

Minutes: Town Meeting October 3, 2006

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ANNUAL TOWN MEETING
TOWN OF WASHINGTON
BRYAN MEMORIAL TOWN HALL
OCTOBER 3, 2006
7:30 P. M.

R. W. FAIRBAIRN, MODERATOR
JANET M. WILDMAN, CLERK

The Annual Town Meeting was called to order at 7:31 p.m. by First Selectman Richard Sears. The first order of business was election of a Moderator.

R. William Fairbairn was nominated and seconded. With no further nominations Mr. Fairbairn was elected.

MR. FAIRBAIRN: A lot of Yankees fans here, so we'll try to get you out of here.

Janet?

MRS. WILDMAN: WARNING: Town of Washington, Connecticut Annual Town Meeting.

The voters and electors of th Town of Washington are hereby warned that the Annual Town Meeting will be held on Tuesday, October 3, 2006 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 2007.
2. To approve an amount not to exceed \$25,000 for ompletion of the town garage site work and building project.
3. To adopt an ordinance to establish an affordable housing fund.

4. To adopt an ordinance establishing citation procedures and fines for violations of zoning regulations.

5. To amend the Town's building fees ordinance.

6. To discuss and consider discontinuing a portion of Frisbie Road.

MR. FAIRBAIRN: Thank you, Janet. Just a bit of housekeeping. We have to have a transcript. The town is required to have a transcript of the hearing and you need to identify yourself. If you want to speak, if you would get up - there's a microphone right there, give your name and go ahead with your comments. Let's start leading off with the first item. Dick?

MR. SEARS: Motion that the annual town budget hearing to consider the 2006-2007 fiscal year budget be scheduled for May 10, 2007 at 7:30 p.m. and, further, that the annual town budget meeting be scheduled be scheduled for May 24, 2007 at 7:30 p.m.

MR. FAIRBAIRN: Is there a second to that motion? Mr. Allen. Any discussion?

Does anyone have any questions on this? Peter?

PETER TAGLEY: What is May 24th - Monday, Tuesday, Wednesday?

MR. SEARS: Thursday.

MR. TAGLEY: My issue isn't a big issue. I would like to know why we don't have our town meeting on Saturday? Why during the week? I think we have many citizens who can't get here during the week. Also, many elderly people who can't get here at seven o'clock in the evening, although it may not be a problem. Our town meetings are not overly populated. We barely fill this unless there is some really critical issue on the agenda, maybe school board elections I think that we afford everybody the opportunity, who pay taxes in this town, and weekenders probably pay some of the largest percentage of our taxes, should be able to attend these meetings. Any many of us who work during the week and when we come home, we aren't charged up to come to a meeting. So I ask what the date was - I would like people's opinion on what's wrong with Saturday mornings? Which means we would have to change the day . We would have to amend the motion to change the date from May 24th to whatever day is Saturday. My other question - you mentioned an ordinance - I don't know exactly how that date might be changed or not changed. Can it be amended? That is another question.

MR. FAIRBAIRN: I believe it's a town ordinance, Pete. That's another question.

I think you would have to put forth a new ordinance which would have to be approved at a town meeting. But you have time between now and May. You don't need to do it tonight.

MR. TAGLEY: Well, I could bring it up at a town meeting.

MR. FAIRBAIRN: Does anyone want to comment on this? I think it is an interesting concept. Anybody want to talk about it? Valerie?

VALERIE FRIEDMAN: I agree that weekenders are disenfranchised. We should accord them.....(is not at the microphone. Can't hear)

JANE BOYER: I think it is a good idea. Try it and see if we like it. Do it for a year or so. We can always go back to Thursday.

MR. FAIRBAIRN: Anybody else want to comment on it? Yes?

SOMEONE FROM NEW PRESTON: (Can't hear)

A VOICE; People with children have a lot of activities Saturday night so I wouldFriday night.

MR. FAIRBAIRN: Anybody else? Valerie?

VALERIE ANDERSEN: Do we need a motion?

MR. FAIRBAIRN: Well, there will be another meeting between now and May. And I think it is by ordinance so you really need an ordinance so you could set the town meeting and change the ordinance between now and then. You have about eight months. Do you have the ordinance t here, Dick? Anybody else want to comment on the motion? I'll take a poll. How many people would like to see it on a Saturday? How many would prefer it during the week? All right. The Saturday folks have it. What about Friday night? How about Saturday versus Friday night? Saturday is still there. So what the selectmen should look into and there will be other town meetings, special meetings between now and then and pass the ordinance changing the date. Sound good? Let's not get into any complex motions that will confuse everyone. Anybody else have questions on this?

MR. TAGLEY: Should I withdraw?

MR. FAIRBAIRN: Leave it until it's set and then you can change the ordinance.

Anybody have any more comments on this? If not, all in favor of the motion say aye. Opposed? MOTION CARRIED. With an admonition that the Board of Selectmen will look into changing to Saturday. Okay. Next motion?

SELECTMAN NICHOLAS SOLLEY: Resolved that an amount not exceed \$25,000 be approved to complete the town garage improvements project.

MR. FAIRBAIRN: Second?

MR. SOLLEY: A little less than four years ago the selectmen - when we realized we had been granted a STEAP grant for \$450,000. we determined at that time roughly speaking the budget for the New Preston project which has been completed and the Depot project which includes improvement to the town garage facility and also there's a separate bridge and riprapping over by the Senior Center. Four years later we are with inflation, fuel and trucking costs and asphalt we are shy by some \$25,000 so we are tonight to ask that this money be appropriated specifically for this purpose.

VALERIE ANDERSEN; When this is completed will we be able to use the old town garage.

MR. SOLLEY: When Construction of this building and the site of the new town garage property is completed will the plan go for revamping the old town garage site. Okay. This is a huge step toward that process. We can once the building is complete, the site work is done, we can get all of the manmade materials, the plows, the pipe the concrete up there and I certainly get everything within the building at this new location. We knew from the very beginning that we did not have enough room for all the piles of material. This is a huge step toward that process. We ultimately long term are looking for that magic piece of one or two acres somewhere centrally located to fill those needs. But this is going to be a huge benefit to ultimately creating the path around it trying to figure out what we are going to do next.

MR. FAIRBAIRN; Any questions? In the back? Please speak up loudly and identify yourself.

SOMEBODY SHEARER ROAD:

MR SOLLEY: Who gives the contract? The bidding process has occurred for this project and a Danbury outfit was the low bidder and this money is needed to fulfill the lowest bid. As simple as that. Hawley Construction Company out of Danbury was the successful bidder.

MR. FAIRBAIRN: Any more questions on this? If not, all in favor of this motion say aye. Opposed? MOTION CARRIED

WAYNE HEILMAN: For those of you who don't know me, I live on River Road and I'm chairman of the Housing Commission. The third item is as follows: Resolved: That the town adopt an ordinance to establish an affordable housing fund. (Complete copy of proposed ordinance attached at end of this Transcript)

MR. FAIRBAIRN: Is there a second? Second

MR. HEILMAN: Perhaps there should be a little bit of background. Back in May of 2005 at a town meeting a Housing Commission was established which has been meeting since January of this year. In the past three budget hearings, 2004, 2005, 2006, money was appropriated into a fund for the purpose of establishing and encouraging and promoting the continued availability of affordable housing in the Town of Washington. As of now there is no vehicle or tools to access this money or use it for anything let alone housing and this proposed ordinance establishes put before you tonight is to remedy that problem. The Housing Commission has spent several months working on this ordinance to be used as a template, the Town's Open Space fund as well as other ordinances from neighboring towns as well as language from the State's Affordable Housing fuel tax. That's about it for now if anybody has any questions.

I move to approve this ordinance to establish an Affordable Housing Fund.

FAIRBAIRN: Okay. Is there a second to that? Questions. Valerie?

VALERIE ANDERSEN: First of all I want to thank Liddy Adams, Don Brigham, Jean Suddaby, Sue Werkhoven, and our Chair for managing this commission and figuring out the parameters of it. There has been a lot of hard work. I have a couple of questions. First off, I'm assuming that this ordinance was properly vetted by town counsel?

MR. HEILMAN: That's correct.

MRS. ANDERSEN: And that is?

MR. HEILMAN: Dave Miles.

MRS. ANDERSEN: And I want to know the particular of this, the definition of affordable housing. The reason for my concern is we might be excluding the possibility of using this fundand are we excluding the possibility of senior

housing and are we also eliminating the need to help the work force population who have housing needs.....property tax increases. I'm concerned that the wording of this is truly limited, number one. And, number two, I believe it said in the Call it has not been discussed or voted. I would like to know that your commission has discussed what is the policy of the Housing Commission toward affordable housing. Is it limited equity? Is it partnership of housing? Are you looking to see zoning changes?. What is the over arching goal?

MR. HEILMAN: Let me address the last of those questions first. The short answer is 'yes' we are considering limited equity for single family homes. We are considering senior housing. We're looking - although not much of an appetite that we know of right now, but affordable apartments. We're not excluding them at this time. We look at all of those things. So I guess that's the best answer I can give to your last question.

Now, if you look at the definition of affordable housing, it says how we define it as how the state defines it which is under Connecticut General Statutes

8-30g. If I can summarize that quickly I'll do it like this. A housing unit, whether it's an apartment or a home or a condo or whatever it is, is glued to the affordable.

If the occupant makes no more than 80% of his median income, for a family of four now, that is \$77,200. a year. Step One. The family can't make more than that. Step 2. They can't spend more than 30% of that income on that housing whether its in rent, mortgage and taxes, whatever the case may be for the situation they're living in. Three. There has to be a covenant or a deed restriction on that property attesting basically that it is affordable and these people are paying no more than 30% and that the property will remain that way for a set period of time. That period of time is different depending on what type of property and what type of housing it is. It is rather complicated. And fourth: There must be in place what they call an affordable administrator. There must be a mutual party from outside.

Not the Housing Commission. Not the town. Not the landlord. Not the homeowner. Some outside management person the State calls an affordability administrator that basically comes in once a year or once every two years and looks at everything and certifies that this is happening. Yes, the mortgage is correct. Yes, the rent is correct. Yes, the income qualifies. Yes, the restrictions are in Sheila's office at the Town Hall. Everything is okay. When all four of those situations are met in that order it qualifies as affordable housing by state statute. We can all talk about what we in our own minds what we think of when we talk of affordable housing, and quite honestly some of us over the past decades don't really have a rather attractive view of affordable housing in our minds. And I will grant to everyone. I would suggest to everyone that we need to change our minds and change our attitudes as to what affordable is. I don't

know about anyone else in this room but I don't consider a family of four making \$77,000. yearly as poor. If that's the case I hang out with quite a few poor people. So, many people in our community who are professionals and who work full jobs - people who work more than one full time job may not be considered in our old affordable, but according to what the State says, they do qualify.

I guess our next question is, are we excluding seniors with our policies? I would say our short answer is 'no'. We look at all options and while our mission in order to create our mission, to analyze and study the needs of the town, that is our first duty. It doesn't say affordable housing in the town. We have analyzed all of the housing. When it comes to this fund, however, this fund is for what we consider to be for affordable housing use. Did I get to all your points there? I'm not quite sure if I did or not because I may have forgotten some.

MRS. ANDERSEN: I would suggest perhaps a small change here because it does say these funds will be used for providing affordable housing according to State statutes, and my concern is that we do have - we want to have our mixed population increase. We do have right now at home people who need assistance from time to time and it would appear that this wording excludes that. So I would suggest perhaps an addendum or some definition or continuation of that Article 3-1 indicate that from time to time allocation could be made to help resident homeowners and renters stay in town. That's my concern. We want to help those who are already here and not just have projects to bring others in excluding those already on site - those people who perhaps have problems with their oil bill in January. That's my concern.

MR. HEILMAN: I can comment on that. In the abstract I could just say that "I agree." What I also have to say, however, is several things. One, there are other programs to help people who are having difficulties that don't necessarily have to do with the Affordable Housing Fund. The other issue we have is that the Housing Commission, in the ordinance that was passed by this body in this very room that created, does not give us the authority to deal with that sort of thing with funds. Although we can study and analyze the housing needs, we are also obliged to encourage and promote the creation and continued availability of affordable housing in town. So the only way, and I guess what I'm saying, is that an addendum really wouldn't help here. I guess the only thing that may help is to re-define what you want to call "affordable housing" and which would basically be an order to accommodate what I think what you would like we would have to raise the ceiling much higher than what the State has in order to classify it as affordable. I guess that's the only way I can respond.

MR. FAIRBAIRN: I want to give some other people an opportunity. This gentlemen. Could you come up to the microphone, please?

MARK DEPECOL. I disagree with Valerie

THE CLERK: He has got to go to the microphone. I cannot hear you.

MR. FAIRBAIRN: Will you please go to the microphone.

MR. DePECOL. I disagree with Valerie. Although I think this is a noble cause I think it is best served by charitable organizations who administrate that. To determine the needs of who might need their oil paid for it just seems it is very arbitrary. I think this is linked to the affordable definitions of the state which is qualitative and measurable. I think it is fine.

MR. FAIRBAIRN: This lady in the back.

(Did not get the woman's name): There is something I don't understand. Is this going to be housing for sale or housing for rent? Is it within the town property and for sale and could go out of the affordable housing.

MR. HEILMAN: It can be property that is for rent or for sale and if it is for sale it can still stay affordable. What we would propose is property, for example, a single family home, which we have found not anecdotally but from the housing survey that we have done back in 2002, the overwhelming support in the community is for single family homes. We are currently looking at a concept called "limited equity single family housing. And basically, to give you the Reader's Digest version of it, it is basically what it is. The town or an institution like the Housing Trust or some other non-profit organization acquires parcel or parcels of land that are set aside for affordable housing. A young family, or a couple, or whatever who qualify under income constraints of the affordable housing guidelines, they go and secure a mortgage from the bank just like everyone else, they build a house on that property, they live in it, they own it, they pay taxes on it but they don't own the land. The Housing Trust owns it or a church owns it, or somebody owns it and they lease on a long-term basis - a dollar a year for 99 years whatever - it takes the price of the land out of the equation. The trouble with most young families trying to move here is that they have money to put down but the cost of the lot taxes them out. They have nothing - they can't build at that point. This allows people to build a home, own it, improve it, if they want to sell it they sell it back to the party who is administering it, whether it is the Housing Trust or a church or whatever. They are guaranteed a limited equity on it. They get out of it what they put into it to allow for depreciation, and then it is re-sold to someone who further qualifies under affordable housing guidelines so that that house never, although it has depreciated, it never has the pull of the market where it becomes out of reach which is basically practically all of the housing is in this town right now as I understand it. So I hope that answers your question.

MR. FAIRBAIRN: Anybody else have any questions or comments on this motion?

MR. FRANJOLA: A couple of items.the market creating some affordable housing already. Maybe not according to the strict interpretation of state law. Secondly, there are moves afoot in State regulations to undo this law which is a burden to small towns. The other thing is, in Washington there have been 12 non-English speaking at Washington Primary School for the last two years. The result of this is that 3rd and 4th grade scores are significantly below the State average. For example, grade 3 mathematics at Booth and Burnham test scores are 90%, but Washington are 60%. Third grade reading 86% at Booth, 91% Burnham, 33% Washington. These 12 people, these students, probably live in apartments somewhere, so Washington creates housing for these kind of people. In addition, 4th grade scores at ----

MR. FAIRBAIRN: -----I am interrupting. I appreciate what you are saying. The question really needs to be directed to the audience. Can you get to what your question is?

MR. FRANJOLA: I don't feel the town is in the landlord business and already creating affordable housing.

MR. HEILMAN: I can respond to that. On the first point about bringing the cost of housing down and therefore by creating affordable housing that may well be true in theory but as I look at the real estate papers like everyone else we would have to have a market adjustment for a very long period of time before there is a home drop to be available for people who have to work for a living. The second point which was about the fact that the Legislature and there is movement under foot to repeal this Act I can say that there has been movement in every Legislative session to repeal this. All them have failed. The reason they have failed, and in my opinion they will continue to fail, is that the municipalities in the State which are exempt from this problem, which are basically all the municipalities that are development urbanized areas, have a greater representation in the Legislature than small towns do. It is just a simple matter of counting noses in Hartford and you're never going to get it repealed because there is not incentive from Legislators from Bridgeport and New Haven or Waterbury and Danbury to do such a thing. The third point you brought up about the schools and the fact that the burden that is being stated about because of records, it has been a policy before there was a Housing Commission, including places that are run by the Community Housing Trust, which at this point are apartments and which we would hope to actually have housing. It has always been a policy in this town because we have done things locally and we fund things locally that people with Washington roots get preference for these places. If you are a senior and you want to get on the wait list for River Woods and you have roots in this community, if you live here or used to live

here or you have family here, or you worked here or you used to work here, you have preference. You go to the front of the line. Now, there is no such constraint on market apartments or whatever in the community. We believe that is a good policy. It is also one of the reasons the Housing Commission has not really at this point pursued federal or state funding because once you take state or federal funding for your affordable housing you are not allowed to give preference to local people. I can't speak any more than that about the impact on our schools. I can't - I have a daughter in the primary school and I like it. Other than that, I can't say.

MR. FAIRBAIRN: Anybody else who hasn't had a chance to speak that would like to address this or make comments? Demetri?

MR. DEMETRI RIMSKY: It is my understanding from what you just said is that this is empowering the Town of Washington to be able to administrate affordable

Housing funds for what it deems to be qualified individuals, is that correct?

In other words, you are creating a fund, right? The Town is creating a fund and that fund is going to go for affordable housing that is going to be administrated to some degree by the Housing Trust or funds. This is not the State mandating affordable housing. This is not going to be mandated affordable housing by a developer, this is going to be affordable housing that the town, through non-profit organization or organizations, in some wayin which the town insures that individuals who qualify in this town get affordable housing.

MR. HEILMAN: In an ideal world, yes. But I would say more accurately that it helps to encourage and promote availability of housing. The Housing Commission doesn't build. We act with public and private sectors whether it is a private developer or a non-profit or whoever wants to approach us about such a thing to enable it and make sure that they do something that is within the scope of it with the Town. It fits in with the rural character of the community.

MR. RIMSKY: But basically it is something the town has control over?

MR. HEILMAN: Well, I wouldn't call it total control. That would be promising something we couldn't promise. It doesn't protect us from a developer coming in and -
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MR. RIMSKY: They don't have access to the funds.

MR. HEILMAN: They have no access to the funds.

MR. RIMSKY: Exactly my point. The point I'm trying to express here, is that this is one way where the community can look toward people that are within the community as Valerie pointed the diversity of our community, to be able to afford an opportunity for working families , for elderly people who want to continue to live in affordable housing in town, an opportunity that may not be.....because we don't have the funds. Okay. So the one objective that we're trying to conceive here is to be able to give people that work and live in this community who have the best interests of the community an opportunity to continue to live in the community.

And one of the problems we are facing, we all know that we live in a volatile world here, and the market may be collapsing around us is not going to collapse around us as quickly as it may somewhere else. Because we live in an extraordinary community and prices of land and prices of housing is going to continue to rise. And the reason this is an extraordinary community is because of the diversity of the community, not the land and buildings. So if we want to continue to have an extraordinary community we better continue to find a way to have these extraordinary people live here.. And I think whatever we decide here I am all for what you're doing and I don't care if they speak Spanish, English, French, Chinese, for God's sake. (Applause)

MR. FAIRBAIRN; All right. Anybody who has not had a chance to comment or ask a question, we'll go back to someone who has spoken once, you are free. Mr. Franjola do you want to come up?

MR. FRANJOA: T here are a lot of things under the radar here which affect your pocket. That's Number One. And things are already happening to create affordable housing for people who move into town.

MR. FAIRBAIRN: Anyone else want to comment? Valerie?

MRS. ANDERSEN: I think a lot of us are endorsing the limited access.....perhaps at some subsequent meeting the Housing Commission can talk about it, endorse it as a way to go. That was my concern. We could go in different directions on this. We have a couple of ordinances...point 3....I know that you wanted to have Section 3 re-worked in language and I am curious about that.

MR. HEILMAN: You mean Section 3?

MRS. ANDERSEN: About \$5,000?

MR. HEILMAN: Go before the town. Must go to the Board of Finance first.

MRS. ANDERSEN: Excellent. That is very good. However, I am interested in the \$5,000 that perhaps the Housing Commission and the Board of Selectmen might use for acquisition. At any time would the \$5,000 be used to enter into a real estate contract, make a deposit, created by you. By definition it says that could happen.

MR. HEILMAN: The ordinance is written - perhaps the best way I can explain it is to explain the rationalize why we had to word it the way it is. Unlike the open space fund which those of you are aware, the basic purpose of the open space fund is to acquire open space. The open space fund was primarily to be a large expenditure to acquire some open space. The Housing Commission in looking at potential expenses we might incur, realize that there are other expenses we might incur other than acquiring a parcel for housing. There are administrative costs we would have. For example, we have some deed restriction that are going to be placed on property within the next several months that will enable those properties to count toward our affordable housing inventory. There are basic administrative costs associated with that. For example, the Housing Commission is finishing up a survey on senior housing that we will be sending out to the town at large in the next month. We had some expenses we are going to incur in administering the survey. We felt it important that we draft the ordinance in such way that there be a certain amount of expenditure that didn't require calling you all in. We thought it would be pretty onerous to have a town meeting every time we had to spend a couple hundred dollars on a fee or something. You would have a town meeting every month. So we spoke about this and we talked about the different scenarios that we could envision coming before the commission that would require some expenditures. We're blessed on our commission to have Liddy Adams who is also a realtor as our vice chair. The largest expenditure that we could foresee would be a property or a parcel that might come on the market and may show promise for us. But maybe we it wouldn't be suitable. Might be all swampland. Or maybe all ledge. Maybe we would have to have an appraisal of the property or maybe we would have to have an environmental study of it to make sure that, you know, there wasn't a factory there a hundred years ago and somebody was dumping lead into the ground or something and so in our discussion we decided, what, in that sort of scenario, would be a ballpark number. What would be the most we would have to spend for something like that. And the figure of \$5,000 just kind of evolved in our deliberations. And that is why that figure is there. We could not envision a scenario where we could purchase a piece of land for less than \$5,000. And obviously, with that in mind, you

know, we felt pretty safe in that - there would be no scenario we could envision where we would be making a recommendation to the Board of Selectmen to acquire a parcel without full knowledge that it would come before all of you. Does that help explain.

MRS. ANDERSEN: Well, I think I understand what you are trying to do. This is due diligence to see that property is well worth acquisition . But you are at this point, as far as I can see, giving the Board of Selectmen the right to enter to a deposit relationship binding the property, not just investigation. And as we all know, contracts are in writing and they are binding and can be as little as 1% or even less to buy a project. I know that could be a problem as to definition.

Checks and balances have to be in place, that's all. I would suggest that you define that \$5,000 before we start putting it all on property.

MR. FAIRBAIRN: Let me, as a recovering attorney, let me just explain a little bit of that. The town cannot buy or acquire property without approval from the Board of Selectmen, Board of Finance, Planning Commission and a vote of town meeting. So no contract can be entered into by the Board of Selectmen is binding until town meeting approves the purchase. So you don't have to worry about it.

MR. HEILMAN: For what it's worth, that is basically what I was told by Town's attorney as well. But not quite in those words.

MR. FAIRBAIRN: You don't need to worry about it. Any more questions? Does anyone want the motion re-read? Let's go ahead and vote on the motion. Are you satisfied with the written copy that has been provided to you? If so, we'll go ahead and vote on the motion. We will vote on an ordinance establishing an affordable housing fund. All in favor say aye. Opposed? MOTION CARRIED

The ayes have it. Thank you.

DAVID OWENS: Chairman of the Zoning Commission. This motion is to adopt an ordinance establishing citation procedures and fines for violations of zoning regulations. (Copy of proposed ordinance is attached to end of this Transcript)

MR. FAIRBAIRN: Does everyone have a copy? Okay. Dave can stand here for the next half hour reading this motion or we can have this motion as written as part of the record. You have it written here. Is there a second to that? Mr. Allen. Dave do you want to explain this or do you want to go right to questions?

MR. OWENS: Well, I can explain a little bit. I don't want to give away any secrets but the weakness of the Zoning Commission is enforcement. We can write letters and we can take people to court but between that we don't have a lot of tools. The Connecticut statutes permit Zoning Commissions to, by town ordinance, to impose fines in certain situations which are spelled out in our proposed ordinance which was crafted by Andy Shapiro who is an alternate on the Zoning Commission and an attorney and Mike

Ditka who is the attorney for the land use commissions in Washington. Basically, it is very similar to a similar ordinance which the town passed for Inland Wetlands Commission and serves the same purpose. The feeling of the Commission, you can see if you read this lengthy document, there are certain situations in which the Zoning Commission through the Zoning Enforcement Officer can impose a fine of \$150.00 a day on a recalcitrant violator. The intention of the Zoning Commission - the hope of the Zoning commission - is that no fine will ever be imposed on anyone. The idea - the hope is that this gives us a tool to do what we always want most, which is to encourage people to comply with the town's zoning regulations. But it something we needed for a long time and it's something I think that will be important and will be a good thing for those of us who willingly comply with the town's zoning regulations and I will be happy to answer any questions.

MR. FAIRBAIRN: Questions anybody?

MICHAEL ANDREWS: The \$150.00 fine violatioin.

MR. OWENS: Yes. It's the State schedule of fines. As I say, the intention is not to - the Zoning Enforcement Officer will not drive around town looking for people who are in violation of zoning regulations and secretly running up a bill. This is a weapon that we will use when all else fails. Unfortunately, in some ways and fortunately in others, there is a built-in safeguard in the state statutes which is that the Zoning Enforcement Officer is personally liable for trouble damages if the fines are imposed illegally. For that reason no fine would be imposed without the action of the full commission asking the Zoning Enforcement Officer to proceed. But there will be - nobody will be deprived by a fine. We will - this will come about only after the process we go through to try to work things out directly. Secondly, we send a letter, personal visits and then only as a last resort, next to last resort before going to court. It gives us something to do before dragging someone to court.

MR. ANDREWS: (difficult to hear) Might not be a violation, I could put a sign by the side of the road that I am selling corn and the sign is illegal but I refuse to take it down, and I would be fined \$150.00 a day. Now, Joe Smith down the road is digging an illegal septic system. And he is fined \$150.00 for that violation as well. He is going to resist and he will pay the same fine as I am for a small sign.

MR. OWENS: I think - we are taking about a hypothetical that does not apply and I don't think there would be a fine for a sign along the side of the road. We are seeking for tools for major violators who fall below the level of where we would like to get all the people to abide by the regulations. I know it is hypothetical, but it points out the difficulties. Then you start - the good thing about a single fine - you don't have to have a discussion. I think that the intention of the Commission - the kinds of violation,

if there are such things, such things if they occur, if we can't deal with them the way we usually do, \$150.00 probably won't seem enough in most people's minds.

MR. ANDREWS: When I bought my home on Revere Road there was a dry well on my property which is in violation. The guy I bought the house from got away with it because he is a 20-year resident here.

MR. OWENS: There is no intention to abuse this ordinance. What we need is a tool that is more powerful than the letter and less desperate than a legal action.

MR. FAIRBAIRN: In the back. Patty Doran.

PATTY DORAN: I just have a question about senior citizens. This is a hypothetical, also. Suppose an elderly person has a young man come over and dig a drainage ditch because water is running into her basement or something like that and then all of a sudden the Inland Wetlands people descend on her. That could be very frightening for older people who are not up on the rules and regulations. And then find out afterwards that she is in violation. It is rather frightening. I was wondering how that works.

MR. OWENS; I cannot speak for the Inland Wetlands Commission.

MR. FAIRBAIRN; Anyone else have a confession they want to make? Michael?

(Several people speaking at once.)

MR. FAIRBAIRN:state law. Anybody else have questions or comments on this? I assume no one wants this read in entirety and that they accept the motion as presented. Okay. Wonderful. All in favor of the motion say aye. Opposed?

MOTION CARRIED

MR. SEARS: Resolved that the Town building fees ordinance be amended.

MR. FAIRBAIRN: Again, it is printed in the package you got which are being made a part of the record. Is there a second to that motion? Charlie, okay.

MR. SEARS: The only change here tonight is the if post-facto fee. And that is if someone starts work without a permit as occasionally happens, and we find out about it, we used to charge \$100.00. We think it is more reasonable that we could charge a fee of \$500.00. So that's what this does. It quotes an if post-facto so that if someone starts work without permit then the fee is \$500. There is a one-time permit and then the building can continue.

MR. FAIRBAIRN; Any comments?

MR. SEARS: This will take effect in about 30 days - November 1. You are safe until then.

MR. FAIRBAIRN: Does anybody wish this to be re-read? If not, we will go ahead and vote. All in favor please say aye. Opposed? The ayes have it.

MOTION CARRIED.

MR. SEARS: Resolved that the Town of Washington pursuant to Sections 13a-49 of the Connecticut General Statutes, hereby discontinues the following highway segment for all public uses, including construction and maintenance incidental thereto: That portion of Frisbie Road, commencing at SNET Co. pole #444 and continuing south to the Roxbury town line. This portion of Frisbie Road provides access to parcels owned by Lindsey Gruson and Jane Whitney.

MR. FAIRBAIRN: Second? Thank you, Mr. Solley.

MR. SEARS: Let me comment first and then we can have a discussion. This unimproved portion of Frisbie Road has only one private residence and has not been used by the public for many years. Some say for as many as 60 years. It provides access to the home owned by Lindsey Gruson and Jane Whitney.

Several years ago the Town of Roxbury discontinued its portion of Frisbie Road that extends south of the Washington line. By discontinuing this portion of the road the town retains no further rights to it.

MR. FAIRBAIRN: Any questions on this?

JANE WHITNEY: I would like to say something. We moved to Washington and we considered it a privilege to live here and we have fabulous neighbors, some of whom are here tonight. It is a house I would like to die in. This is it. One stop shopping for us. And when we bought this house, and I have a picture of the alleged road which runs by the house, because there isn't a road. There hasn't been a road there for 30 years. The Town of Roxbury abandoned their side of the road officially ten years ago and I gather - what I am saying is that we are renovating the house - but we are trying to restore this 1877 house to its former glory and in so doing, if we don't abandon this road officially, theoretically when I'm having breakfast somebody could ...have breakfast with me. Do you follow what I am saying? The road is - maybe I should pass the picture around as visual is very important. It is 10 feet from our window. It has not been used for 30 years.

VOICE: (May be Mr. Gruson)

MR. FAIRBAIRN: Whoop, whoop. Let's just - she has the floor. Let her speak and if you have comments or questions I'll recognize you. We can't have ----

MS. WHITNEY: Does anybody have any questions?

MR. FAIRBAIRN: Well, I'll run the meeting .

MS. WHITNEY: I'm sorry.

MR. FAIRBAIRN; Very much like my house. Okay. Who has a question. I'll start with you, Chris, and Mr. Gruson.

UNIDENTIFIED: Mainly what I would like to know who maintains this? Who plows it in the winter?

THE CLERK: Have them come up here. Everybody is out of control. Have her come up here then everybody can hear.

MR. SOLLEY: A major portion of the section that is being requested for discontinuation has virtually been ...for 30 to 40 years. There is a statute which the town has maintained to a turnaround point because it is a dead end road. Part of that is also being requested for discontinuation. They own on both sides of the road.

A VOICE: Washington has maintained it until the turnaround?

MR. SOLLEY: Well, that's correct.

A VOICE: But prior to the date of the.....

MR. SEARS: A couple hundred feet is used.....

A VOICE: I live on 35 River Road. My property goes down 300 feet from where the cul de sac ends which I live on. There is a dirt road there which goes to other property. Now apparently the town at one point made a deal with the people who live down there that allows the dirt roadzoning come in through the other dirt road.....Hinkle Road but they don't.

MR. FAIRBAIRN: We have to focus on the issue here, sir.

MR. SOLLEY: .That the section of road is currently being plowed and will no longer be the responsibility of the town.

A VOICE: But we have incurred expenses to this point.

(Everybody is talking. Who can make out what anyone is saying?)

MR. FAIRBAIRN: Thank you, sir. Chris Charles you had your had up?

CHRISTOPHER CHARLES: Chris Charles and I am a member of the Planning Commission and I am here representing the Planning Commission. On December 6th, 2005 we were requested by the Board of Selectmen to review the discontinuance of this portion of Frisbie Road. We agreed to discontinuance to vehicular traffic with the understanding that pedestrian traffic or access would continue. So somebody could ride a horse. Somebody could walk. Somebody could ride a bike. It would basically there would be potential for a greenway. Historically, Tinker Hill, Curtis Road, West Mountain Road, all these roads when they were discontinued the citizens of the Town of Washington have retained access to those roads. So we did support discontinuance of this portion of the road for vehicles because it would release the town of its responsibility of maintaining that road; however, we thought the segment of the road for discontinuance should be open for walking and passive recreation and that should be maintained. The motion shows that all public rights to the road segment, including the right to walk on it, would be discontinued. The Planning Commission tonight unanimously agreed that we do not support that. We stand by our vote of December 6, 2005 and, I guess, the last thing I would say is that we actually wanted to move that the motion be replaced so that the town retains a public right of way for bridle path, pedestrian walk or bicycle trail pursuant to Section 13a-141 of Connecticut General Statutes. However, I think we would also consider, if the motion were tabled, that we could take it up at the next meeting of the Planning Commission and sort through this and come up with a solution.

MR. FAIRBAIRN: Is that a motion to table?

MR. CHARLES: I guess I'm going to make a motion to table.

MR. FAIRBAIRN; All those in favor of the motion to table which would essentially end this and it would be brought up again. All in favor of the motion to table please say aye. Nay? All right let's have a show of hands. I will have to count. All in favor of motion to table. Keep your hands up so I can count. Keep them up. I get 18. Those opposed? 20 something plus. So the motion failed.

Can you discuss? This lady here.

SOME LADY WHO IS WITH THE ROXBURY LAND TRUST:

(Clerk must confess that the accent this lady had made it almost impossible to understand a word she said.)

...to give an easement to this piece of land and since we alreadySteep Rock. Get an easement....have this walkway or path for horses.....which has beautiful.....ready to provide.....take this into consideration...

MR. FAIRBAIRN: All right. This lady. Did you still want to speak?

ANNA GREENFIELD: Washington. I think she answered my question. I did not know whether we should be support people walking or riding there. I have not seen a map.

MR. FAIRBAIRN: Do we have a map, Dick?

MR. SEARS: Showing a map. (Dick is describing what is on the map - can't make out what he is saying)

MR. FAIRBAIRN: Is that open to the public? Pete, why don't you come up to the microphone and ask your question.

PETER TAGLEY: You intimated.....right of wayVOICES ALL TALKING

CLERK: Can they please talk into the mike. Everyone is talking at once.

MR. SEARS: This is the road. It impacts here and down.....

(THIS PART OF THE MEETING IS SO MUCH OVER TALKING EVEN THE MODERATOR CAN'T KEEP CONTROL. TOO MANY ASKING AND ANSWERING ALL AT ONCE . IMPOSSIBLE TO HAVE A CLEAR AND COMPLETE RECORD OF WHO IS SAYING WHAT)

MR. FAIRBAIRN: Wait, wait. Pete, wait. Pete, hold it. Not conversation.

Peter, now you have the floor.

MR. TAGLEY: T he Roxbury Land Trust isn't interested in their portion around this portion of Frisbie Road. They are only interested in their portion where they are going to cut around or do something with this section of Frisbie Road. My question, are you inferring that by voting 'yes' to this, people who abut Frisbie Road will maintain all rights to that road?

MR. FAIRBAIRN: When you discontinue a highway anybody who lives along that highway, the discontinued portion, continue to have a right of way over the nearest public highway. So I guess...

MR. TAGLEY: Who is going to be the owner of the property?

MR. FAIRBAIRN: Well, I don't.....

MR. SEARS: I don't know.

MR. FAIRBAIRN: He doesn't know.

MR. TAGLEY: You are giving a parcel of land to someone with no charge.

MR. FAIRBAIRN: Well, it depends on whether it is a right of way or whether of whether it's a parcel of land. If it's a parcel of land they are giving away a parcel of land. If it's a right of way you are relinquishing the public right to use the right of way.

MR. TAGLEY: What is this, a right of way?

MR. FAIRBAIRN: I don't know.

MR. TAGLEY: So we are voting on something we don't know. If you want to make sense to me, are you saying by supporting this proposal that we are giving a piece of property to the property owner who abuts the town road?

MR. FAIRBAIRN: I don't know the answer.

MR. SOLLEY: My early days as Zoning Officer it has become very clear to me that unless specifically stated in the deed historically over the years the town has really taken over ownership of the right of way. The property owners are not taxed on that land - that right of way -which either abuts your property, bi-sects your property, or allows for access to your property. So, you = I'm sure you could have fun with this all day long, but if you look at the tax map, the right of way is cut out and none of us are actually taxed for that land that the right of way consists of. So by historical condemnation, if you will, unless specifically state and there are some roads that read otherwise, it could be construed that this is a right of way owned by the town through the Gruson property to the Roxbury border.

MR. TAGLEY: By supporting this we are supporting the right of way.

MR. SOLLEY: By supporting this we would be supporting the elimination of the town's right - all rights - pedestrian, horseback, and vehicular to this right of way which we now presumably own. No cost, correct.

MR. FAIRBAIRN; This gentleman here. Please stand up and we'll go around.

LINDSEY GRUSON; I am Jane's husband. My name is Lindsey Gruson. I would like to make a couple of points. The town abandoned this right of way many, many years ago technically. The previous owner, us.....As I understand the law, and I've talked to Dick a great deal about this. Since the town essentially abandoned this decades ago, probably abandoned any rights to the land, therefore.....right of way. It is my understanding that lawyers have agreed about this. I would think there really...uses there. About 300-400 feet past the house and you can't go anywhere without trespassing. You can't unload your horse trailer and go ride around Steep Rock for two or three hours and then come back. All you can do is go 800 feet, turn around and come back. People do go down there and get firewood.I ask the town to abandon this - we won't make it very difficult for ourselves. It is largely for us to have privacy. ...Roxbury Land Trust essentially create a walk path that will join other property owners who donated this land. What we are trying to do is keep people from looking in the bathroom and breakfast room in the morning. There is nowhere you can goanother path where people RoxburyIn our dealings with Roxbury.....create a pathway. I like the idea of a path.....but not by my front door.This is a good old fashioned New England.....put the walking path where it isn't looking into the bathroom. This is an old, old house built when people had horses..... (Obviously, difficult to hear and understand)

MR. FAIRBAIRN: Yes, in the back.

KEN CORNET: The question I have, is there another access to the Roxbury Land Trust and to this property at the present time?

ROXBURY LADY: I can't answer that. I never walked that. (no idea what she is saying)

KEN CORNET: My proposal would be to hold this until another entrance to a land trust is developed. You are getting a whole bunch of land trusts with no entrance to them. I think it would be great to hold this off. I don't think it should be closed off until an entrance to the land trust is available.

CLERK: Just a moment. The tape was good for an hour and a half and we have to make a change.

MR. FAIRBAIRN: All right, we're all set to go now.

VALERIE FRIEDMAN: My question is. I would like to know ...another alternative to the road.....Barbara.....(not understandable)

ADDIE ROBERTS: I will do my best. Unfortunately, we were not given any information at all about the possibility of a different way. And the Planning Commission has had a long standing under standing that when any road was going to be discontinued to make sure that the public still had access. So I think that if there is a new way . I am most upset, actually to the fact that there might be someone looking in my front window. However, precedent has been set and the Planning Commission tried to stick - I know it sounds odd - to try to stick with something. Actually, what is being produced is excellence. There may be another way to solve the problem but until that is done we do have a policy. So that is fine by us if indeed that happens.

MR. FAIRBAIRN; This gentleman.

NED ?????: My property abuts the Gruson's and I have lived there for 15 years and I have yet to see the town plow the damn road. On top of that, originally in Roxbury thebuilt a generator right in the middle of the road. That is what happened there and they had to abandon it. There is no access. My hopemy drivewayback down my driveway to turn around.I don't thinkwalk 800 feet, turn around and walk back. It doesn't make sense to me. (This man was speaking loudly - but in this case too loudly. Made an echo as to others)

MARK DePECOL: ...25 years. Three issues. No sense for someone to use the road in question to walk down that stretch of road onto private property and turn around and turn back which would create a problem and situation for the people in the house. Number 2: Most importantly, by maintaining that road in the present condition subject to t he Gruson's would have legal right to frontage.....I think it is extraordinarily generous for the Gruson's offering a path that would be used away from their house around the pond. This is a no brainer. To me it is just proof that it is a situation that you take advantage of now. Thank you.

MICHAEL ANDROS: One side of the road is close to their property. Whose property is on the other side of the road?

MR. SEARS: ?????

????????? It isn't a road. We went up there. You would never know it is a road. It is a lawn. You would not know it is a road.

MR. SOLLEY: Basically, you are giving them a piece of land about 20 feet wide and 300 feet long.

MR. FAIRBAIRN: What you are discontinuing is a highway. It doesn't say anything about abandoning. The town will still own the property.

MR. MUSTICH: The town has no right to abandon.

MR. FAIRBAIRN: It doesn't say abandon. Anybody else? Mr. Gruson?

MR. GRUSON: It seems to me unclear. There is no access from our side to the Roxbury Nature Preserve. We still have to cross our property to get to any property Roxbury Land Trust maintains. Whether the town keeps the recreational rights or not, it does not answer that question. The only way to create a greenway is if we cooperate with Roxbury. The town is keeping the right of way, passive recreational rights. You go 800 feet you are on private property on all sides. Period. There is no way you can get to any conservation land except by trespassing. So it seems to me that if anyone going to come down where there is no parking, unload a horse, ride 800 feet, turn around, reload the horse in the trailer when it is a point of principle for maintaining passive recreational rights beyond sound judgment. I think it is time to use sound judgment. I think this is New England. This is the way we've always worked together. If there was any way to get in from Roxbury - but there isn't. This is something that Roxbury abandoned their end of the road and Washington abandoned us decades ago. It makes sense to - they don't maintain it, no houses depend on it. The town has used our parking area for a turnaround. This is 800 feet of road that goes nowhere except for private purpose.

MR. FAIRBAIRN: All right. We have a motion to move the question here. All in favor of moving the question say aye. No more debate. No more questions. Opposed? Now we are going to go ahead and vote. Anyone want it read again before we vote on it. Everyone clear? Okay. All in favor of the motion please say aye. Opposed? Okay, the ayes have it.

MOTION CARRIED

Meeting adjourned at 9:10 p.m.

NOTE: There is a complete tape recording of this Annual Town Meeting available in the office of the First Selectman.