

BOARD OF SELECTMEN REGULAR MEETING
February 7, 2012

A regular meeting of the Board of Selectmen was held on Tuesday, February 7, 2012 in the Selectmen's Conference Room.

Members present: First Selectman Michael Criss, Selectman Jon Truskauskas, and Selectman Frank Chiaramonte.

Attendees: Don Truskauskas, Jason Emery, Peter Thierry, Girvice Archer, Attorney Mike Rybak, Ellie Woike, Bud Wilkinson, Jeff Neumann, Wes Seixas, T.J. Root.

Call to Order

Mr. Criss called the meeting to order at 7:00 p.m.

Jon Truskauskas moved to add the following to the agenda: Refund of Property Taxes. Mr. Chiaramonte seconded. All were in favor.

Minutes of the Previous Meeting

Mr. Chiaramonte made a motion to approve the minutes from meetings held on Tuesday, January 17, 2012 and Wednesday, January 18, 2012. Mr. Truskauskas seconded. All were in favor.

Public Participation

None

Appointments and Resignations

Mr. Criss announced the resignation of Jason Emery from the Emergency Services Committee and recommended Jeff Neumann to fill the position. The nominees for the Economic Development Commission are Franci Tartaglino, Kerri Oulette, Jon Sederquist, Don Truskauskas, Ted Root, Tom Schoenemann, and Steve Criss. The nominees for the Agricultural Committee are Mike Orefice, Cory Iacino, Steven Camp, Mark Gauger, Mike Audet, Patty Sederquist, Gretchen Mathes and Brook Cheney as an alternate. Mr. Chiaramonte noted that minutes from the Planning Commission had nominated Chistina Emery to the Planning Commission. Mr. Truskauskas made a motion to approve the nominees as stated above for the Emergency Services Committee, Economic Development Commission, Agricultural Commission, and Planning Commission. Mr. Chiaramonte seconded. All were in favor.

New Business

Ambulance Discussion, Attorney Rybak:

Attorney Rybak began the discussion by noting that the voters and taxpayers of the town approved the purchase of the gas station for use as an ambulance facility in a referendum vote of 527 to 308. At that time the Selectmen were investigating the scope and cost of pollution liability insurance. For the past two months Attorney Rybak has

been supplying the insurer with documents pertaining to testing done at the site. Last month a meeting was held between the Selectmen and Chartis Insurance. The insurance will take effect when the town records the deed to the property and the money is disbursed to Drake. When negotiations began eighteen (18) months ago Drake said they would not indemnify for pre-existing site conditions. They did agree to remediate and have a Licensed Environmental Professional certify the site and if it did not clean up according to DEP standards or if remediation costs exceed \$325,000 the deal would be void. Drake agreed to provide the town with a side letter stating that they will do whatever the state statutes, regulations, and DEP requires with respect to groundwater monitoring and testing. As this process has taken such a long time, Drake is now requesting a closing by February 15th. Attorney Rybak stated that grant money cannot be used to purchase property under environmental remediation. Therefore, the property has to be remediated before grant money will be used. Drake will put \$325,000 into an escrow account to pay for remediating the property. Attorney Rybak stated that it is now up to the Selectmen to decide on whether or not to proceed with the transaction. Attorney Rybak produced a map of the property showing the area that had been cleaned in 1996 and what needs to be remediated prior to the purchase. Initially, Attorney Rybak recommended not disturbing the area east of the parking lot where the septic is to be installed. Now he recommends cleaning that area as well to make sure nothing is left on the property. He reported that a settlement in principal has been reached with a neighboring property owner. The issue of insurance has to be settled with the Ambulance Association. The most affordable environmental insurance is with Chartis at \$50,000 for five (5) years with \$1 million in coverage with a \$25,000 deductible (aggregate). Mr. Criss inquired about reducing the deductible but discovered that \$25,000 is the lowest amount available. Mr. Truskauskas noted that the deductible is per occurrence. Attorney Rybak noted that indemnification by Drake as a pre-condition of the coverage is not necessary. Attorney Rybak reiterated that if the LEP does not certify the property, the funds to purchase the property will not be approved by the state. Mr. Truskauskas expressed concern over the septic area due to new construction regulations. Attorney Rybak stated that test holes for perc testing in that area did not show anything. The town could request a waiver under state health code for extenuating circumstances. Mr. Truskauskas wants something in the contract to say the deal is off if we cannot install a septic system. It was noted that perc testing was done for that reason. If anything is found in the septic area there are ways to handle it through air stripping and soil removal. Jason Emery noted that the ambulance association decided to further protect the town after the referendum vote by purchasing insurance. Mr. Criss said now that they have the insurance issues resolved, the ambulance association has agreed to pay for the insurance, CIRMA will make sure the language is correct in the policy and it meets the qualifications to protect the town and feels there is no risk to the taxpayers because the insurance will be in place once the site is deemed clean by the LEP. He also reiterated that if the LEP does not certify the site, the town will not be able to purchase the property. If the LEP certifies the property then the ambulance association

will purchase the insurance since we cannot own the property until it is remediated. He feels the town is properly covered with all the precautionary measures that have been taken and would like to move forward with the closing. Mr. Chiaramonte stated they have enough assurances to move forward with the closing and noted Attorney Rybak has done his due diligence throughout these negotiations. The town will also have two (2) LEP's testing the property and all protections are in place. Mr. Chiaramonte made a motion to set a closing date for the property. Mr. Criss seconded. Mr. Truskauskas voted nay. Motion passed by a vote of 2-1.

Refund of Property Taxes

Mr. Chiaramonte moved to approve the following tax refund: \$52.46 to James or Janice Slavin. Mr. Truskauskas seconded. All were in favor.

First Selectman's Report

Mr. Criss reported the War Memorial Committee met recently and viewed drawings that were done and donated by Mark Arigoni and they looked very nice. The committee is raising money and has received some offers for help from companies as well. The memorial will reflect all wars and veterans from town. Estimated completion of the project is expected to be sometime in the fall of 2012.

On June 2nd, 2012, in conjunction with the bike rodeo, there will be a Health and Safety Day. The fire departments will be there, Lowes and Home Depot will have smoke and carbon monoxide detectors available, medication take back, etc. The event will be free to the public.

Correspondence

The Selectmen acknowledged receipt of the Fire Marshal's Report for January, 2012.

Adjournment

Mr. Truskauskas moved to adjourn at 7:37 p.m. Mr. Chiaramonte seconded. All were in favor.

Minutes submitted by: _____
Melissa Santoro

RECEIVED FOR RECORD AT HARWINTON, CT
ON 2-10-12 AT 11:14 PM
ATTEST: PATRICIA K. WILLIAMSEN, TOWN CLERK