

**March 19, 2009**

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

**Present:** First Selectman Mark E. Lyon, Selectman James L. Brinton.

**Press:** Ann Compton – VOICES, Jack Coraggio – Litchfield County Times.

**Public:** Ken Cornet, Bob Papsin, Wayne Hileman, Chris Charles, Margaret Cheney.

**Call to Order:** First Selectman Lyon called the meeting to order at 5:31 p.m.

**Approval of Minutes:**

\* Motion: To approve the minutes of the March 5, 2009 Regular Meeting of the Board of Selectmen. By Mark Lyon, seconded by Jim Brinton and unanimously approved.

**Communications:** None.

**Appointments/Resignations:** None.

**First Selectman's Report:** Mark Lyon reported the following:

\* Meeting with Dr. Storm, Board of Selectmen, Board of Finance and Board of Education members was productive. The ad hoc committee of Tony Bedini, Charles Boucher and Andy Engel made their presentation on the primary schools to Bridgewater and Roxbury. The three town's First Selectmen have discussed the reports in relation to the leases and have agreed to approach the Board of Education as a group with the hope of having a plan developed for long-term maintenance.

\* Total Valuation has completed their extended hearings. They will have their information to Barbara Johnson, Assessor, by tomorrow 3/20/09 which is also the last date for completing an application for a hearing with the Board of Assessment Appeals. Mark explained that those people who would not yet have heard from Total Valuation in time to make the deadline to apply for an appeal, should apply for one and then if satisfied with Total Valuation's adjustment, the appeal application could be cancelled.

\* New Police Vehicle and Highway Truck have been delivered.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

\* BRRFOC Resolution: Mark explained that Bristol Resource Recovery Facility Operating Committee (consisting of several towns including Washington) has been in a long-term agreement with Covanta to operate the facility. This agreement expires in 2014. A decision needs to be made regarding purchasing of the operating facility or turning it over to Covanta. This resolution will give the Operating Committee the right to negotiate with Covanta on behalf of the member towns and the member towns will not negotiate outside of the Operating Committee. Each member town has to accept this resolution. Motion: To adopt the following:

**RESOLUTION**

**WHEREAS**, among other agreements, the Cities/Towns of Berlin, Branford, Bristol, Burlington, Hartland, New Britain, Plainville, Plymouth, Prospect, Seymour, Southington, Warren, Washington and Wolcott entered into an Amended and Restated Service Agreement dated June 1, 1985, as amended, with

Ogden Martin Systems of Bristol, Inc. (currently known as Covanta Bristol, Inc.) (hereinafter, the “Service Agreement”) relative to its rights and obligations with respect to a resource recovery facility now located in the City of Bristol, Connecticut and owned and operated by Covanta Bristol, Inc. (the “Facility”);

**WHEREAS**, said Cities and Towns (collectively, the “Contracting Communities”) entered into an Inter-Community Agreement dated August 1, 1985, as amended, (hereinafter, the “Inter-Community Agreement”) relative to their respective and collective rights, duties and obligations pertaining to such Service Agreement, the Facility, and other certain agreements;

**WHEREAS**, pursuant to the Inter-Community Agreement, the Contracting Communities established the Resource Recovery Facility Operating Committee (currently known as the Bristol Resource Recovery Facility Operating Committee) (hereinafter, the “BRRFOC”) consisting of representatives from each of the Contracting Communities and vested the BRRFOC with certain powers and authority to act by and on behalf of the Contracting Communities;

**WHEREAS**, the Inter-Community Agreement is scheduled to expire on August 1, 2020;

**WHEREAS**, the Service Agreement, however, is scheduled to expire on July 1, 2014;

**WHEREAS**, the BRRFOC, pursuant to its executive authority, and in recognition of the end of term of the Service Agreement, has commenced a review and analysis of rights and options afforded to the Contracting Communities and the BRRFOC under the Service Agreement and in furtherance of such review and analysis, the BRRFOC has retained experienced consultants to conduct a detailed study and to identify all relevant rights, issues, options and their economic impacts available to the BRRFOC and the Contracting Communities, and to recommend an implementation and action plan to pursue;

**WHEREAS**, depending on the option or set of options identified and their economic implications to the BRRFOC and the Contracting Communities, Covanta Bristol, Inc. and other entities that may provide solid waste disposal to the BRRFOC and the Contracting Communities after the term of the Service Agreement may or may not be the beneficiary of any such implementation and action plan recommended;

**WHEREAS**, those entities, including Covanta Bristol, Inc., having any interest in any such recommendation, may seek, directly or indirectly, to attempt to affect, by various means, such recommendation;

**WHEREAS**, it is in the interest of the Contracting Communities, both independently and collectively, to support and empower the BRRFOC as their agent to conduct a thorough, comprehensive and independent study and to identify all such relevant rights, issues, options and their economic impacts leading to such implementation and action plan free from any participation, directly or indirectly, of any entity, including Covanta Bristol, Inc., having an interest in such recommendation except to the extent determined by the BRRFOC; and

**WHEREAS**, in furtherance of such support and empowerment, the Cities/Towns of Berlin, Branford, Bristol, Burlington, Hartland, New Britain, Plainville, Plymouth, Prospect, Seymour, Southington, Warren, Washington and Wolcott recognize that any activities that may be taken by any interested entity, including Covanta Bristol, Inc., regarding the BRRFOC’s study and anticipated implementation and action plan should be solely addressed by the BRRFOC and that the Contracting Communities should not entertain or provide an audience to any such interested entity, including Covanta Bristol, Inc., for such purpose.

**NOW, BE IT RESOLVED** that in furtherance of the powers and authority vested in the BRRFOC pursuant to the Inter-Community Agreement, the Cities/Towns of Berlin, Branford, Bristol, Burlington, Hartland, New Britain, Plainville, Plymouth, Prospect, Seymour, Southington, Warren, Washington and Wolcott support the review and planning activities of the BRRFOC regarding solid waste disposal after the term of the Service Agreement leading to its anticipated recommendation of an implementation and action plan to best serve the interests of the Contracting Communities; and

**BE IT FURTHER RESOLVED** that the Cities/Towns of Berlin, Branford, Bristol, Burlington, Hartland, New Britain, Plainville, Plymouth, Prospect, Seymour, Southington, Warren, Washington and

Wolcott will not take any action, provide any audience or otherwise facilitate the interests of any entity, including Covanta Bristol, Inc., having a potential interest in the recommendation and potential pursuit of the anticipated BRRFOC implementation and action plan that could serve to affect results of such plan.

The undersigned individual, duly authorized, hereby certifies that the foregoing resolution was properly enacted by the City/Town of \_\_\_\_\_ on \_\_\_\_\_, 2009.

Signed: \_\_\_\_\_  
Title: \_\_\_\_\_

Seal:

By Mark Lyon, seconded by Jim Brinton and unanimously approved.

\* 108 New Milford Turnpike:

The Board of Selectmen will be presenting a proposal to the Town regarding the purchase of 31 +/- acres at 108 New Milford Turnpike. A press release explaining the proposal will be sent to area newspapers. The Conservation Commission initiated the possible purchase last fall. With the support of the Board of Selectmen a negotiating committee made up of Mark Lyon, Susan Payne (Conservation Commission) and Liddy Adams (Board of Finance) worked with Washington Partners LLC and agreed on a price of \$500,000 to purchase with no restrictions with previously allocated Open Space Funds. If the Town's Legislative Body approves the purchase, the area would be used to preserve open space, and passive recreation (walking paths, etc.). Ken Cornet had several questions regarding the price, timing of the purchase, the need to own more open space, use for farmland, the need for more time for the public to learn about it, the number of "Executive Sessions" on various commissions to discuss this without public input, etc. Jim Brinton stated that acquiring a piece of property such as this was in line with the Town's Plan of Conservation and Development. Mark explained that with the Open Space Funds, the land could be used for farming and reminded the public that the money has been set aside for five years. There will be a site visit on Saturday, April 4 at 9:30 a.m. and an informational meeting at 10:30 at the New Preston Congregational Church. Chris Charles and Margaret Cheney both spoke in favor of the Town's acquiring this property. Chris Charles also asked about the possibility of using part of the property for housing in the future. Mark explained that at the present it was being purchased for open space. He would be speaking with Town Attorney, David Miles, regarding an opinion as to if and how a section could be used for housing at a future date. It would most likely require a Town Meeting to approve a change of use, etc. Wayne Hileman addressed Ken's concern about the Executive Sessions that were held by Conservation and Selectmen explaining that whenever the Town is dealing with a potential purchase of property it is appropriate and necessary to go into Executive Session – it is a requirement by State Statute and FOI rules and regulations and protects the private citizen. Mark also stated the Town would be having an independent appraisal done.

\* Setting of an agenda for a Special Town Meeting:

Motion: To schedule a Special Town Meeting for Wednesday, April 8, 2009 at 7:30p.m. at Bryan Memorial Town Hall, Washington Depot, Connecticut to consider the following:

- 1) To approve the purchase of 31 +/- acres at 108 New Milford Turnpike, New Preston, for \$500,000 using previously budgeted and approved Open Space Funds.
- 2) To nominate candidates for the four Region #12 Board of Education positions whose terms will be expiring 6/30/09. Voting for these candidates will take place in conjunction with the Region #12 Budget Referendum tentatively scheduled for May 5, 2009. By Mark Lyon, seconded by Jim Brinton.

Discussion: Item #1 covered above. #2-the hope is to give the public more time to nominate candidates and to get a larger number of voter turnout for these important positions. The motion passed unanimously.

\* Silver Star Proclamation:

Silver Star Families of America is a not for profit organization whose purpose is to honor our wounded military veterans by showing appreciation for their sacrifices.

Motion: To proclaim May 1, 2009 "Silver Star Banner Day" by passing the following Proclamation:

**TOWN OF WASHINGTON  
SILVER STAR BANNER DAY  
PROCLAMATION 2009**

**WHEREAS**, the Town of Washington, Connecticut has always honored the sacrifice of the men and women in the Armed Forces and

**WHEREAS**, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag and

**WHEREAS**, to day The Silver Star Families of America has freely given thousands of Silver Star Banners to the wounded and their families, and

**WHEREAS**, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this Town and Country with Silver Star Banners, Flags and care packages, and

**WHEREAS**, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star flag flying, that people remember the sacrifice for this Town, State and Nation and

**WHEREAS**, the people and the Board of Selectmen of the Town of Washington wish that the sacrifice of so many in our Armed Forces never be forgotten

**NOW THEREFORE**, WE, Mark E. Lyon, James L. Brinton and Nicholas N. Solley, SELECTMEN OF THE TOWN OF WASHINGTON, do hereby proclaim Our appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members. We hereby declare **May 1st "SILVER STAR BANNER DAY"** the permanent and official day to honor the wounded and ill Soldiers of the Town of Washington.

**IN TESTIMONY WHEREOF**, We have hereunto set our hands and caused to be affixed the Great Seal of the Town of Washington in the State of Connecticut this 19th day of March 2009.

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Mark E. Lyon  
First Selectman

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James L. Brinton  
Selectman

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Nicholas N. Solley  
Selectman

The motion passed unanimously.

**Visitors:**

\* Bob Papsin asked to speak to the Selectmen about the commercial lighting on Route 202 in New Preston. Is there a way that the lights, particularly those on privately owned property, could be less bright? Can we request the same of CL&P? In light of planning and zoning's interest in lighting, this may be a good time to discuss this. Bob has made this request previously and the Selectmen agreed to follow through with the business owners. Bob also asked about the grant to repair Mygatt Road and it was explained that we have received the official approvals from the State and the next step will be to look into engineering of the project. Bob's third concern was 2 dead maple trees and an ash tree on Mygatt that he feels are dangerous.

**Adjournment:**

\* Motion: To adjourn the meeting at 6:16 p.m. as there was no further business for discussion. By Jim Brinton, seconded by Mark Lyon and unanimously approved.

Respectfully submitted,  
Mary Anne Greene  
Selectmen's Secretary