doe does not have a license."

Suzanne Von Holt: They can do that right now. They can call us up and say, "Are they inspected?" And, we say no.

Jim Brinton: What if they say, "Are they licensed?"

Suzanne Von Holt: If they ask about a license, we say we don't have licensing in Washington and then we elaborate. And again, we are trying to help people that are in those situations. We understand. What the problem is too, if they go someplace and they cause a food borne outbreak, they are going to lose their home.

Jim Brinton: And I don't mean to make light of it, but I've worked with it for the last thirty years and I know the government has run amuck and knows little or nothing

about. It's complete overkill. It really is and I just think in the interest of not sending people running scared with this because so many people do, especially in times like we have today, do use this to make ends meet as an additional work.

Suzanne Von Holt: Right.

Jim Brinton: They are working weekends. They are working nights. They take catering because as an affluent community that's a huge part of the business. People entertain. People throw parties and they hire people to do that.

Suzanne Von Holt: Oh, and the one thing though, what we can address with people too and when we get calls we get them probably daily now, like you said because of the economic environment. What caterers can do is, if you go to the person's home and you prepare everything in that home, then you are fine. It's just when you prepare it in your own home and transport it. But, if you do everything, all the prepping, all the cooking, at somebody's own personal home, that's no problem.

Moderator: Valerie and then you Dan.

Suzanne Von Holt: And that's what we try to steer people to, in that direction.

Valerie Anderson: But just the issue of catering, you're saying that's a state law now though? This isn't changing an existing state law on catering?

Suzanne Von Holt: No.

Valerie Anderson: So this really has no impact on state law except do you or do you not have a license?

Suzanne Von Holt: Correct.

Valerie Anderson: That's all. Ok, thank you.

Moderator: Dan and then Rocky.

Dan Leab: I'd like to pick up on a ... on what Jimmy said. As someone who does throw parties, I find that people who are catering who use our kitchens will also use their own kitchens. Now, how do you divide this, like Solomon? You divide the baby in half. It can't be done. I mean one of the problems you are raising is that you are going to have to have somebody inspecting everything. I'm terribly fearful of the government imposing its will on us in every possible way in this country right now. And what you're suggesting, and I don't think you mean to do, is you're imposing a

sense, a form of inspection. And the only way you can expect, I mean how will you define whether somebody is catering a party that I have ... I should say, how much is 50%? At what point does it come back? It seems to me that parts of this are simply unenforceable unless you have people inspecting everything. As soon as you have people inspecting everything, then by definition you don't get, you've got the government, a government, whatever you want to call it, the state, fiddling in between. I think that Jimmy's point is well taken, especially now.

Suzanne Von Holt: I think people are confused about this ordinance. The title is food service establishment meaning the restaurants. That's what this ...

Dan Leab: I don't want to argue the definition of words, but you've explained, you've explained to her was that ... also involves catering. I mean, local people have catered all the parties that Catherine and I have thrown up here at least in the last thirty years and some of it is done as I say in our kitchen. Some of it is done in their own kitchens. Unless you have somebody inspecting everything, I mean, quite frankly, I would be breaking the law doing it. It would be like prohibition. You know, everybody drank during prohibition. It didn't work. My fear is that you're going to have government inspection. And, when I say government inspection I don't mean Mark's going to go round to everybody in town.

Mark Lyon: Just tasting, Dan, that's it.

Audience: laughing

Dan Leab: Just tasting? [Laugh.] I mean I just worry about that aspect of it, I'm sorry. I ... dealt with it tonight because I think it should be dealt with tonight ...

Moderator: Could I ask you. We hear you. I need to keep moving here though.

Dan Leab: No, I'm finished.

Moderator: Ok, question for me. Given the fact that this ordinance is going to affect some of the businesses in town, restaurant catering type businesses, has it been reviewed with any of them? Has there been any communication either to the Washington Business Association or any of the restaurants or caterers?

Suzanne Von Holt: No, not to my knowledge.

Moderator: Ok. Valerie?

Valerie Anderson: I do think it's important that we read in this the definition of food service establishment because it does not include social gatherings in a private home or homes where food is prepared by individual families for group consumption and does not include location of vending machines which ... etc, does not include non-profit events so that church events etc, etc. I think there's enough protection here for caterers in my view and I do think maybe we should just look at the exact definition which is food service establishment.

Suzanne Von Holt: Thank you.

Moderator: I think I asked the question I asked is because I'm going back to my time in zoning. Whenever we proposed anything in zoning, we always made sure that the people that were affected were among the first to hear what it was that we were thinking about changing. And, it seems like since, Jimmy as you indicated and Linda as you indicated, livelihoods are possibly affected here, that's probably not a bad thing to do. Are we ready to vote yet?

Mark Lyon Can I have a minute?

Moderator: Yes.

Mark Lyon: This is an ordinance that is used by all our neighboring towns. The intent here is not to increase regulation. All this does is spell out regulation that are currently in place through the state health department that our health department, our sanitarian, Suzanne Van Holt, Van?

Suzanne Von Holt: Von Holt.

Mark Lyon: Von Holt is enforcing currently. This was brought to my attention by her and then with a follow-up by Michael Crespan, the Director of the Board of Health in New Milford, as something that is looked upon in the food service industry as not increased regulation, but just a definition of a regulation. And, when we start talking about caterers going out of town, we are talking about the Executive Cuisine that comes from New Milford and did the event Friday night. We're talking about TJ Tucker's who wants to go up and cater an event at the Bantam Borough Hall. So, I mean, we're not out here trying to increase regulation. All these health regulations are in place now. So, that's why I felt, I mean, it was just a prudent thing to do and one of my main concerns, are we going to be imposing additional regulation or expenses or inconvenience to our local businesses because I think it's very important for the Town of Washington to support their local businesses. I was reassured by Michael Crespan and by Suzanne that that wasn't the case and indeed these fees. A restaurant of under fifty seats is charged \$50 an inspection four times a year. They are going to be asked

to pony up once a year \$150 license and they're still going to get inspected four times a year for no cost. That's abolishing the fees in ... so I mean, I understand the concern. If you want to table it or look at it again, but this is not new stuff. This is in place in all our neighboring towns and the intent is to, it will help ... for one thing. She's not going to have to bill four times a year. She's going to bill once. And, it doesn't relax regulations and it doesn't increase regulations. All this is doing is working with the regulations that are currently in place.

Moderator: Ok, I think for this matter we've had an unusually good hearing on both sides of the matter and we still have three hands up so I'm going to go to Mary Anne, Kathy, and then Linda.

Mary Anne Greene Mary Anne Greene ... Road. I voted to discuss this tonight partly because I thought if we tabled it, discussion wouldn't happen and then when it's on the next agenda, we'd be going through this all over again. But, one of my questions to you Suzanne, if a local restaurant in town wants to cater in Roxbury or Bantam and they are not licensed, what hoops are they asked to go through to do it in another town? How would this benefit them by having a license?

Suzanne Von Holt: Quite honestly, it benefits us. ... because then I don't have to be on the phone with the sanitarian of the other town saying, explaining that yes they are inspected, their inspection scores are good, and the reason why they don't have a license. So, it's manpower with us ...

Moderator: Kathy?

Kathy Gollow: Kathy Gollow. I can see where it's very important and necessary for restaurants to have these inspections and if they are catering in different towns and all that's fine. But, I really don't think it's clear enough. I think we would be hurting a lot of smaller catering people who may go to another person's home whether they cook it in their place or whatever. I think that's too vague in this and I think would be too difficult at this point to vote in favor of this even though you say they required to have a separate kitchen from their home kitchen and that type of thing.

Suzanne Von Holt: Well, that's, that's the regulation

Female: ...regulation

Suzanne Von Holt: That is state regulation so if we do find somebody that's doing it we have it ... state statute. So they would be closed down. That is no ifs, ands, or buts. So ...

Female: Inaudible.

Kathy Gollow: But aren't restaurants mandated to have these inspections?

Suzanne Von Holt: Restaurants, yes, depending on their class. There're four classes. We don't really have any Class One. They are once a year, up to Class Two is twice a year. Threes and Fours are every three months, quarterly and that's what all restaurants are.

Kathy Gollow: And does the law force you to investigate catering services too?

Suzanne Von Holt: No.

Kathy Gollow: So you just leave that alone?

Suzanne Von Holt: At this point with all our other duties, there's been no time to address any of that.

Moderator: Ok, Linda, one more and then let's see if we're ready to vote after Linda.

Linda McGarr: I'm just still in question ... restaurants are already inspected with the state. Why does the town have to come back and redo what the state has ...?

Suzanne Von Holt: The state doesn't inspect.

Linda McGarr: What was that?

Suzanne Von Holt: The state doesn't inspect them. We inspect them for the state.

Linda McGarr: You inspect all the restaurants now?

Suzanne Von Holt: Yes, we have a restaurant inspector, Laurie Cohen, that's our restaurant inspector. When she fails a restaurant, I do the re-inspections and I also do all the opening inspections for either a new restaurant or ...

Linda McGarr: So the restaurants in town have already been inspected?

Moderator: Suzanne, is it fair to say that the actual inspection process is not affected by this?

Suzanne Von Holt: No, not at all.

Moderator: It's going to go on the same ...

Suzanne Von Holt: Yes.

Moderator: ... as before?

Dan Leab: Can I ask?

Moderator: Dan?

Dan Leab: ... for a bit of information? Do you inspect catering services, local catering services? Must they get either a state license or do you inspect them? I'm not quite clear on this. I don't understand.

Suzanne Von Holt: Technically, we don't have an entity that just does catering to my knowledge. We have restaurants that do catering off their site.

Dan Leab: But you do not deal with private catering services? Does the state deal with private catering services?

Suzanne Von Holt: If they find out about that, they will let us know and then we have to see if they have the proper facilities.

Dan Leab: So if there is a local caterer, the state might very well inspect them if they knew about them?

Suzanne Von Holt: If somebody complained ... yes.

Dan Leab: Thank you.

Suzanne Von Holt: And that's usually what happens. It's on the complaint list.

Moderator: Rocky?

Rocky Tomlinson: By the ... definition here, you talking about, would it affect potlucks, potluck suppers or etc? And yet you say a caterer can't use ... in their home and what's, how does that trade off here? A potluck supper as it seems to me is made in somebody's home and brought to an event. And so, where does that work sometimes and not the other time. Again, this over-regulation is continues to come up here.

Suzanne Von Holt: Potlucks. The state is for potluck suppers. It's a one time event not done for, you know, every other weekend or every weekend. It's maybe every couple of months, but I can tell you a potluck that ... people hospital ... Bridgewater when they opened up their senior center. So, but that, this is state regulation, they don't.

And, most potluck suppers are held in a club or a church and they also said the game dinners which are held, every meat should be from UD SA. Obviously game dinners aren't. ... They are so infrequent and they have told us not to go in that direction.

Dan Leab: Could I call the question?

Moderator: Linda first and then Dan and then let's see if we are ready to vote. Linda?

Linda McGarr: I was just going to say, I don't know about you, I seem to be ... involving potlucks, bake sales, da-da-da-da-da. It's not once in a great while and I don't know how you'd inspect everybody's kitchen that's going to bake there.

Suzanne Von Holt: We don't ... the one thing we can do is ... we have informal sheets to give to people as guidelines on what to do temperature wise, a product that's potentially hazardous, proper food handling, hand washing, that type of thing. I like role, I view my role as more of an educator to try to help people do the right thing and that's what I like about my job. I don't like the enforcement part. To me, that's the last step in my position and we don't like to do that.

Female: Seems like everybody should grow up in a home that that's already acknowledged. They shouldn't have to learn that.

Suzanne Von Holt: Unfortunately though, every restaurant has to have what's called a Qualified Food Operator and they have to go through a course. There were several people that had been doing it for many years. After the course, they were like, "Wow, I didn't know half that stuff."

Moderator: Ok, Dan?

Dan Leab: I call the question.

Valerie Anderson: No don't.

Moderator: Yes.

Valerie Anderson: Then we have to vote on the call.

Moderator: Are we ready for the vote?

Female: It's his role.

Moderator: Could you retract that? I think we're ready to vote on it now.

Dan Leab: Yes, I'd be glad to retract it.

Moderator: I, thank you. Are we ready to vote? Ok, all in favor in Item #2, the resolution to adopt this Food Service Establishment Licensing Ordinance and amend ordinance, the current ordinance #307A to delete the entire food service establishment section. To adopt the proposal we've been talking about and delete the old one. All in favor of that please say aye.

Audience: Aye.

Moderator: All against it, please say nay.

Audience: Nay.

Moderator: Ok, I'm going to call for hands. It's too close. A majority will carry it one way or the other. Ok, all in favor of the resolution please say aye and raise your hands. Let's get a count.

Audience: Aye.

Moderator: Fortunately, we have a small enough number of people here that Nick can count them.

Nick Solley: Eleven, twelve in favor.

Moderator: Ok, those against say nay and raise your hands again please.

Audience: Nay.

Nick Solley: Six, seven, eight.

Moderator: So it's passing. A majority rules here. It's passing eleven to eight and the motion carries. I would like to ask, now that we're done with this. I think it would be a really good idea if you could reach out and meet with some of the affected parties and go through this whole thing. Let them know what's different. Let them know it's not the end of the world, etc, etc.

And you know, I'm sorry, there's one more thing that I forgot to do and I need to go back and do it. We need to have an effective date for this and the effective date is not published in the proposal so I need to, let me think this through now. I need to make, ask for another resolution to have this go into effect on January 1 of 2011. The motion is already passed. It's strictly a start date for it and I'm thinking that that start date

would give Suzanne almost three months before it becomes effective to do a little communicating to the effected parties. Tony?

Tony Bedini: Are we able to put conditions on motions here?

Moderator: Yes, we can make an amendment to a motion. Now, this is a motion that's already carried, so in effect I'm making a brand new motion that is basically the same as the motion we just passed. I'm asking for a motion to have the effective date be January 1, 2011 and yes you could do that.

Tony Bedini: We could condition to be effective on January 2011 based on what you suggested which is that we get together with the business people and have Suzanne ...

Moderator: Right, and that's exactly, that's exactly what I'm suggesting. But what, we didn't condition it, so that's what I'm trying to get done now. Would somebody support that motion?

Annette McDonald: I will.

Moderator: And will somebody second it? Ok, thank you.

Dan Leab Second.

Mark Lyon: Annette McDonald and Dan Leab.

Moderator: Yes, Annette made the motion and Dan seconded it. Ok, any discussion on the start date. I apologize, I could have if I remembered better, I'm getting old, folded this into the past motion already voted on, but it does need to be done and it will give Suzanne a chance to do some communicating and reaching out which I think would be a good thing. Yes, Linda?

Linda McGarr: Can you ... published without ...

Moderator: Say again?

Linda McGarr: Can you do? Can you put this in there without it being ...?

Moderator: Yes, it's a minor change. Ok, are we ready to vote on just the effective date on the motion we just passed? Ok, all in favor of January 1, 2011 please say aye.

Audience: Aye.

Moderator: Any opposed.

Audience: Silence.

Moderator: Thank you very much and I apologize for the extra vote.

Suzanne Von Holt: May I say? I would just like to thank everybody for listening to me and I would just ... going to do is write a letter to every establishment and hand deliver it along with a copy of the ordinance and explain it to them. And, I will try to hopefully get that done by the end of this month and to go to every establishment.

Audience: Thank you.

Moderator: Ok, we're on to Item #4. Valerie?

Valerie Anderson: Mr. Moderator, can we do #5 since that seems to follow what we've just been talking about?

Moderator: You want to do #5 first?

Female: It's more interesting.

Audience: Laughter.

Mark Lyon: Oh, you don't know the half of it.

Moderator: I have no objection. I'm happy to use the Moderator's discretion to do five before we do four since we're moving all around this thing as it is. There's no problem and it is related to what we just did.

Valerie Anderson: Thank you.

Moderator: The ordinance that we want to delete or rescind, I had it here. Hold on.

Mark Lyon: You got it?

Moderator: No, I don't. Do you have it? Yes, this is strictly a housekeeping issue. We had an old ordinance on the books. I think it was put on the books decades ago, that tried to control hours of alcoholic liquor sales on Sunday. Again, decades ago this became superseded by state statutes and it doesn't have any business being in our book of ordinances. So, all this is doing is housekeeping, rescind it and get it out of there. Yes?

Valerie Anderson: So moved.

Moderator: Second?

Kathy Gollow: Second.

Moderator: Any discussion?

Mark Lyon: Oh, I had a good explanation.

Audience: Laughter.

Mark Lyon: Who seconded that?

Moderator: Valerie made the motion and I thought Kathy seconded that?

Audience: Yes.

Moderator: Any discussion before we vote on this? All right, Mark would you read the full motion in full before we vote?

Mark Lyon: RESOLVED: To rescind Ordinance #602 Hours for Alcoholic Liquor Sales on Sunday.

Moderator: Ok, I can take a question.

Dan Leab: It's a question. Does that mean the market can sell beer?

Mark Lyon: No.

Dan Leab: I'm serious. I mean what ... ?

Mark Lyon: Unfortunately not. This was passed in 1945.

Dan Leab: I understand that, but not that it's going to be ...

Mark Lyon: It's superseded. It's superseded by state regulations.

Dan Leab: The market can sell beer on Sunday?

Mark Lyon: No, no.

Dan Leab: Oh, ok.

Sheila Anson: Just as a point, Sheila Anson. Every time I get a something for a temporary liquor license or a permanent liquor license, it asks the Town Clerk is there an ordinance. I always have to mention 602 which is obsolete, but, so I ask that it be taken, rescinded and done so I can just say there is no ordinance.

Moderator: And the ordinance we're deleting is superseded by Connecticut General Statute Section 30-91 and 30-91A that's governing. Ok, Mark has re-read the motion and I think we're ready to vote so all in favor of rescinding this motion please say aye.

Audience: Aye.

Moderator: Rescinding this old ordinance, pardon me, say aye.

Audience: Aye.

Moderator: Any opposed?

Audience: Silence.

Moderator: Now we're back to Item #4, Mark?

Mark Lyon: Yes, looking for my notes.

Moderator: This one?

Mark Lyon: Yes, ok.

RESOLVED: To approve an ex-budget appropriation not to exceed \$41,650.00 for tax refunds.

Moderator: All right, this one I think needs a little bit of explanation and the two people that I can think of maybe would be either Tanya or Mark.

Valerie Anderson: Do want a motion first?

Moderator: ... to provide an explanation.

Mark Lyon: Yes.

Valerie Anderson: Do you want a motion just so we can?

Moderator: We have a motion. We need a second.

Dan Leab: Second.

Moderator: Right, Mark made the motion.

Valerie Anderson: Oh.

Moderator: Thank you. Do you want to?

Mark Lyon: I'll try. Between the years of 2001 and 2007 we have a number of tax, property tax overpayments and once they are over three years old, by state statute, they become town money. The Tax Collector has provided written notices over the years that are required by state statute and there was no response which is why the money has never been returned. The checks by and large are from mortgage companies or financial institutions and the Treasurer of the Board of Finance wishes to take steps to refund to the institution or taxpayer that had perhaps put them money into escrow at a given institution, but because the money has in essence become town property, the town has to authorize its refund, the funding of the refunds.

There is a list of these. Linda McGarr, the Treasurer, this was brought to our attention by an auditor, Charles ... and he's brought this up usually on an annual basis. He's worked, and Linda did a lot of legwork to try and straighten this out. Between the Board of Finance and Linda, they felt that the best, the moral obligation to try and get this back to people who may have overpaid through an escrow account of some sort or another. So, that's pretty much it. I may have to give up on trying to explain this, but I'll keep working at it.

Moderator: Ok, so what this is doing is basically just appropriating the funds in case people get communicated to and want to be repaid. Dan first and then Valerie.

Dan Leab: How much is it?

Moderator: Total's 41,000 and change.

Mark Lyon: \$42,650, \$42,650.

Moderator: \$42,650.

Mark Lyon: \$41, my ...

Moderator: That's what I thought. \$41,000 and change. Valerie?

Valerie Anderson: And our auditor has requested that we do this?

Mark Lyon: No. Linda did a lot of the research here and she went through our auditor and then to David Miles and then to the state. We started out thinking that this would be like the dead bank account. It would go to the state. When we tried to give it to the state, much to our surprise, they said, "No, we can't take that because it's property tax money."

Valerie Anderson: Good.

Mark Lyon: So, therefore, it's now become part of the town coffers, ok? But, like I said, we just felt a moral obligation to try and refund it to the proper people doing work that's going to be above and beyond that's required by state statutes.

Valerie Anderson: And is there, I assume there is money available in the present budget that allows us to do this at this particular time?

Mark Lyon: There's not money. This is ...

Moderator: That's why this motion is ...

Mark Lyon: ... vote on it, but there is money in our fund balance.

Valerie Anderson: I know it's ex-budget, but there is money?

Mark Lyon: Yes,

Valerie Anderson: Ok, thank you.

Moderator: Tony?

Tony Bedini Tony Bedini. The money will only go back to the taxpayers that paid it, not to the financial institution. Is that right?

Moderator: Let me try to ...

Mark Lyon: There's a hand in the back.

Moderator: All right, Linda did you hear the question?

Linda McGarr: Yes,

Moderator: I'll defer to you.

Linda McGarr: Actually, I have to do some research on it to see who it does go back to and that's going to take me time, but it will not go back to the wrong person. If it goes back to the institution, it will, but we have had contacted. Tanya has her letters to all these institutions and we have not gotten anything back. And, my intent is to write the letters to these people and have them come forward with documentation stating that it should go to them and not the bank. And, I'll send that out certified letter so I'm ...

Tony Bedini: Thank you.

Moderator: Linda are you in favor of this?

Linda McGarr: Absolutely!

Moderator: Ok, Jim?

Jim Brinton: Linda, I'm just curious now, so we're going to separate so it's not going to go back to? I mean, I have a real problem. I said this before when this was brought up that if this goes to one of these banks and we've given them dollars of bailout money, now we're going to give them more of our town money? Are we going to make sure it doesn't go to these institutions? It's going to go to people?

Linda McGarr: It's going to go back to who ... It's going to go back to who gave the money. At this time, just assuming that it's not the banks because the banks didn't come back and say, "Oh yeah, it's our money, give it back." What I have to do is go back to the records in town, Sheila's vault and see. Get in touch with the attorneys that were involved and go through the process of ...

Jim Brinton: Do we have any idea of how many, ratio of institutions to individual taxpayers? I mean is there 8% for institutions and 20% are actual people or?

Linda McGarr: They're all actual ..., none are the people. They all use banks. They all went to banks.

Mark Lyon: But it may be ...

Moderator: Dan and then Valerie.

Dan Leab: Is it possible before we vote on this to have list of the people, the sources to whom the money ostensibly is going to go?

Moderator: I don't know if it's possible. I would suspect that we wouldn't be able to do it tonight. Is that true?

Dan Leab: No, I understand that, but is it possible, actually possible?

Moderator: Yes. I also have to say, what we're doing here, it's a matter of principal here, what we're talking about here. It's, we technically, since this money is more than three years old, the town technically owns it by state law. What this motion is basically doing, is having us take the high moral ground, go above and beyond the call of duty to try to get this money back that overpaid, the people or institutions that overpaid it. You know, yes, we can get the list. I'm not sure how relevant that is, but you know, that's what makes democracy go round. Maybe people would have a different opinion than me. So, Valerie?

Valerie Anderson: As much as I'd like my name on the list, you know the fact is hopefully it is. But, we can't cherry pick who gets this money. It's a legal obligation. It's a moral obligation whether it goes to Wells Fargo or whoever. I mean you have to return it. You shouldn't. You have to be blind to the recipient.

Jim Brinton: We're not legally obligated to return it.

Mark Lyon: No.

Female: But we don't have to return it.

Female: We don't.

Jim Brinton: No.

Valerie Anderson: We don't, but as we say, it's a moral obligation. If an individual wound up overpaying on some escrow to a bank, hopefully that bank will rectify it. I just think we just have to do it.

Moderator: Any other hands raised? Denise?

Denise Arturi: Denise Arturi. Is there any way? It's nice what Valerie's saying go ahead and give it back to the banks and maybe they'll give it back to the people if those people are still alive, but is there any way we can fix this amendment so that we can find out and it only goes to individuals and not to banks?

Moderator: Linda?

Linda McGarr: Well, we have the. It won't go back to the bank if it doesn't belong to the bank. I think in most of these incidences if not all of them, that probably people were refinancing and it just happened to be the old mortgage company on the escrow and the new company paid for the escrow. I don't think it was really the people ... and again, I will not give the money back until I ... the right one to give it back to.

Moderator: Ok, yes sir.

John Meeker: John Meeker. Is it possible that our town council could do a little research and determine if we can't, since the banks paid on behalf of Joe Citizen that we can short circuit it and send it directly to Joe Citizen?

Linda McGarr: That's what we have ...

Moderator: Linda?

Moderator: Yes, that's what we're planning on doing. Like I said, we've already a letter to all these banks and they didn't seem interested and that's why ...

Jim Meeker: They got ...

Moderator: I'm sure that the fact that there's been so much consolidation of the banking and mortgage industry in the last ten years doesn't help matters.

Linda McGarr: No it doesn't.

Jim Brinton: They're pretty flush right now with our bailout, so ...

Audience: Laughter.

Moderator: Ok, other hands? Ok, are we ready to vote? Ok, the motion is to approve an ex-budget appropriation not to exceed \$41,650 for property tax refunds.

All in favor please say aye.

Audience: Aye.

Moderator: Any opposed?

Audience: Nay [single voice].

Moderator: One opposed. Thank you very much. Valerie?

Valerie Anderson: Move to adjourn.

Moderator: Second?

Male: Second.

Moderator: We are adjourned. Thank you very much for your cooperation. It's been a fun meeting.

Meeting adjourned at 8:42 p.m.