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## SELECTMEN'S MEETING May 21, 2013

The Board of Selectmen held a Selectmen's Meeting on Tuesday, May 21, 2013, at 7:04 p.m. at the Merrill Seney Community Room – Town Hall.

**PRESENT:** Lawrence K. Groh, Jr., First Selectman; Kenneth Beausoleil, Selectman; Kerstin Forrester, Selectman; Mike Blackmer – WINY Radio; Kevin Walsh; Joseph Gaucher; Paul Baer; Kathleen Herbert; Sally White; Shawn Donohoe, Norma O'Leary and other concerned citizens.

### 1) APPROVAL OF MINUTES:

The minutes of the Selectmen's Meeting of May 7, 2013, will be added to the next meeting's agenda for approval.

### 2) CORRESPONDENCE:

1) Mr. Groh read a letter announcing that there will be a public hearing on May 29, 2013, at 7:00 p.m. at the Thompson Library Community Center, Room 2, by the Thompson Planning & Zoning Commission regarding a special permit application for the construction of a water storage tank from the Connecticut Water Company of 93 Main Street, Clinton, CT.

2) Mr. Groh also announced that Randy Morin has resigned from the Belding-Corticelli Improvement Committee and that Bernie Davis has expressed an interest in filling this position.

**Motion made by Mr. Beausoleil, seconded by Mr. Groh, to add Bernie Davis' request to serve on the Belding-Corticelli Improvement Committee to 9) Other Business.**

**Mr. Groh - Yes  
Mr. Beausoleil - Yes  
Mrs. Forrester - Yes**

### 3) SELECTMEN'S COMMENTS:

Mr. Groh commented that the annual town meeting was held on May 20, 2013, regarding the budget which is now going to Referendum on May 29, 2013, at 12:00 noon until 8:00 p.m. in the Merrill Seney Community Room in the Town Hall. He also wished everyone a safe Memorial Day Weekend.

Mr. Beausoleil stated that the Memorial Day Parade will be held on Monday, May 27, 2013, at 9:00 a.m.

Mrs. Forrester expressed her disappointment at the number of people who attended the Town Meeting and she hopes the turnout for the Referendum will be larger.

### 4) CITIZEN'S COMMENTS ON AGENDA ITEMS:

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- Kevin Walsh inquired what item 6) Pending Litigation on 929 Riverside Drive is pertaining to. Mr. Groh stated that it is regarding the River Mill.
- Sally White requested that she be considered as a member of the Conservation Committee. She stated that the Committee is supposed to have 7 members and one has resigned. Mr. Groh will look into this and he stated that if there is a position open that he will add this to the next meeting's agenda.
- Kathleen Herbert commented on the poor turnout at the town meeting. She then asked what is the "cutoff" for sending the budget to Referendum. Mr. Groh stated that the budget has to be at 2% or higher to go to Referendum. She stated that since the budget was less than 2% then they could have voted at the Town Meeting and why are they wasting \$6,000.00 of taxpayer's money by not voting at the Town Meeting instead of sending the budget to Referendum. He indicated that he understands her fully, but asked the question, how would you feel if the budget was voted on at the Town Meeting with a smaller number of people attending and you were one of the people who always attends the Referendum every year to vote. He does not want to take away citizen's right to vote. He further indicated that this is why he strongly encourages everyone to attend these meetings and that their meetings are all important and that is where decisions are made. Paul Baer asked the question, is it true that if the budget is below 2% that the Board can vote on the budget. Mr. Groh stated that the budget has to go to the Town Meeting per their ordinance. Mrs. Forrester further stated that the ordinance was written in 1997.
- Paul Baer asked about the Belding-Corticelli Improvement Committee and he stated that when it was formed that it was the Belding-Corticelli Parks Committee. Mr. Groh stated that about 2 weeks later the name was changed. Mr. Baer further commented that when they changed the name did they change the charges since the original charge of the Committee was to set up the feasibility of a park and to investigate grants. Mr. Groh said that he will research this. Mr. Baer also asked about 5) request from the Committee. Mr. Groh stated that the request came about at the last Selectmen's meeting and Mr. Baer was not present for that meeting. He further stated that it is regarding the smokestack and bell tower being removed in lieu of back taxes. Mr. Groh further stated that he will take suggestions from the citizens regarding this when they come to this further down on the agenda. Mr. Baer stated that the Committee met on May 17, 2013, and they did not notice the meeting which he felt is a violation of the FOI Act.
- Ms. White also commented that since there is a request from the Committee is there a Committee member present. Mr. Groh stated that he spoke to that person and they are supposed to be present and Mr. Beausoleil indicated that perhaps they were held up because of the storm that just went through the area.
- Mr. Walsh stated that according to the FOI Act that special meetings are supposed to be noticed.

## **5) REQUEST FROM BELDING-CORTICELLI IMPROVEMENT COMMITTEE:**

Mr. Groh stated that this request stems from their last meeting where they had gone into Executive Session to discuss the issue and they then decided to add the item to this week's agenda for open discussion. Mr. Groh read from a memo to the Board of Selectmen from the Belding-Corticelli Improvement Committee Chair Person. The memo stated that the Board is aware that removal of the existing smokestack and bell tower on the property is a critical phase in accomplishing their goal and at the same time addressing an important safety issue. The Committee found that the removal would be too costly and was estimated to be around \$200,000.00. Pursuant to Connecticut State Statute §12-146, the town has the opportunity to have the structure removed, at the property owner's expense, in lieu of taxes owed to the town by said property owner. Removal costs are estimated to be around \$75,000.00 to \$90,000.00. It

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is noted that the statute speaks specifically to tax delinquency by not less than 1 year. The property owner is currently not more than 1 year delinquent for property taxes in the amount of \$29,904.30. Current taxes due July 1, 2013, will be \$33,176.97 and would increase to not less than the 1 year delinquency to a total of \$63,081.27 plus additional interest through June 30, 2013. The Committee recommends that the town takes advantage of this opportunity and respectfully requests that the Board endorse this and take any subsequent action necessary to implement this statute written into a contract between the town and property owner stating that the property owner would be responsible for any payment to a demolition contractor in excess of \$63,081.27 and must be emphasized that the invoice from the property owner and the town be dated after July 1, 2013, in order to meet the requirements of the statute.

Norma O'Leary, who is a member of the Committee, was present to review the last Committee meeting minutes held on May 17, 2013. Ms. O'Leary stated that the Fire Marshall informed them that they cannot burn any wood in excess of 1.5 inches. They are looking into other ways to remove the brush and wood from the property. They have applied for a permit with the Inland Wetland Agency to work in the upland review area. They are looking into a grant with the Town Planner in the range of \$60,000.00 to \$70,000.00 to assist them with the clean-up of the property. She further stated that there is a gravel operation on Reardon Road and they were offered free gravel to level off the area.

Mrs. Forrester indicated that that she looked through the Town Planner's file and found information from CME Associates from June of 2010 in which they conducted an environmental review of the site. She further indicated that the state does not have any information on file and there is no remediation activity for the soil on file. CME reported that they found in the foundation soils various heavy metals and metal compounds and petroleum hydrocarbons which are extremely toxic. She was surprised that the property owner did not have some kind of remediation back in the 1980s. She further stated that the town does not want to take on this kind of liability and they should get legal advice on what that liability actually is. Ms. O'Leary stated that the Committee's charge was to make the area more attractive from the road and that the property owner is responsible for any clean-up of the contaminated areas and that is their jurisdiction.

Mr. Donohoe stated that only the foundation area is where the testing was done by CME and that they did have a department head out from the DEEP and he was told that they cannot bury or fill or remove the contaminated soil. There were also test pits in the soccer field and the soil there was fine.

Ms. White asked about the \$75,000.00 to \$90,000.00 figure to have the structures removed and what is the source of this. Mr. Donohoe stated that the quote was from a company in Arizona and they did request a quote from several other companies. Mr. Baer asked about the use of town funding for the property clean-up, and Mrs. Forrester replied that the spending would only be from grants and that this item does not have a budget line.

The Board decided not to take any action regarding Connecticut State Statute §12-146. Mr. Groh stated that he will speak with the town attorney before they continue with any work on the property and he further stated that he welcomed any suggestions in the future.

## **6 & 7) EXECUTIVE SESSION – PENDING LITIGATION – 929 RIVERSIDE DRIVE & CONTRACT NEGOTIATIONS – MARIANAPOLIS SEWER PROJECT:**

**Motion made by Mr. Groh, seconded by Mr. Beausoleil, to go into Executive Session at approximately 8:12 p.m. for the purpose of pending litigation at 929 Riverside Drive and Contract Negotiations – Marianapolis Sewer Project.**

**Mr. Groh –Yes  
Mr. Beausoleil -Yes**

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**Mrs. Forrester -Yes**

**The Board came out of Executive Session at approximately 8:51 p.m.**

**No action was taken by the Board.**

**8) TAX REFUNDS:**

No tax refunds were reviewed.

**9) OTHER BUSINESS:**

Bernie Davis requesting appointment to a position on the Belding-Corticelli Improvement Committee.

**Motion made by Mrs. Forrester, seconded by Mr. Beausoleil, to approve appointment of Bernie Davis to the Belding-Corticelli Improvement Committee.**

**Mr. Groh –Yes**

**Mr. Beausoleil -Yes**

**Mrs. Forrester -Yes**

**10) CITIZEN'S COMMENTS:**

- Mr. Walsh inquired about the property at 929 Riverside Drive and what is the status of the project; did a section of the mill get purchased. Mr. Groh stated that there was a potential buyer and they applied for all of the state and federal credits to put in housing and they were turned down. The building is still owned by one owner.
  - Mr. Baer made a number of comments as follows:
    - He commented about disclosure of information during a recent WINY interview, in particular that Mr. Groh's wife is a school teacher. Mr. Groh stated that most people from the town know that his wife is a school teacher.
    - Also he feels that there has been a conflict of interest with the Housing Authority and there needs to be an ethics class.
    - He commented that LaFramboise Well Drilling is turning into a junk yard and it is spreading behind the church.
    - Housing Authority met on February 20, 2013, regarding fire alarm upgrades. He stated that they contracted with D/E/F Wiring Services and felt that they should be using local businesses.
    - What is the ordinance status on proposed signs. They need to review for grammar and typos. Mr. Groh stated that the typos don' have to go back to town meeting.
    - The town had 2 workshops regarding the Freedom of Information Act and he stated that the town has had a couple of violations in the past few weeks and he further stated that the information should be available for everyone by posting on the website and bulletin boards with a memo to all Committee Chair Persons. Mr. Groh stated that not everyone attended and he agreed with Mr. Baer. The Board agreed to have a sign-off sheet for the Committees stating that they have read the FOI Act regulations.
    - Updates made to the website; status of the voting district, is that now inactive and Mr. Groh stated, yes; status of the 65 Main Street Committee and the project status itself and Mr. Groh stated that it was put on hold because they are waiting for an answer from the Attorney

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General's office to see if they can change the deed restrictions on the property, this can be considered inactive as well; sending a memo to all Committees that they post their minutes to the website. Mr. Groh asked that he receives a list of everyone not posting.

- Board of Assessment Appeals – not good practice for them to vote on their own properties. Mr. Beausoleil suggested that they use neighboring town's Boards when there is a need to vote on their own property. The Board agreed on this and stated that they should have an ordinance.
- The Library requested that they need a credit card. The Board stated that the procedure for purchasing is to request a purchase order before making any purchase.
- Mr. Baer stated that he received an email from a local resident and a certified member of one of the fire departments regarding the recent fatal fire at Pine View Court. He asked, why did the fire department arrive more than 20 minutes after the call with 2 people, either of which was certified as interior fire fighters. Also the first truck into the scene was from a mutual aide department. He further stated that the nearest fire department is not always the one dispatched to a fire and there are many issues in the way fire protection is handled in this town. He also wrote that the Selectmen has taken a hands-off approach and feels that this problem is political. Mr. Groh asked a question of Mr. Baer, would it be appropriate to invite in a separate entity to do a study on the different problems that have been mentioned. Mr. Baer stated that Sturbridge, MA hired a consulting firm at a cost of approximately \$3,500.00 and they found problems with several pieces of equipment and also the fire chief was put on paid administrative leave with the police chief as acting fire chief and he had no fire experience. Mr. Baer stated that the Fire Advisory Committee for the town has not done their charges. Mr. Groh asked to see a copy of the Sturbridge report. Mr. Beausoleil stated that he needs to look at the Fire Advisory Committee's charges. Mr. Baer asked Mrs. Forrester to join the Committee and she agreed.
- The Summer Nationals are coming and are the food vendors required to have licenses. Mr. Groh stated that food vendors are reviewed by the Board of Health. He asked about other vendors and Mr. Groh stated that if there is anything it would be with Planning and Zoning. He further stated that they drive around with open headers and cause pollution as well.
- Ms. O'Leary mentioned that on May 25, 2013, at 1:00 p.m. there will be a dedication at the Wyndham Land Trust's 124-acre Robbin's Preserve.
- Mr. Walsh thanked Mr. Baer for all of his work.

## **11) ADJOURN:**

**Motion made by Mr. Groh, seconded by Mrs. Forrester, to adjourn the meeting at approximately 9:38 p.m.**

**Mr. Groh -Yes  
Mr. Beausoleil -Yes  
Mrs. Forrester -Yes**

Recorded and transcribed by Patricia Lacasse