

BOARD OF SELECTMEN REGULAR MEETING
April 20, 2011

The regular meeting of the Board of Selectmen was held on Wednesday, April 20, 2011 in the Selectmen's Conference Room.

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

Attendees: Town Attorney Michael Rybak, Bud Wilkinson with the Republican American Newspaper, Candace Jones-Pacholski, and Wesley Sexias.

Call to Order

Mr. Chiaramonte called the meeting to order at 7:05 p.m.

Mr. Criss moved to add the following to the agenda: Update on the War Memorial Committee and the Harwinton Watch Group Neighborhood clean-up. Ms. Emery seconded. All were in favor.

Minutes of the Previous Meeting

Mr. Criss moved to postpone approval of the previous minutes. Ms. Emery seconded. All were in favor.

Public Participation

Mr. Seixas requested an update on the grant for the Carros property. Mr. Chiaramonte said he has a meeting coming up with a representative from Senator Chris Murphy's office and from the DEP. He has nothing specific to report but attempts are being made. Mr. Chiaramonte noted that the town had received a letter stating the town had been approved for funding. He explained the grant is administered and evaluated by the DEP; however, the money comes from the DOT. The DOT said the town closed on the property prior to completion of paperwork and was, therefore, disqualified. Mr. Chiaramonte said it was explained to the DOT that the town did not use any grant money when the property was purchased. Then the DOT said their issue is the fact that the grant is a trails grant and the town used the money to purchase property. The Town's grant application did state the Town's intention to build trails. Mr. Chiaramonte noted that negotiations and applications were done by the Trust for Public Land on behalf of the Town and it is through no fault of the Town for the current situation. Mr. Seixas asked if there has been any written correspondence since receiving the letter in December. Mr. Chiaramonte replied there has not. Mr. Criss said he understands from Senator Welsh and Senator Witkos that in June, grants will become available again. He asked if the Town doesn't receive approval by June, will it affect our ability to apply. He questioned whether the town will have to complete another budget for trails. Mr. Chiaramonte said he is focused on the current grant. Mr. Seixas asked if the Trust for Public Land acted as an agent for the Town. Mr. Chiaramonte replied they had and noted they did a great job in securing the open space for the Town. Mr. Seixas asked if the Town gave up an easement on the property to any further development other than trails. Attorney Rybak said he doesn't think it's been done. Mr. Chiaramonte said he will ask Dave Stygar with the DOT.

Ms. Jones-Pacholski asked if a job description for the zoning enforcement officer has been worked on. Mr. Chiaramonte said he believes there is a job description for that position. Mr. Criss said he asked Ms. Swatsley for it and she didn't have one and she had recommended developing one for that position. Mr. Chiaramonte will check with the land use coordinator.

New Business

Appointment for vacancy on the Board of Health:

Ms. Emery moved to re-appoint Mr. Bob Collins as a member of the Board of Health for a term of three years; February 28, 2011 through February 28, 2014. Mr. Criss seconded. All were in favor.

Adopt Resolution Authorizing First Selectman to sign Assistance Agreement with DECD for ambulance facility:

Attorney Rybak reported that he spoke with Amy Lopez with DECD and their counsel and found out that the agreement is acceptable but authorization to sign the assistance agreement is required. Mr. Criss read an email from Nicholas Paindiris, Esq. which said: We do not need to have the Agreement that has been signed by the Town and the Commissioner re-signed. The pagination page has been cleared up. What they are looking for is the resolution of the Town authorizing its signature from before. Ms. Emery made a motion to authorize the First Selectman to sign the resolution for DECD to make an application for \$970,000 for the property acquisition and construction of an ambulance facility. Mr. Criss seconded. Mr. Criss confirmed that this is to secure the money if it passes at a town meeting. All were in favor.

Board of Selectmen to authorize First Selectman to enter into agreements with the owners, contractors and the State of Connecticut in order to carry out the Harwinton House project, including lease or purchase of a storage trailer and to ratify and confirm action previously taken by the First Selectman:

Mr. Chiaramonte explained that according the call of the Town Meeting, the Town authorized the Board of Selectmen to act. The Board then needs to authorize the First Selectman. Attorney Rybak said it's easy to overlook but he worded the call that way because the town meeting has the primary authority in all matters. The town meeting delegates the authority to the board of selectmen acting as a board. The board then has to delegate that authority to the First Selectman. Ms. Emery made a motion to ratify and confirm the action taken by the First Selectman in regard to the Glastonbury Restoration, LLC contract dated March 24, 2011 and the agreement between the Town of Harwinton and the owners of Harwinton House dated March 24, 2011. Mr. Criss seconded. All were in favor.

Procedure for contacting Town Attorney:

Mr. Chiaramonte said a procedure for contacting the town attorney was put in place in 2006 with the land use commissions and it is also in the town attorney's contract. The town attorney's contract reads: Client contact will be through the board or commission chairperson, or the First Selectman, to save time and expense and to provide for budget accountability. The agreement with the land use commissions from 2006 reads: The legal budget for the Town is \$30,000, \$8,000 of that is

earmarked for legal expenses for the land use commissions. According to the agreement we have with the town attorney, all legal services are coordinated by the First Selectman, Board of Selectmen or their designees. By practice, the land use commissions have been designed to request legal services directly from our town attorney without requesting it through this office. Use of the Town Attorney for other than routine matters must be coordinated through the First Selectman or the Board of Selectmen. The town reserves the right to retain separate counsel for any legal advice and counsel at its discretion. Permission to use outside counsel by a land use commission must be granted by the First Selectman or the Board of Selectman. Mr. Criss asked if there was a time frame for the Board or First Selectman to get back to the person who requests counsel. Mr. Chiaramonte said there is no time frame but he can usually act quickly. Attorney Rybak stated he prefers to have questions channeled through either the Chairman of the Board or the First Selectman. He will answer email and urgent questions but would like for everyone to be aware of the rules. Mr. Criss said if this is going to be the policy and procedure it has to be adopted and it should go to all the boards because he was unaware of this rule. Ms. Jones-Pacholski suggested distributing the policy to new commission members after elections. Mr. Chiaramonte said the land use commissions should have their own set of policies and procedures they hand out but he will talk to the land use coordinator about it.

Unfinished Business

None

First Selectman's Report

Mr. Chiaramonte stated that they need to begin negotiations with the town employees. Labor attorney Kevin Roy has asked if he would be able to schedule a meeting for 7:30 a.m. All selectmen are willing to meet at 7:30 a.m. Ms. Emery asked if the town has received a copy of the highway agreement. Mr. Chiaramonte stated the highway negotiating team is reviewing the new contract. The contract has been approved and no changes can be made now but the contract the town received had several typographic errors and omissions so that is why the contract is currently being reviewed.

Update on the War Memorial Committee:

Mr. Criss reported that the War Memorial Committee met recently and had a very productive meeting. The committee needs to establish ownership of the memorial. The committee believes the town owns the property that the memorial is on. The committee has measurements and drawings indicating what space is left so that they may add names on the back of stone. They are currently speaking with two companies who are willing to donate their services for two (2) more stones to be added and then landscape the area and add lighting. He will bring preliminary drawings, when available, to the Board of Selectmen. He said both area newspapers will run free ads for the committee to solicit names from anyone who thinks a name is missing. Mr. Criss said he reported at a previous meeting that he thought the war had to have an end date before veterans from that war can be included on the memorial but he has since found out that the determination of who to include is up to the Town. The goal of the committee (with approval by the Board and Town) is to re-

landscape the area to make the stone(s) more visible. The committee did a preliminary budget for phase I of the project and will need to raise approximately \$8,000 to add names to the existing stone. They discussed holding fundraisers. Another item discussed and recommended by Dale Cagenello is to someday in the future add a memorial wall in Town Hall similar to Torrington's wall in city hall if possible. The committee will meet again on Tuesday, April 26, 2011, 6:00 p.m. at Town Hall.

Harwinton Watch Group Neighborhood Clean-up:

Mr. Criss reported that the group has two (2) areas of concern. One is the garbage and debris on Perkins Hill Road. The group would like to have a clean-up day. He spoke with Trooper Nicholson and there shouldn't be a problem. Mr. Criss will seek Board approval once a date is set. The guidelines will be to concentrate on picking up bulky waste. Tidy Co. is willing to donate a dumpster for the day as well as gloves. The committee plans on doing a mailer for residents in that neighborhood who may want to volunteer. The other concern is an area off Laurel Road where kids seem to hang out in the summer. He would like to know if it's possible to block or gate areas of Perkins Hill and Laurel Road. He would like to add this to the agenda for the next Board meeting and invite Highway Supervisor John Fredsall for his viewpoints. Ms. Emery moved to authorize the Neighborhood Watch Group to hold a clean-up day. Mr. Criss seconded. All were in favor. Mr. Criss will supply the Board with a date for the clean-up when available.

Adjournment

Mr. Criss moved to adjourn at 7:47 p.m. Ms. Emery seconded. All were in favor.

Minutes Submitted by:

Melissa Santoro

Melissa Santoro

Approved by:

Francis J. Chiamonte

Francis J. Chiamonte, First Selectman

Christina Emery

Christina Emery, Selectman

Michael Criss

Michael Criss, Selectman

RECEIVED FOR RECORD AT HARWINTON, CT
ON 4-27-11 AT 5:30 PM
ATTEST: PATRICIA K. WILLIAMSEN, TOWN CLERK