

BOARD OF SELECTMEN SPECIAL MEETING
July 14, 2010

A Special Meeting of the Board of Selectmen was held on Wednesday, July 14, 2010 in the Selectmen's Conference Room.

Members present at the meeting were First Selectmen Frank Chiaramonte, Selectman Christina Emery and Selectmen Michael Criss.

Attendees: Mary Jane Tierney, Attorney Michael Rybak, John Fredsall, Register Citizen Reporter Jessie Sawyer, Republican American Reporter Kari Banach, Vinnie Wheeler

Call to Order

Mr. Chiaramonte called the meeting to order at 6:03 p.m.

Minutes of the Previous Meeting

Mr. Criss made a motion to accept the minutes from the regular meeting held on June 16, 2010. Ms. Emery seconded. All were in favor.

Public Participation

None

Appointments and Resignations

Mr. Criss made a motion to accept nomination from the Historic District Commission of Greg Marshall for a regular five year term. Ms. Emery seconded. All were in favor.

Ms. Emery moved to accept the resignation of Dave Farrar from the Inland Wetlands and Watercourse Commission. Mr. Criss seconded. All were in favor.

Mr. Criss moved to accept nomination of Don Prigitano to fill an alternate position with IWWC and nomination of Bob Wesneski to become a regular member. Ms. Emery seconded. All were in favor.

Ms. Emery moved to accept nomination of Jim Elliott to the Harwinton Ambulance Building Committee. Ms. Criss seconded. All were in favor.

New Business

Deluca's Request for return of marshal's fees in the amount of \$4,809.39: Mr. Chiaramonte stated that the marshal's fees should be returned due to a lack of communication between the Deluca's, the Tax Collector and the Board because a response was not made to Deluca's letter requesting a meeting prior to the matter being turned over to the marshal. Ms. Tierney said legally she cannot get the fee from the marshal because he did collect the back taxes. Attorney Rybak said the refund would have to come from the Town. The Town had been sending the bills to an incorrect address for twenty years. Since the Deluca's did not

receive any bills they incorrectly assumed the Town took the property. Ms. Emery asked Ms. Tierney if the bills had been marked as undeliverable for twenty years why wasn't the correct address found. Ms. Tierney said since she took office in November, 2009 she hired part time help to look for current addresses. There is a data base program that would help locate addresses but the cost would probably be about \$10,000. Mr. Chiaramonte said the Board should recommend to the Board of Finance a refund of \$4,809.39 to the Deluca's. Mr. Criss said he was okay with that as long as the Deluca's understand that they own the property and are responsible for the taxes. The total warrant was for \$36,588.52. The \$4,809.39 was a combination of marshal's fees and costs. The Town collected 15 of the 20 years of taxes. Mr. Criss moved to recommend to the Board of Finance to refund fees of \$4,809.39 to the Deluca's. Ms. Emery seconded. All were in favor. August 12 is the next Board of Finance meeting.

Tax issue regarding property owned by Nancy LaGanga: Attorney Rybak stated he has spoken to Ms. LaGanga who offered to pay half of the taxes she owes on a lot. Ms. Emery asked if Ms. LaGanga would sign a release if the Town were to agree. Attorney Rybak said she would sign. Mr. Criss asked if the drainage was there when she purchased the lot and was told it was there. Attorney Rybak produced a map of the area which shows the drainage but the deed does not mention the drainage. John Fredsall said the town already has a drainage easement on the lot. Mr. Criss is concerned about the fact that Ms. LaGanga knew she owed taxes but did not go before the Board of Assessment Appeals. Mr. Fredsall also questioned why she waited until 2010 to address the problem when she's owned it since 1962. Ms. Tierney said according to her policy this should be turned over to a marshal for collection. It was decided that a survey should be done first in the event the Town takes the lot. It will not be given to the marshal yet. Mr. Criss made a motion to have Mr. Fredsall arrange for a survey and not make a decision about the taxes until the survey is completed. Ms. Emery seconded and all were in favor.

Possible purchase of Avallone property: Mr. Chiaramonte said there are two parcels of land totaling 3 ½ acres along the Naugatuck River which are separated by land belonging to the Army Corps of Engineers. The purchase was recommended by the Open Space Committee to provide fishing access. The asking price is \$20,000 which would be paid for from a \$42,000 grant the Town has obtained and there will not be any maintenance costs. Mr. Criss asked how the access to property is. Mr. Chiaramonte said the property is right off the road and they are very nice lots. Ms. Emery moved to ask the Planning Commission for an 8-24 referral and to use grant funds for the purchase. Mr. Criss seconded. All were in favor.

Mr. Chiaramonte convened the meeting at 7:04 p.m. in order to join the Planning Commission meeting to request approval for the Avallone property.

Mr. Criss moved to reconvene the Board of Selectmen meeting at 7:40 p.m. Ms. Emery seconded. All were in favor.

Adopt Resolution authorizing First Selectman Chiaramonte to execute and deliver contract with the State of Connecticut Library for a Historic Documents Preservation Grant: Ms. Emery moved to adopt Resolution authorizing Mr. Chiaramonte to execute contract. Ms. Criss seconded. All were in favor.

First Selectman Chiaramonte to sign contract with the State of Connecticut Library for a Historic Documents Preservation Grant: Mr. Criss moved to authorize Mr. Chiaramonte to sign contract. Ms. Emery seconded. All were in favor.

Litchfield Hills Business Energy Efficiency Program (BEEP): Mr. Chiaramonte stated that Litchfield Hills Council of Elected Officials has received a grant and established the Litchfield Hills Business Energy Efficiency Program to help improve the energy efficiency of business buildings. The BEEP offers incentive financing to encourage energy improvements to business buildings. This will be available to owners or tenants of existing commercially owned structures and non-profits. Harwinton's share of the grant is \$14,223. Ms. Emery said they had a similar program in Torrington but businesses had to show proof that they are current with taxes. Mr. Chiaramonte said the same should be done in Harwinton. The Selectmen agreed to form a committee and would like Tracy Mirsky and Andy Kasznay to serve on the committee. Ms. Emery made a motion to establish a committee. Mr. Criss seconded. All were in favor.

Vote on names for the Economic Development Committee: Ms. Emery has a list of names but would like to speak to everyone on the list first before voting. She is thinking of holding monthly meetings. She does not want to duplicate what SCORE or the Chamber of Commerce is doing. Mr. Chiaramonte said there could be a Regional Economic Development Committee which would require an annual contribution to become a member.

Ms. Emery reported that her 4 year term Task Force has been gathering information. The Task Force will have a public information meeting on Wednesday, September 29, 2010 at 7:00 p.m. There will be handouts of what information they have found to date and would like to get opinions before making final recommendations.

Mr. Criss said he was told that CL & P is widening road by Laurel Way and there have been complaints that the trucks are using the back roads in Harwinton. Mr. Chiaramonte doesn't think we can stop trucks from using the road but will mention it to Highway Supervisor, John Fredsall.

Mr. Chiaramonte said we would schedule Glen Chalder to present preliminary low impact development proposal in August.

New Business Continued

Community Service Waiver: Attorney Rybak said he had been asked to look into Community Service that is ordered by the courts. The problem is that there is no supervised community service. The Town should not let people do something without proper guidance. The Town's bargaining unit could complain and another concern is safety. Also of concern is the liability issue. He is not sure that a waiver or hold harmless agreement would be effective but it is better to have one than not. He would like to know if CIRMA would stand behind a waiver. If not, the Town should reconsider having people perform community service for the Town.

Bristol Water Company pending litigation: Ms. Emery made a motion to enter into Executive Session at 8:25 p.m. to discuss pending litigation. Mr. Criss seconded and all were in favor. Present were the Board of Selectmen and Attorney Michael Rybak. Ms. Emery moved to end Executive Session at 8:41 p.m. seconded by Mr. Criss. All were in favor. No action taken.

Correspondence

The Selectmen reviewed the Fire Marshall's Report for June, 2010.

Adjournment

Mr. Criss made a motion to adjourn at 8:42 p.m. Ms. Emery seconded. All were in favor.

Minutes submitted by: _____
Melissa Santoro

Approved by: _____
Francis J. Chiaramonte, First Selectman

Christina Emery, Selectman

Michael Criss, Selectman