

Board of Selectmen
Town Office Annex
May 7, 2008
Regular Meeting Minutes

Selectmen present: Mark Walter, Peter Govert, and Emmett Lyman.

Also present: Ed Behilo, Robert Casner, Randy Dill, Dave Grieder, Melanie Kolek, R. Haslam, Angie Jansky, James Jansky, Robert Kolek, Don MacKenzie, S. Novak, S. Novak, Keith O'Mara, Mary O'Mara, Matthew O'Mara, Amy Ross, Fred Thumm, Joshua Winkley and Sharon Wheeler.

1. First Selectman Walter called the meeting to order at 7:31 p.m. and the attendees said the Pledge of Allegiance.

2. Approval of Agenda: Mr. Walter made a motion to amend the agenda to address items 7.A. Clark Gates Road – Second Cul-de-sac Proposal and 8.A. Transfer Station Committee Recommendations immediately following item 5. First Selectmen's Report. The motion was seconded by Mr. Govert. Unanimous aye.

3. Approval of Minutes: Regular Meeting of April 16, 2008 and Special Meeting of May 1, 2008.

Motion made by Mr. Lyman, seconded by Mr. Govert, to approve the minutes of the Regular Meeting of April 16, 2008 as written. Unanimous aye.

Motion made by Mr. Govert, seconded by Mr. Lyman, to approve the minutes of the Special Meeting of May 1, 2008 as written. Unanimous aye.

4. Correspondence: Mr. Walter stated that he had received an e-mail from Richard O'Donnell expressing his concern about the proposed schedule of the walk through at the American Legion ball field. Mr. O'Donnell was concerned that the schedule would not allow sufficient time for discussion prior to the Planning and Zoning Commission meeting. Mr. Walter advised that he would forward the e-mail to the other Selectmen for discussion.

5. First Selectmen's Report:

Mr. Walter reported that there was a typo in the Budget flier that went out to Town residents. The outside cover of the flier incorrectly indicated that the date of the Public Meeting was May 13th instead of May 12th. He stated that the inside of the flier listed the correct date as did all of the legal notices for the meeting. He stated that the purpose of the May 12th meeting was to move the budget to a referendum on May 22nd.

Having no additional items to report on, Mr. Walter invited the Clark Gates Road residents to speak on behalf of their proposal for closing of their road with a cul-de-sac. Ms. Kolek stated that residents would like to wait until Mr. Casner joined the meeting for their discussion and offered to defer their time to discussion on Agenda item 8.A.

8. New Business

A. Transfer Station Committee Recommendations: Mr. Walter called the Selectmen's attention to a memo from Fred Thumm, dated May 6, 2008, which included three recommendations from the working group that had been reviewing changes at the Transfer Station. He noted that the three recommendations include: (1) extending Saturday hours to 7:00 a.m. to 4:00 p.m. The weekday (Monday, Wednesday, Friday) hours would be modified to 7:30 a.m. to 5:30 p.m. to allow for the expanded Saturday hours while still holding to a 40-hour work week; (2) Issue an Invitation to Bid for, "*a scale to be located north of the entrance gate to the lower (MSW/Recyclable) area*", and (3) Adopt a revised ordinance stating, "*No commercial collector shall be permitted to dump garbage in or at the solid waste disposal facility*".

Mr. Walter noted that there were funds in the budget for the purchase of the scale and, regarding the third recommendation, the working group has advised him that the Transfer Station was not set up to accommodate commercial waste. He stated that the committee's concern was with bulky waste and that recyclables could still be dropped off at the Transfer Station. He noted that, to compensate the haulers for having to truck the bulky waste out of town, their tipping fees at the Willimantic Transfer Station would be paid for six months after the new ordinance was adopted.

6. Citizen's Concerns: Mr. Jansky expressed his concern with the above proposed revisions to the ordinance and disputed the idea that the Transfer Station was not set-up to accommodate commercial haulers by noting that the compactor has two-sides for dumping. He stated that hauling the commercial waste to Willimantic would be a hardship on his drivers and his business. He further noted that he felt that all of the town residents pay for the use of the Transfer Station through their taxes. If his customers had to pay higher fees because he has to haul their trash out of town, he felt it was only fair to have the residents who use the Transfer Station pay a fee also. He further noted that he must pay substantial premiums for his trucks in case of an accident while regular residents using the Transfer Station did not have comparable expenses.

In response to a question from Mr. Govert, Mr. Jansky confirmed that it was mandated that the local commercial haulers bring recyclables to the Willimantic Transfer Station.

Ms. Jansky stated that she was disappointed that none of the Town's commercial haulers were asked to participate on the working group. She stated that they could have added valuable insights because of their experience. She expressed her concern that the revised ordinance could drive two businesses out of town and possibly out of business. Mr. Govert stated that the haulers were not intentionally excluded but that the working group was originally set-up to identify efficiencies that could be made at the Transfer Station. Mr. Thumm stated that before any ordinance revisions were adopted there would have to be a Public Hearing where all town residents could express their opinions on the recommendations. Ms. Jansky noted that if the customers could not afford to pay the increased charge or commercial haulers go out of business, the Transfer Station would still receive the same amount of trash because their customers would simply bring their own trash there. Mr. Jansky noted that, if that happens, there would be a significant increase in traffic at the Transfer Station. Mr. Thumm stated that he felt residents would continue to use the commercial haulers, even if their fees increase, because of the convenience.

There was a general discussion concerning the compensation to the town for recyclables and towns that charge their residents fees to dump their trash. Mr. Walter stated that the Selectmen would defer making a decision on the working group's recommendation to adopt a revised ordinance until they could discuss the matter further with the haulers. He asked the Jansky's and Mr. Behilo to contact Ms. Zemienieski to set up a meeting. Ms. Jansky asked if they could get a copy of the May 6th memo and Mr. Walter advised that it could be supplied to them under the Freedom of Information guidelines and they should also contact Ms. Zemienieski with that request.

7. Unfinished Business

A. Clark Gates Road – Second Cul-de-sac Proposal: Mr. Casner addressed the Selectmen and called their attention to a map showing the location of the proposed cul-de-sac on Clark Gates Road. In response to a question from Mr. Govert, he confirmed that he had had an engineer draw up the map after his presentation at the last Board of Selectmen’s meeting and it accurately reflected the size and location of the cul-de-sac. He also confirmed that the residents’ petition for a cul-de-sac had been signed by emergency and fire personnel. He further agreed to get input on the proposal from the Ambulance Association.

Mr. Casner noted that reports reflect 41 accidents at the intersection and stated that all of the residents agree it was very dangerous and felt a cul-de-sac would be the best solution. Mr. Walter stated that he had walked the area with Mr. Casner and Mr. Thumm and noted that there was a tree that could be removed to improve the sight line for left turns onto Route 149, however, it was on private property. Mr. Casner stated that it was equally as dangerous to turn right out of Clark Gates Road as it was turning left.

There was a general discussion concerning secondary access for emergency vehicles and Mr. Walter noted that the Meadows apartment complex could provide an alternate access. Mr. Casner reiterated that creating a permanent right-of-way for emergency vehicle access on the road bed connecting Clark Gates Road to Route 149 was still a viable option. Mr. Lyman expressed concern about traffic using the apartment complex as a regular cut-through and Mr. Casner stated that he believed Andrews Road would be the main thoroughfare.

In response to questions from Mr. Walter and Mr. Govert, Mr. Casner confirmed that he would donate the land and labor to create the cul-de-sac if the Town would pay for the materials and that he would provide an estimate for the cost of materials. He also noted one property owner on Clark Gates Road did not want to sign the petition, however, s/he was in favor of the cul-de-sac proposal.

Ms. Kolec presented several photographs she had taken at the intersection and commented on the potential for serious accidents at the site especially with the increased traffic expected because of the new middle school. Mr. Haslam stated that he was a former town constable and noted that there were two fatal accidents at that site while he worked for the town and, further, that his cruiser had been hit at that site. Ms. Ross advised that her house overlooks the intersection and stated that, in addition to the reported accidents, she witnesses near-misses on a regular basis.

The Selectmen agreed that a cul-de-sac appeared to be the best solution and Mr. Walter advised that he would follow-up on the necessary steps to move forward on the proposal. Mr. Walter made a motion, seconded by Mr. Govert, to forward the plan for the cul-de-sac to the Planning and Zoning Commission. Unanimous aye.

7. Unfinished Business:

A. Clark Gates Road – Second Cul-de-sac Proposal: Discussion on this agenda item was reported earlier in the minutes.

B. 4 - 8 Middle School Discussion: Mr. Walter reported that one side of a major beam in the school was closed in before the 2-hour fire-barrier form could be sprayed on it. They were working with the State to find a solution and Mr. Darin would advise him of the outcome.

C. East Haddam Village Revitalization Committee: Mr. Walter advised that the motion adopting the draft resolution for this Committee that was unanimously passed at the April 16, 2008 Regular Meeting of the Board of Selectmen, was premature. He called the Selectmen’s attention to a copy of an e-mail he had received from Attorney Bennet regarding changes to the Village Revitalization Committee draft resolution.

The Selectmen reviewed the recommended changes and Mr. Govert suggested the following two additional revisions:

- Item 3(a) should be revised to add “*and residents*” to Attorney Bennet’s addition of “*Village area business owners*”;
- Item 3(b) should be revised to read, “*To investigate site ownership alternatives and their short and long term economic impact and report findings to the Board of Selectmen*”.

Motion made by Mr. Walter, seconded by Mr. Lyman, to rescind the motion of April 16, 2008 adopting the draft resolution for the East Haddam Village Revitalization Committee. Unanimous aye.

Motion made by Mr. Walter, seconded by Mr. Govert, to recommend the adoption of the following amended resolution and send resolution to Town Meeting for approval:

RESOLVED: That an East Haddam Village Revitalization Committee (EHVRC) is hereby established for the purpose of oversight and implementation of converting the town office site property into a commercially viable area in East Haddam, using the East Haddam Mobility and Improvement Project, East Haddam Village Ad Hoc Committee report and the Town Offices Site Re-Use Study as guiding documents.

Section 1. The EHVRC shall consist of seven (7) members and two (2) alternates, to be appointed by the Board of Selectmen. The term of office of said members shall continue until the project is complete and accepted by the town and the committee is discharged, except that any member may resign or be removed by a vote of the Board of Selectmen at any time. The Board of Selectmen shall fill any vacancy on the EHVRC. The EHVRC shall select its own chairman and secretary.

Section 2. The members of the EHVRC shall not receive any compensation for their services. The necessary expenses of the committee shall be included in the estimated project cost and any appropriation to be requested by the EHVRC from the Town. All records of the EHVRC shall be filed with the Town Clerk and open to public inspection in accordance with applicable state statutes.

Section 3. The EHVRC shall have the following powers and duties:

- (a) To consult with the Board of Selectmen, and other East Haddam Village stakeholders including, but not limited to: Goodspeed Opera House, Town Officials and Commissions, Village area business owners and residents, and the Connecticut Department of Transportation concerning plans for the commercial enhancement of the East Haddam Village;
- (b) To investigate site ownership alternatives and their short and long term economic impact and report findings to the Board of Selectmen;
- (c) To report on all progress to the East Haddam Economic Development Commission monthly and to the East Haddam Board of Selectmen quarterly;
- (d) To interview interested developers and make recommendations to the Board of Selectmen;
- (e) To review and approve all plans for said project, and to supervise and/or provide for the proper supervision and coordination of the project in the Town’s best interest;
- (f) To coordinate with auxiliary projects, including village parking and increasing commercial development;

- (g) To provide to the Board of Selectmen proper estimates of the project cost and a written request for an appropriation equal to the amount estimated necessary to complete the town's portions of said project, if any, in a timely and workmanlike manner;
- (h) To assist in the application for any grants that may be available to the Town for said project, and provide or execute any necessary documentation for such a grant application;
- (i) Upon the approval of said appropriation, and subject to the limits thereof, to contract with architects, engineers, contractors and others in the name and on behalf of the town to design, build and complete the town's portions of the project, if any, and approve all design and construction expenditures for the project.

Section 4. Upon completion of the commercial development revitalization, the Committee will make a complete report and accounting to the Board of Selectmen.
Unanimous aye.

D. Goodspeed Update: Mr. Walter advised that the Economic Development Commission reported that, based on feedback from residents, the Goodspeed has made some slight modifications to the size of some the actors' cottages. In response to a question from Mr. Govert, he stated that he has not heard anything further concerning plans for a new theatre.

E. Clean Energy 20% by 2010 Campaign: Mr. Walter stated that he was working on a draft ordinance to address this issue.

F. Signage Discussion: Mr. Walter reported that he had spoken with Madeline Francese of the Little Noises Athletic Booster Club who advised that he should speak with the High School principal before including awards won by the schools' sports teams and awards won by sports clubs on the same sign. He stated that he would follow-up on her recommendation.

G. Cherry Swamp Road Discussion: Mr. Walter suggested setting a date to do a field walk at this location. There was a general discussion concerning who should participate and it was agreed that the Selectmen, Mr. Thumm, and Mr. Ventres should all attend. The date and time was set at 8:00 a.m. on May 28th and Mr. Walter advised he would notify the Shorthouses and have the walk posted as a Special Meeting of the Board of Selectmen.

8. New Business

A. Transfer Station Committee Recommendations: Discussion of this agenda item was reported earlier in the minutes. Mr. Dill noted that the only recommendation that had been contested was the subject of revising the Town's Commercial Dumping ordinance and suggested the Selectmen consider voting on the Committee's other two recommendations. In response to a question raised by Mr. Walter, Mr. Thumm confirmed that the employees at the Transfer Station were not opposed to the proposed new work hours.

Mr. Govert asked if the Committee had solicited any public input to the new schedule. Mr. Dill stated that there may be some people who might have a problem with the change in the weekday hours but it was generally agreed that the extended hours on Saturday were appropriate.

Mr. Walter made a motion, seconded by Mr. Lyman, to adopt the following recommendations of the Transfer Station Committee:

considered by the IWWC. He stated that he felt there were now a number of other sources the IWWC could go to for the information they needed to make an informed decision on issues that came before them. He further noted that the role of the Conservation Commission has changed over the years to one of advocacy and stated that it was not appropriate for IWWC Commissioners to advocate for any issue that came before them. He further noted that it was also not appropriate for Conservation Commissioners to be privy to information that the other Commissioners did not have. Therefore, it was his opinion that a conflict of interest may exist and, at the very least, any Conservation Commissioner who also sat on IWWC would have to excuse themselves from many discussions and recuse themselves from a fair number of votes.

Mr. Walter agreed to get a clear understanding of the process as well as potential problems for the next Regular Meeting of the Board of Selectmen.

D. Tax Refunds: Mr. Walter called the Selectmen's attention to one tax refund. He noted that the East Haddam Ambulance Association was a tax exempt organization but the Town had inadvertently charged them taxes on their vehicles. Motion made by Mr. Walter, seconded by Mr. Govert, to award a tax refund in the amount of \$1,423.82 to East Haddam Ambulance Association Inc. Unanimous aye.

9. Public Comment: Mr. Dill provided some history on the creation of the Committee on Aging. He referenced an ordinance establishing a study committee which was ultimately changed into the Committee on Aging.

10. Selectmen's Discussion: Mr. Govert reported that Nancy Geisey and Alan Compagna have volunteered as alternate members of the Green Committee.

Mr. Walter called the Selectmen's attention to a copy of a memo from the Midstate Regional Planning Agency, dated March 31, 2008, that was in their meeting packets. He noted that the topic of the memo was "FY 2008 Local Road Accident Reduction Program" and that applications may be submitted for DOT work at locations where "...improvements may eliminate or reduce the severity of accidents ... with total construction costs ranging from \$50,000 to \$240,000". Mr. Walter suggested that the Clark Gates Road Cul-de-sac project may qualify. Mr. Govert suggested that another project may be related to the swing bridge schedule of openings. There was a general discussion about problems with the bridge openings getting stuck and causing long delays and it was suggested that a sign advising drivers to tune in to a radio station for information could be useful. It was noted that the Coast Guard could provide delay time estimates.

Mr. Lyman reported that the ceremony to sign the Salmon River Compact would be held at 10:00 a.m. on May 14th. Mr. Walter stated that he was participating in Career Day at the High School most of that day, but that he would be able to make some opening comments at the signing ceremony. Mr. Lyman agreed to provide him with some background materials on the Compact.

In response to a question from Mr. Govert, Mr. Walter confirmed that the budget referendum was scheduled from 12:00 noon until 8:00 p.m. There was a general discussion about the fact that the Town has historically opened the doors for voting events at 6:00 a.m. Mr. Lyman confirmed that, based on his past experience, the scheduled hours for the budget referendum should be sufficient.

11. Adjournment: There being no additional business to discuss, a motion was made by Mr. Walter, seconded by Mr. Govert, to adjourn the meeting at 9:37 p.m. Unanimous aye.

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Respectfully submitted,
Emmett Lyman, Secretary