

**BOARD OF SELECTMEN REGULAR MEETING**  
**September 7, 2011**

A regular meeting of the Board of Selectmen was held on Wednesday, September 7, 2011 in the Assembly Hall.

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

Attendees: Michael Rybak, Peter Thierry, Tracy Mirsky, Candace Jones-Pacholski, Eleanor Woike, Jon Truskauskas, Bill Gordon, Jason Emery, Scott Kellogg and several other members of Harwinton's Volunteer Fire/Ambulance departments.

**Call to Order**

Mr. Chiaramonte called the meeting to order at 7:03 p.m.

Mr. Criss moved to add the following to the agenda:

Request for Refund of Property Taxes and Farmington Savings Bank as a Town Depository. Ms. Emery seconded. All were in favor.

**Minutes of the Previous Meeting**

Ms. Emery moved to accept the minutes from the Board of Selectmen Meeting held on August 17, 2011. Mr. Criss seconded. All were in favor.

**Public Participation**

None

**Appointments and Resignations**

None

**New Business:**

Vote on Long-Term Municipal Solid Waste and Recycling Contract:

As explained by Mr. Chiaramonte, the town's current twenty-five (25) year contract with Connecticut Resources Recovery Authority (CRRA) will expire November, 2012. The town has to decide now whether or not to stay with CRRA or sign with another vendor. Attorney Rybak stated he has reviewed the Tier 1 agreement which is the broadest based. The town would send all of its solid waste and recycling to CRRA. The town issues permits to haulers who bring the waste/recyclables to CRRA's transfer station, and the town pays a tip fee based on the tonnage. The price is competitive and there aren't many alternatives for this type of service. It is a standard agreement and it is basically a group of municipalities running a state authorized facility. Mr. Chiaramonte stated that the towns' proximity to CRRA's transfer station in Torrington is advantageous to the town and its residents. Another company offering this service is Covanta but their transfer station is in Bristol which would require more travel time and fuel costs for the haulers. Mr. Chiaramonte does not want the extra burden placed on residents by the way of increased fees from haulers. With the current contract the town pays \$69 per ton into the Trash to Energy plant in Hartford. When the new contract begins in 2013 the price per ton will be \$59.50 and will decrease after that to \$57. Recycling Coordinator, Tracy Mirsky, has also reviewed the agreement and feels it's a good choice to stay with CRRA. She feels they have done well for the town and is confident they will continue to. They are

also easy to deal with and will answer your questions. Mr. Criss moved to approve a long term municipal solid waste management services agreement (Tier 1) with the Connecticut Resources Recovery Authority and to refer the agreement to the Board of Finance and to Town Meeting. Ms. Emery seconded. All were in favor.

Authorize First Selectman to sign Municipal Solid Waste and Recycling Contract:

Ms. Emery moved to authorize the First Selectman to sign the Resolution to approve a long term municipal solid waste management services agreement (Tier 1) with CRRA. Mr. Criss seconded. All were in favor. The Resolution reads as follows:

**TOWN OF HARWINTON**

Board of Selectmen

Wednesday, September 7, 2011, 7 pm

**RESOLUTION APPROVING A LONG TERM MUNICIPAL SOLID WASTE MANAGEMENT SERVICES AGREEMENT (TIER 1) WITH THE CONNECTICUT RESOURCES RECOVERY AUTHORITY**

RESOLVED: That the Town of Harwinton enter into a Municipal Solid Waste Management Services Agreement (Tier 1) with the Connecticut Resources Recovery Authority for a term of 15 years; that the First Selectman be authorized to sign the Agreement; and that the Board of Selectmen be authorized to take all steps and execute and deliver such other documents and assurances as necessary or convenient for said purposes, subject to approval of the Board of Finance and town meeting. Dated at Harwinton, Connecticut this 7<sup>th</sup> day of September, 2011. BOARD OF SELECTMEN

Vote to purchase 166 Burlington Road and to appropriate \$970,000 for the purchase and construction of an EMS facility:

Ms. Emery moved to open for discussion the appropriation of \$970,000 to purchase 166 Burlington Road for the purchase and construction of an EMS facility and refer to the Board of Finance and Town Meeting. Mr. Chiaramonte seconded. All in favor. Mr. Criss asked if the town had a signed contract with Drake Petroleum. He was told no. Mr. Criss replied he will abstain from voting since there is no signed contract. Attorney Rybak stated he has prepared a resolution for this item and would like to read it for the record. The resolution reads as follows:

**RESOLUTION RECOMMENDING THE PURCHASE OF LAND FOR AND THE CONSTRUCTION OF THE HARWINTON EMS FACILITY AT 166 BURLINGTON ROAD, THE APPROPRIATION OF FUNDS FOR SAID PURPOSES AND THE WARNING OF A TOWN MEETING AND REFERENDUM**

RESOLVED: That the Board of Selectmen hereby recommends that the Town of Harwinton:

(a) Enter into various agreements with Drake Petroleum Company, Inc. to purchase the premises known as 166 Burlington Road for \$325,000.00, with the building, fuel tanks and pumps removed, and all environmental contamination remediated to state standards;

(b) Approve construction of the Harwinton Emergency Medical Services (EMS) Facility on the property;

(c) Authorize the First Selectman and the Board of Selectmen to enter into contracts and take all actions necessary for the design, construction and equipment of the Harwinton EMS Facility;

(d) Appropriate a total amount of \$970,000.00 in grant funds received from the State of Connecticut for such purposes;

FURTHER RESOLVED: That a special town meeting be held Tuesday, October 4, 2011, 7:00 p.m. at the Harwinton Town Hall to consider and act upon this item; and

FURTHER RESOLVED: Pursuant to Connecticut General Statutes Section 7-7, that the vote on this item be by referendum to be held on Tuesday, October 11, 2011 between 6:00 a.m. and 8:00 p.m. by paper ballot at the Harwinton Town Hall on the following ballot question:

"SHALL THE TOWN OF HARWINTON: (A) PURCHASE PREMISES KNOWN AS 166 BURLINGTON ROAD FOR \$325,000.00 WITH THE BUILDING, FUEL TANKS AND PUMPS REMOVED AND ALL ENVIRONMENTAL CONTAMINATION REMEDIATED TO STATE STANDARDS; (B) APPROVE CONSTRUCTION OF THE HARWINTON EMERGENCY MEDICAL SERVICES (EMS) FACILITY ON THE PROPERTY; (C) AUTHORIZE THE FIRST SELECTMAN AND BOARD OF SELECTMEN TO ENTER INTO CONTRACTS AND TAKE ALL ACTIONS NECESSARY FOR THE DESIGN, CONSTRUCTION AND EQUIPMENT OF THE HARWINTON EMS FACILITY; AND (D) APPROPRIATE \$970,000.00 IN GRANT FUNDS RECEIVED FROM THE STATE OF CONNECTICUT FOR SUCH PURPOSES?

Voters approving the Resolution will vote "Yes" and those opposing the Resolution will vote "No."

Absentee ballots will be available from the Town Clerk's Office.

Dated at Harwinton, Connecticut this \_\_\_\_ day of September, 2011.

Mr. Criss asked if the cost to purchase the land is \$325,000 does that mean the construction of the building will cost \$600,000. Jason Emery replied that the Ambulance Building Committee has been addressing that for the past fifteen (15) months and will have specific numbers from an architect and engineer before the upcoming informational meetings. Their estimate is currently at \$730,000. Attorney Rybak noted that the resolution is to appropriate a total of \$970,000 in state grant funds. Any other privately donated funds or contributions that may be added are separate from the resolution.

Ms. Emery said she would like to state for the record as it has been brought up in the past of her relationship as wife to the ambulance building chairman, Jason Emery. She noted she has been involved in the emergency services industry for years and will vote for what she believes is in the best interest of the town in terms of public safety.

Attorney Rybak stated that he has been negotiating with Drake's attorney and their in-house council, Jeff Walker, for the past six (6) months and this has not been a typical commercial real estate purchase. There have been several layers of contingencies. First, Drake wants to decommission the gas station but will not do so until they know the property is sold. The town needs approval from the Board of Selectmen, Board of Finance, Town Meeting and Referendum. The town also has a financing contingency. The grant money of \$970,000 is absolutely there. There are also the environmental issues. The site has exhausted its underground clean-up fund of \$1,000,000. Drake has costed out its Licensed Environmental Professional (LEP) to remediate the site to state standards. This includes demolishing the station and removing contamination underneath, removal of hydraulic cans from lifts, septic system, dry well and piping. In addition, the east end of the site cannot be disturbed as that is the future septic site. The site has been perc tested. The well will be decommissioned and site will be hooked up to the water line. In the past, MTBE from gas was traced to surrounding homes. Drake voluntarily has been monitoring the groundwater for several years (there is no DEP order in place). Trace chemical from those wells would be more consistent with another chemical called Tri-Chlor would not have come from a gas station, suggesting another source of contamination in the area. For this reason, Drake will not admit to off-site migration of the wells. Drake will continue to monitor wells if required. There are 3 parts to the agreement. First is the standard purchase and sale agreement. Second is the environmental remediation agreement. Because the town does not want to take title to contaminated property, the town requires an escrow agreement using Connecticut Attorney's Title Insurance Company, a neutral third party to hold the funds and Thomaston Savings Bank will be the escrow bank. The money to be put in the bank will be town funds that will be replaced by state grant funds when the transaction closes. State grant funds cannot be used to buy contaminated property. The next issue is environmental oversight. Drake's LEP has to certify the level of remediation to state standards. When their LEP does this, it will trigger the release of the state grant funds under the state grant agreements that they've had to negotiate in order to keep the grant funds in place during this fiscal crisis. Drake's LEP will sign and the towns' LEP will review and monitor. There are also specific backfill requirements. The town has requested that the backfill specifications on how fine the backfill has to be and the level of compaction has to be according to state DOT standards the incremental cost could be \$10,000 to \$20,000 and would have to go into escrow because the town agreed to pay for the incremental. Attorney Rybak recommends a town vote before signing a contract. Ms. Emery stated it was important to bring this to the taxpayers in a referendum prior to executing the contract and the Selectmen agreed. Mr. Criss stated that the letter of intent still allows Drake to back out from monitoring the site and what would be the liability to the town. According to Attorney Rybak, the state would still be able to order Drake to continue groundwater monitoring and unless there was active contamination emanating from the site during the towns' period of ownership and was aware of it, we would not be responsible. He has asked our LEP, Brian Washburn, what the risk is. Mr. Washburn stated that once you obtain five (5) clean quarters of testing it can be discontinued and we are almost at five (5) now so we should be looking at the backside of groundwater testing. Mr. Criss asked what happens if Drake's budget exceeds cost to remediate. Attorney Rybak replied that Drake will not sign without hard numbers. Regarding the possibility of Drake walking away from the deal if their budget exceeds the

remediation, Attorney Rybak does not anticipate that happening. The site has been thoroughly pumped by Scasco and \$1,000,000 has been spent to clean it. He was told by our LEP and the state that there will probably be some contamination, but in the end it is gasoline and it does dissipate over time and there are no heavy metals. Jon Truskauskas questioned if the town was rushing things without having solid numbers and should the town wait one or two more months. Ms. Emery stated the Building Committee was finalizing numbers and that they would be available for the public informational meetings. Mr. Emery said since the funds are available they can now work with an architect and engineer to design a building that will fit the budget. Mr. Truskauskas wanted to know what the maintenance costs will be on the building. Mr. Emery stated the yearly maintenance cost on center firehouse is approximately \$40,000 and West Side Firehouse is approximately \$10,800. A new, energy-efficient building will have lower operating costs than these two examples. The ambulance association has been trying to obtain a new location for 20 (twenty) years because in order to get and keep volunteers, you need to provide a suitable place to work from. Scott Kellogg addressed the \$53,000 surplus from the firehouse by saying it was a misappropriation from the prior year. The \$53,000 surplus actually ended up as a \$20,000 surplus. Mr. Emery corrected Mr. Truskauskas' statement that it will cost \$42,000 to operate the new facility. The original number came from the closest building near the site which is center firehouse which is an old building. Energy costs and maintenance will be much lower in the new facility. Mr. Emery said the ambulance association will be holding informational meetings open to the public at Town Hall on the following dates: Thursday, September 29, 2011, 7 p.m., Tuesday, October 4, 2011 Town Meeting, and Wednesday, October 5, 2011, 7 p.m. The referendum will be held on October 11<sup>th</sup>. Candace Jones-Pacholski asked how much money the ambulance association has for the project. Mr. Emery replied that they have \$100,000.

Ms. Emery moved to recommend the purchase of land for the construction of the Harwinton EMS facility at 166 Burlington Road to the Board of Finance, a Town Meeting on October 4, 2011 at 7 pm and referendum on October 1, 2011 (refer to Resolution in its entirety as previously read). Mr. Chiaramonte seconded. Mr. Criss abstained.

Vote: Selectman Emery, yes. First Selectman Chiaramonte, yes. Selectman Criss, abstained. Motion passed.

Board of Selectmen to Sign Resolution Recommending the Purchase of Land for and Construction of the Harwinton EMS facility:

Resolution was signed by Mr. Chiaramonte and Ms. Emery.

Set Date and Call for Town Meeting:

Ms. Emery moved to set the call and date of the Town Meeting for Tuesday, October 4, 2011. Mr. Criss seconded. All were in favor. The call is as follows:

**WARNING OF SPECIAL TOWN MEETING  
TOWN OF HARWINTON  
TUESDAY, OCTOBER 4, 2011 - 7:00 P.M.**

The electors and those persons eligible to vote in town meetings of the Town of Harwinton are hereby warned and notified to meet in the Assembly Hall of the

Harwinton Town Hall, 100 Bentley Drive, Harwinton, Connecticut, on Tuesday, October 4, 2011, at 7:00 p.m. for a Special Town Meeting for the following purposes:

1. As recommended by the Board of Selectmen and the Board of Finance, to discuss and act on the following resolution:

(a) To authorize the First Selectman and the Board of Selectmen to enter into various agreements with Drake Petroleum Company, Inc. to purchase the premises known as 166 Burlington Road for \$325,000.00, with the building, fuel tanks and pumps removed, and all environmental contamination remediated to state standards;

(b) To approve construction of the Harwinton Emergency Medical Services (EMS) Facility on the property;

(c) To authorize the First Selectman and the Board of Selectmen to enter into contracts and take all actions necessary for the design, construction and equipment of the Harwinton EMS Facility;

(d) To appropriate a total amount of \$970,000.00 in grant funds received from the State of Connecticut for such purposes; and

(e) To vote on this item by a referendum to be held on Tuesday, October 11, 2011 between 6:00 a.m. and 8:00 p.m. by paper ballot at the Harwinton Town Hall.

2. As recommended by the Board of Selectmen and the Board of Finance, to consider and act on a Municipal Solid Waste Management Services Agreement (Tier I) with the Connecticut Resources Recovery Authority for a term of 15 years; to authorize the First Selectman to sign the Agreement; and to authorize the Board of Selectmen to take all steps and execute and deliver such other documents and assurances as necessary or convenient for said purposes.

Set Date for Referendum:

The Board unanimously approved to set the date of the Referendum for Tuesday, October 11, 2011 at Town Hall.

Discussion of set hours for the Zoning Enforcement Officer:

Mr. Chiaramonte stated that the Board of Selectmen had recently rejected a suggestion by the Zoning Board for the Zoning Enforcement Officer to have set hours. At the time, it was thought that it was not necessary. However, after attending the Zoning Board's meeting last week, Mr. Chiaramonte stated that the Zoning Commission still feels strongly about set hours. Mr. Chiaramonte thinks it would be beneficial for residents to know when they could meet with her if they need to. Ms. Emery and Mr. Criss said they were under the impression that Polly Redmond would take the calls for Ms. Nelson. Ms. Emery would like to know the number of hours Zoning is requesting and what her pay is. Mr. Criss suggested that Zoning put something together in writing so it can be reviewed. Attorney Rybak mentioned since the Zoning Officer is the one who signs off on all building permits and certificates of occupancy there is plenty to do. Since there is a question of how she is currently paid, Mr. Thierry suggested straightening out her pay and hours before deciding.

**Unfinished Business**

Regarding Hurricane Irene, Mr. Emery inquired if there has been any storm damage assessment. Mr. Chiaramonte said damage to the town has been reported and there

will be a FEMA meeting on September 15th with a workshop on how to complete the forms. Mr. Criss commended all of the hard working volunteers who helped during the storm. The Selectmen all agreed the volunteers did a phenomenal job. Over 150 basements were pumped out. Mr. Truskauskas thanked Boy Scout Troop 55 for the basements they pumped out. Ms. Emery noted that it was the first time the Emergency Operations Center was open and felt it ran smoothly and everyone was very professional. The town's highway crew was also commended for repairing the roads quickly. Mr. Chiaramonte and Mr. Criss agreed.

**Request for Refund of Property Taxes**

Mr. Criss moved to approve the following tax refunds: \$22.23 to Benjamin or Marylou Czarnecki, \$134.11 to Honda Lease Trust, \$35.85 to George Hudak, \$17.88 to Jawin Kerey, and \$361.37 to Nissan Infiniti LT. Mr. Criss seconded. All were in favor.

**Add Farmington Savings Bank as a Town Depository**

Mr. Chiaramonte explained that the towns' Treasurer would like to put some money in Farmington Savings Bank to gain more interest. Mr. Criss moved to add Farmington Savings Bank as a town depository. Ms. Emery seconded. All were in favor.

Mr. Criss moved to adjourn the meeting at 8:10 pm. Ms. Emery seconded. All were in favor.

Minutes Submitted by: \_\_\_\_\_  
Melissa Santoro