

**Board of Selectmen
Regular Meeting
January 8, 2019
TOWN HALL — 3:00 PM
MINUTES**

Members Present: First Selectman Betsy Petrie and Selectmen Glen Coutu and John Bendoraitis

Others Present: Town Planner Phil Chester, Highway Foreman Jay Tuttle, Assessor Emma Sousa, Administrative Assistant Bernard Dennler, Department of Public Works Building Committee Chair Rob Cady, Conservation and Agriculture Commission Vice-Chair Jan Fitter, Columbia Town Administrator Mark Walter, Honor Lawler of the Trust for Public Land

1.0 Call to Order

B. Petrie called the meeting to order at 3:02 PM.

2.0 Public Forum

There was no public forum.

B. Petrie MOVED to adjourn the order of agenda and to take up "Discuss and act upon: Approve up to \$1,000 to be spent from the Open Space Account to conduct an appraisal on the Wells Community Forest properties located in Lebanon. J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

3.0 Discuss and act upon: Approve up to \$1,000 to be spent from the Open Space Account to conduct an appraisal on the Wells Community Forest properties located in Lebanon

Town Planner P. Chester and Conservation and Agriculture Vice-Chair J. Fitter introduced a proposal from the Town of Columbia that would create a community forest that would include land in the Town of Lebanon.

Columbia Town Administrator Mark Walter said Columbia has long hoped to do something with this land and recently purchased another property in Wells Woods that had been privately owned. He said Columbia already jointly administers another piece of property within Wells Woods with the State of Connecticut.

M. Walter said Columbia has been working with the Trust for Public Land on the Wells Woods project. H. Lawler of the Trust for Public Land discussed the non-profit organization which helps communities work with each other, the state, and other entities to acquire funding to preserve land for public use. She also discussed the Wells Community Forest project and said Lebanon residents would benefit from the entire project, noting there could be spur trails from the airline trail that would add value to the community.

P. Chester said if the Town goes through with the appraisal there would likely need to be some matching funds from the Town of Lebanon at some point funded through the Open Space Account for the actual purchase of the land.

M. Walter said that given the location of the parcel in Lebanon that Lebanon is essential to executing the project because the property in Lebanon includes the access to the potential

community forest via the airline trail. H. Lawler noted the state looks favorably on collaborative efforts between towns.

B. Petrie said the project appears to be in line with other actions they have funded through the Open Space Account.

B. Petrie MOVED to approve up to \$1,000 to be spent from the Open Space Account #220-00-461-2701-0060 to conduct an appraisal on the Wells Community Forest properties located in Lebanon. J. Bendoraitis SECONDED.

MOTION CARRIED 2:0:1 with G. Coutu abstaining

B. Petrie MOVED to enter Executive Session and to adjourn the order of agenda to take up "Executive Session per State Statutes Section 1-200(6)(B): Discussion regarding Pending Litigation on Case HHB-CV-18-6047404-S" as Item 4.1 and "Executive Session per State Statutes Section 1-200(6)(B): Discussion regarding Pending Litigation on Case HHB-CV-18-6047405-S" as Item 4.2 and to invite Assessor Emma Sousa and Attorney Rachel Gaudio of Waller, Smith, and Palmer by phone to participate in the Executive Sessions. J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

4.0 Executive Session

The Board entered Executive Session at 3:20 PM.

4.1 Executive Session per State Statutes Section 1-200(6)(B): Discussion regarding Pending Litigation on Case HHB-CV-18-6047404-S

4.2 Executive Session per State Statutes Section 1-200(6)(B): Discussion regarding Pending Litigation on Case HHB-CV-18-6047405-S

The Board exited Executive Session at 3:44 PM.

B. Petrie MOVED to that the Board of Selectmen resolve to approve the settlement of a pending tax appeal in the case of Sutherland Rock v. Town of Lebanon as presented to the Board of Selectmen and to authorize the Town's attorneys to execute and deliver the same to do all things necessary to settle such pending litigation and withdraw the action from court. J. Bendoraitis SECONDED.

MOTION CARRIED 2:0:1 with G. Coutu abstaining

B. Petrie MOVED to that the Board of Selectmen resolve to approve the settlement of a pending tax appeal in the case of Johnson v. Town of Lebanon as presented to the Board of Selectmen and to authorize the Town's attorneys to execute and deliver the same to do all things necessary to settle such pending litigation and withdraw the action from court. J. Bendoraitis SECONDED.

MOTION CARRIED 2:0:1 with G. Coutu abstaining

B. Petrie MOVED to enter Executive Session and to adjourn the order of agenda to take up "Executive Session per State Statutes Section 1-200(6)(B): Discussion regarding Lebanon Green Litigation/Attorney-Client Communication" as Item 4.3 inviting Ed O'Connell and Catherine Marion of Waller, Smith, and Palmer to participate by phone. J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

4.3 Executive Session per State Statutes Section 1-200(6)(B): Discussion regarding Lebanon Green Litigation/Attorney-Client Communication

The Board resumed Executive session at 3:47 PM. Executive Session ended at 4:14 PM.

NO ACTION TAKEN.

B. Petrie MOVED to adjourn the order of agenda to take up "Discuss and act upon: Mega Mechanical Services quote for replacement DPW heater" as Item 5.0. J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

5.0 Discuss and Act Upon: Mega Mechanical Services quote for replacement DPW heater

J. Nowosad said the existing heater is not functional. B. Petrie said Mega Mechanical Services is the vendor the Town has used historically for this equipment at the DPW garage. The \$3,240.00 quote includes disconnecting power, electrical, gas, and removing the old unit from the premises, installation of the new 150K BTU Modine unit, and reconnection of gas, electrical, flue pipe, and control wire.

B. Petrie MOVED to authorize \$3,240.00 to come from TIP Account #208-00-510-5100-0000 for a replacement DPW heater provided by Mega Mechanical Services. G. Coutu SECONDED.

MOTION CARRIED 3:0:0

B. Petrie MOVED to adjourn the order of agenda to take up "Discuss and Act Upon: Service Station Equipment quote for replacement oil tank" as Item 6.0. J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

6.0 Discuss and Act Upon: Station Equipment quote for replacement oil tank

J. Nowosad said he had received a quote from Service Station Equipment for the replacement of an existing Skid Tank at the Department of Public Works. The \$6,070.00 quote includes the transfer of existing oil, re-running of existing copper, and bleeding of furnace.

G. Coutu asked if the oil tank was leaking right now. J. Nowosad said it does not appear to currently be leaking but warned its condition was inadequate.

J. Bendoraitis MOVED to approve up to \$6,070.00 from TIP Account #208-00-510-5100-0000 for the replacement of an oil tank at the Public Works garage by Service Station Equipment. B. Petrie SECONDED.

MOTION CARRIED 2:0:1 with G. Coutu abstaining

B. Petrie MOVED to adjourn the order of agenda and to add "Discuss and Act Upon: Alternative Services and Manufacturing Quote for work at the Public Works garage" as Item 7.0. J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

7.0 Discuss and Act Upon: Alternative Services and Manufacturing Quote for work at the Public Works garage

J. Nowosad stated that he requested a quote for a replacement fuel tank for the generator after the last worker who serviced the generator commented on its condition. According to J. Nowosad, the current tank is too small and needs to be replaced.

J. Bendoraitis MOVED to authorize \$2,705.00 from TIP Account #208-00-510-5100-0000 for the replacement of a fuel tank for the PowerFX generator at the Public Works garage. B. Petrie SECONDED.

MOTION CARRIED 3:0:0

B. Petrie MOVED to adjourn the order of agenda and add "Discuss and act upon: Alternative Services and Manufacturing Quote for work at the Fire Safety Complex" as Item 8.0. J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

8.0 Discuss and Act Upon: Alternative Services and Manufacturing Quote for work at the Fire Safety Complex

J. Nowosad said the generator needs significant work including PM. The quote also includes other maintenance work needed. It is currently working but he said the Town does not want to wait to encounter a problem during an emergency.

B. Petrie MOVED to authorize \$1865.00 from TIP for preventative maintenance on the PowerFX generator at the Fire Safety Complex. J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

B. Petrie MOVED to adjourn the order of agenda and to add "Discuss and Act Upon: Electrical Wholesalers Quote for work at the Senior Center" as Item 9.0. J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

9.0 Discuss and Act Upon: Electrical Wholesalers quote for work at the Senior Center

J. Nowosad said the batteries for emergency lighting in the building have not been replaced since the building opened. He said some of these emergency lights are already not functioning.

B. Petrie MOVED to authorize \$1,100.00 from TIP Account #208-00-510-5100-0000 for the replacement of emergency light batteries at the Senior Center. G. Coutu SECONDED.

MOTION CARRIED 3:0:0

B. Petrie MOVED to adjourn the order of agenda and take up "Discuss and Act Upon: Proposed study on Public Works facilities, equipment, and services" as Item 10.0. J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

10.0 Discuss and Act Upon: Proposed study on Public Works facilities, equipment, and services

The Board of Selectmen discussed their meeting with consultant Bob Myers at a previous Selectmen meeting about the possibility of a study on the Town's Public Works operations. The Board stated they had reviewed Mr. Myers previous work and agreed they would want a focus on facilities, equipment, and services rather than staff. G. Coutu said he felt the timing was off for such a study to be conducted after a referendum for the DPW building project proposal instead of before. J. Bendoraitis said he was more concerned about the price. B. Petrie and G. Coutu also expressed concerns about the price. The Board agreed to not take any action at this time.

NO ACTION TAKEN

B. Petrie MOVED to adjourn the order of agenda to take up "Discuss and at upon: Update on September 2018 storm damage and FEMA application process" as Item 11.0. J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

11.0 Discuss and Act Upon: Update on September 2018 storm damage and FEMA application process

B. Petrie said that she had attended a FEMA instructional meeting in Colchester with Finance Director V. Calvert, Highway Foreman J. Tuttle, and Administrative Assistant B. Dennler. She said documentation is being assembled to apply for funds through FEMA. A special town meeting is also being held on January 14, 2019 to expend up to \$1,000,000 from fund balance for repairs and improvements following the storm damage.

NO ACTION TAKEN

12.0 Correspondence

- 12.1** Monthly letter from Troop "K" regarding police services in the Town of Lebanon
The Selectmen reviewed the letter.

NO ACTION TAKEN

- 12.2** Monthly police report
The Selectmen reviewed the report.

NO ACTION TAKEN

13.0 Monthly Financial Report

J. Bendoraitis discussed the need for clearer naming on some of the reports. The Board of Selectmen were otherwise satisfied with the reports.

NO ACTION TAKEN

14.0 Consent Agenda:

A Consent Agenda is presented by the Chair at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent without debate. Removed items may be taken up immediately after the consent agenda or placed later on the agenda at the discretion of the assembly.

14.1 Approval of Minutes

- a. Regular Meeting, December 4, 2018
- b. Special Meeting, December 18, 2018
- c. Special Meeting, December 20, 2018

14.2 Resignations

- a. Resignation of John Huling from the Solid Waste Commission
- b. Resignation of Ryk Nelson as Alternate to the Solid Waste Commission

14.3 Appointments

- a. Appointment of Ryk Nelson as full Member to Solid Waste Commission, per recommendation of SWC, term to end February 1, 2021

J. Bendoraitis MOVED to approve the Consent Agenda. B. Petrie SECONDED.

MOTION CARRIED: 3:0:0

15.0 New Business — Discuss and Act Upon:

15.1 Request for competitive bidding ordinance waiver for POCD resident survey and cost-of-community-services

Town Planner P. Chester stated he would like to engage the services of Siena College Research Institute for the POCD resident survey and cost-of-community-services but needs the competitive bidding ordinance waived.

J. Bendoraitis said he figured there was a limited pool of organizations and individuals capable of doing this study. P. Chester said he had initially tried in state and reached out to Quinnipiac and UConn about the survey but neither was able to do the survey.

B. Petrie MOVED to waive the competitive bidding ordinance waiver for the POCD resident survey and cost-of-community-services due to lack of available vendors. J. Bendoraitis SECONDED.

MOTION CARRIED: 3:0:0

15.2 Authorize the First Selectman to execute Historic Documents Preservation Grant Application for the microfilming of public records and the purchase of archival supplies for preservation

J. Bendoraitis MOVED to authorize the First Selectman to execute the Historic Documents Preservation Grant Application for the microfilming of public records and the purchase of archival supplies for preservation. B. Petrie SECONDED.

MOTION CARRIED 3:0:0

15.3 Authorize funding from TIP with cost-share from Lebanon Volunteer Fire Department for Badge ID printer

B. Petrie said the Town previously purchased a badge ID printer with the Lebanon Volunteer Fire Department. She said that device has been off-maintenance for two years. The cost to bring it back on maintenance would be \$1,300.00. By returning the old one, the town will receive a \$500 credit for the price of a new one and the Fire Department would pay for off the cost, making the Town responsible for \$900.00.

J. Bendoraitis MOVED to authorize funding from TIP in the amount up to \$900.00 with cost-share from the Lebanon Volunteer Fire Department to pay for a replacement badge ID printer. G. Coutu SECONDED.

MOTION CARRIED 3:0:0

15.4 Rescind motion of October 9, 2018 establishing a Charter Commission

B. Dennler explained that per state statutes a Charter Commission must have members appointed within 30 days of establishment. B. Dennler also explained that no more than one third of members may serve on an existing board, commission, or committee in the Town. Since the Board of Selectmen was unable to fill the commission within 30 days, they must rescind the previous motion and later move to reestablish the commission. He stated the initial motion had been made by B. Petrie and seconded by J. Bendoraitis. The motion to rescind should be done the same way.

B. Petrie MOVED to rescind the motion of October 9, 2018 that "the Board of Selectmen appoint a seven member Charter Commission." J. Bendoraitis SECONDED.

MOTION CARRIED 3:0:0

15.5 Issue new motion establishing a Charter Commission

The Board of Selectmen discussed statutory requirements for establishing a Charter Commission and for potential appointees. G. Coutu said a 5-member board would make the statutory requirements simpler than trying to fill a 7-member board. J. Bendoraitis noted that would also lower the quorum. B. Petrie asked if the other Selectmen would prefer to wait until they had more applicants to issue the motion establishing a commission. J. Bendoraitis said if the goal is still to bring the charter to the ballot in November 2019, then they should act to establish the commission and appoint members tonight. He said the schedule would be too tight otherwise.

J. Bendoraitis MOVED to establish a Charter Commission of no more than six members for the purpose of developing a charter for the Town of Lebanon with a deadline for the commission to complete its work no later than June 7, 2019. B. Petrie SECONDED.

MOTION CARRIED 3:0:0

15.6 Discuss and act on appointment of members

The Board discussed the experience, qualifications, and attributes of the applicants. They discussed potential compositions of the Commission.

J. Bendoraitis MOVED to appoint Karen Buffkin, Mike Nintean, Suzanne Gilleese, Myles E. Davis, Gregg LaFontaine, and Pierre Belisle to the Charter Commission. G. Coutu SECONDED.

MOTION CARRIED 2:1:0 with B. Petrie voting against the motion

16.0 Old Business — Discuss and Act Upon:

16.1 Approval of Minutes from Special Meeting, December 11, 2018 (G. Coutu present by phone)

Administrative Assistant B. Dennler said the published minutes did not reflect that G. Coutu was present by phone, beginning at 3:30 PM.

J. Bendoraitis MOVED to amend the Minutes of the Special Meeting on December 11, 2018 to reflect that Selectman G. Coutu was present by phone beginning at 3:30 PM and to approve the Minutes as amended. B. Petrie SECONDED.

MOTION CARRIED 2:0:1 with G. Coutu abstaining

16.2 Update on JLN Fire Safety Study

B. Petrie said JLN had provided two possible dates to discuss the draft of the Fire Safety Study, but that she had not yet received a draft. The draft was originally expected around January 1, 2019.

NO ACTION TAKEN

17.0 Adjournment

B. Petrie MOVED to adjourn the meeting at 5:40 PM. G. Coutu SECONDED.

MOTION CARRIED 3:0:0

The meeting was adjourned at 5:40 PM.

Respectfully submitted,
Bernard Dennler
Administrative Assistant