

**BOARD OF SELECTMEN SPECIAL MEETING  
November 10, 2011**

A special meeting of the Board of Selectmen was held on Thursday, November 10, 2011 in the Selectmen's Conference Room.

Members present: First Selectman Frank Chiaramonte, Selectman Christina Emery, and Selectman Michael Criss.

Attendees: Attorney Michael Rybak, Jason Emery, Fiona Dewberry with CIRMA, JoAnn Burns with Chartis Insurance, and Wes Seixas.

Mr. Chiaramonte called the meeting to order at 11:00 a.m.

Discussion with Chartis Insurance Representative

Attorney Rybak explained that the town will soon be entering into a series of agreements to purchase the Citgo gas station at 166 Burlington Road and gave a brief history of the property. The station has been in existence since the 1960's. Scasco later changed the tanks but there were leaks in the piping. It was then sold to Drake Petroleum who remediated the property using \$1 million of state funds. Under a voluntary arrangement with the DEP, Drake has been monitoring the surrounding wells on a quarterly basis. Over time the MTBE levels have declined and the water from the wells in the neighborhood that are operational are drinkable and well below state limits. The town is planning to purchase the property if it is remediated to state standards. The money and deed will be put into escrow with CATIC. Drake will take down the station, excavate all contaminated soil, and clean the site. The town will then purchase the property. A neighbor surfaced during the referendum vote and stated his well had an uptick and if anything happens during construction he will hold Drake and the town responsible. Although Drake said a problem with the well is unlikely and the town would not be responsible, it was decided that the Ambulance Association and Drake would share the cost estimated to be below \$10,000 for a well hook-up so as not to hold up the project. The neighbor also wants free lifetime use of water even though it was explained that even the DEP would never order free water for lifetime. Since there is an issue, Attorney Rybak recommended looking into special insurance for the property. Ms. Burns with Chartis responded by saying she does have a concern with the MTBE so they would need to review all environmental reports for the property. Attorney Rybak stated the town has ten years of quarterly testing reports available. Ms. Ryan said Chartis insures properties like these often and with pre-existing conditions. Pollution insurance covers anything that is not natural to the environment. Attorney Rybak agreed to send closing documents to Ms. Ryan for her review.

Ms. Ryan explained the two insurance options. One program is a pollution legal liability program which will cover new, pre-existing, clean-up, off-site clean-up, bodily injury, property damage, etc. The minimum premium is \$10,000, one year, \$1 million in coverage with a \$25,000 deductible for pre-existing and new. There is also commercial insurance that is tied to the name insured or any additional named insured. Any legal liability associated with the town would be covered. This means any liability on the

properties owned or any operations being performed by the town. The minimum premium is also \$10,000. She noted that the town may want to consider this insurance because it will also cover the town's public works department as well as government offices. Mr. Chiaramonte confirmed with Ms. Dewberry that the town's policy with CIRMA does not cover pollution liability. Ms. Ryan stated Chartis has a specific endorsement for municipalities called unique protect which would include crisis response management. The deductible of \$25,000 is per occurrence and not aggregate. Ms. Ryan stated that it will take her about three weeks to give the town a quote once she receives the environmental reports. Chartis does write multi-year contracts. Commercial insurance coverage is typically a 3 year contract. Attorney Rybak inquired about insuring all town properties. Ms. Ryan will prepare a quote. Phase I and Phase II environmental reports will be sent to Ms. Ryan. Ms. Emery mentioned having a meeting with Amy Lopez with DECD.

#### **Adjournment**

Mr. Criss moved to adjourn at 11:47 a.m. Ms. Emery seconded. All in favor.

Minutes submitted by: \_\_\_\_\_  
Melissa Santoro

RECEIVED FOR RECORD AT HARWINTON, CT  
ON 11-17-11 AT 3:38 PM  
ATTEST: PATRICIA K. WILLIAMSEN, TOWN CLERK