

December 9, 2010

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

Present: First Selectman Mark E. Lyon, Selectmen James L. Brinton and Nicholas N. Solley.

Public: Denise Arturi, Phil Markert, John Meeker, Todd Peterson.

Call to Order: First Selectman Lyon called the meeting to order at 5:33 p.m.

Approval of Minutes:

Motion: To approve the minutes of the November 23, 2010 Regular Meeting of the Board of Selectmen.

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

To add the point “The Town wishes to seek a ‘signing bonus’ which would cover due diligence expenses incurred by the Town”, for the lease agreement for the proposed cell tower on Town property to the November 19, 2010 minutes of the Special Meeting of the Board of Selectmen.

By Mark Lyon, seconded by Jim Brinton.

Discussion:

Mark explained that he had received an email from Susan Payne, Chairman of the Conservation Commission, requesting the addition of this point.

The motion passed unanimously.

Communications: None.

Appointments/Resignations: None.

First Selectman’s Report:

Mark Lyon reported on the following:

* Land Use Attorney/Murtha Cullina:

Mark has been in contact with Attorney Kari Olsen regarding the Town’s leasing of municipal property to a private party for non-municipal use– i.e. construction of a telecommunications tower that would not fall under the jurisdiction of local land use commissions. The CT Siting Council allows companies such as Verizon to be exempt from municipal zoning regulations – however, the question arises due to their leasing of municipal property – not private property.

* Texaco Station Cleanup:

The contaminated soil cleanup work is completed and the area backfilled. Mark has met with the Lenard’s engineer and approved the placement of test wells on Town property.

* Property markers/snow plows:

Highway Director Kevin Smith has expressed concern about markers that some residents have installed along the Town roads that are “substantial” – metal, 4 x 4 posts, etc. During heavy snowstorms, when large amounts of snow accumulate along the edge of the roads and need to be pushed back, damage could be done to the Town’s equipment if these poles have no “give”. Smaller, more flexible markers are fine. There was discussion as to how to handle this – should there be a policy, regulation as to size, resident’s rights, etc. John Meeker suggested looking into the Town’s “fence regulations”. Jim Brinton suggested, as there are not that many properties involved, perhaps they could be contacted individually.

* Highway Department truck will be delivered within the next couple of days.

OLD BUSINESS:

* Discussion – hiring of attorney/consultant re: proposed Cell Tower on Town property lease

negotiations:

Mark explained that the process is moving forward. The Town has gathered as much information as possible. Verizon has provided the proposed lease, which has been reviewed by Town Attorney David Miles, and he has recommended an attorney familiar with telecommunication leases review it. Mark, along with members of the Cell Tower Committee, have met with Dick Comi a consultant with Center for Municipal Solutions; an attorney has been recommended by Blake Leavitt; and another attorney has been recommended by Murtha Cullina. Phil Markert, of the Cell Tower Committee, along with the Selectmen discussed the pros and cons of each. Following this discussion the following motion was made: Motion: To retain Dick Comi, Center for Municipal Solutions, as per his proposal, to review and negotiate the proposed lease between the Town of Washington and Verizon Wireless and a final review to be conducted by one of the above mentioned attorneys. By Jim Brinton, seconded by Mark Lyon and unanimously approved. A meeting will be scheduled with the Board of Selectmen and Cell Tower Committee.

*** Resident State Trooper contract:**

Mark explained that the Town has been working without a contract with the State Department of Public Safety for nearly a year. The Town, and several others in the State, has not signed the contract because of the amount of compensation stipulated for overtime – time and a half plus 53% of the hourly rate to cover benefits. Mark has spoken with the Department of Public Safety and the comptroller's office and does not feel he has received a satisfactory explanation. The State pays the Resident Trooper for his overtime and then bills the Town plus the 53%. The Town is paying bills from the State (minus the 53%?). Following discussion it was decided that Mark would again contact the comptroller's office and request that someone come and meet with the Board of Selectmen to explain further and discuss differences before signing a contract.

Visitors:

*** Denise Arturi re: Judea Garden:**

Denise thanked the Town for it's great support and reported that Judea Garden had a wonderful and bountiful season. 4000 lbs of vegetables were distributed – compared to 1400 last year. What was not used by Washington individuals and families was taken to the New Milford & Torrington Food Banks. Water tanks have been installed, the garden expanded, fences constructed, etc. with the help of donations, the Village Improvement Society and grants. Denise hopes to get more volunteers and area schools and students involved and reach out to more families. The Board of Selectmen asked that the minutes reflect the Town's gratitude to all the volunteers involved and particularly to Denise for the countless hours she has dedicated to this project.

Adjournment:

Motion:

To adjourn the meeting at 6:29 p.m. as there was no further business for discussion.

By Jim Brinton, seconded by Nick Solley and unanimously approved.

Respectfully submitted,
Mary Anne Greene
Selectmen's Secretary