

Board of Selectmen
REGULAR MEETING
Town Hall
June 3, 2008 - 6:00 PM
MINUTES

1.0 First Selectman Joyce Okonuk called the Regular Meeting of the Board of Selectmen to order at 6:02 p.m. Selectman John Bendoraitis and Selectman Russell Blakeslee were present. In attendance, Mary Ellen Wieczorek, Administrative Assistant and audience of 5.

2.0 Minutes

2.1 Motion by Blakeslee, seconded by Bendoraitis to approve the minutes of the April 22, 2008 Special Meeting. Vote: yes. Unanimous.

2.2 Selectman Blakeslee requested the following correction to the minutes of the April 25, 2008 meeting. Item 10.0; 7th sentence: strike the 2nd "10 months". Sentence corrected to read: *Okonuk's concerns are that the connectivity problem in the Finance office still exists after ten months and perhaps a new set of eyes (and expertise) could help solve the problem.* Motion by Blakeslee, seconded by Bendoraitis to approve the minutes of the April 25, 2008 Special meeting as amended. Vote: yes. Unanimous.

2.3 Motion by Bendoraitis, seconded by Blakeslee to approve the minutes of the May 6, 2008 Regular Meeting. Vote: yes. Unanimous.

2.4 Motion by Bendoraitis, seconded by Blakeslee to approve the minutes of the May 23, 2008 Special Meeting. Vote: yes. Unanimous.

2.5 Selectman Blakeslee requested the following correction to the minutes of May 27, 2008 Special Meeting. The 2nd sentence is incomplete, the words "were present" were omitted. Sentence corrected to read: Selectmen John Bendoraitis and Russell Blakeslee ***were present.*** Motion by Blakeslee, seconded by Bendoraitis to approve the minutes of the May 27, 2008 Special Meeting as amended. Vote: yes. Unanimous.

3.0 Correspondence – The following correspondence was reviewed, with **no action**, by the Board:

3.1 A letter from Lebanon resident Jacqueline Morrill regarding her successful experience with the Housing Rehab Program.

3.2 A letter from resident Jeffrey Walsh regarding the Tyler Field Project.

3.3 A letter of appreciation from the Windham Christian Academy thanking the Board for the use of the Lebanon Green and walking path for a fundraiser in May.

3.4 A letter from the 2008 Post Graduation Committee thanking the town for allowing the use of the Fire Safety Complex and overall support of the annual auction.

3.5 Letter from the Town Clerk regarding the resignation of Jamie Bender from the Board of Education.

4.0 Old Business

4.1 The two successful bidders walked the hayfields at the Senior Center with the First Selectmen and were solicited to bid on this parcel. Quotes from Shawn McGillicuddy for \$425.00 and Jim McCaw for \$355.00 were received. Motion by Okonuk, seconded by Bendoraitis to award the hay cutting at the Senior Center property for one year to Shawn McGillicuddy in the amount of \$425.00. Vote: yes. Unanimous.

5.0 New Business

5.1 Motion by Okonuk, seconded by Blakeslee to accept the 2004 suspense list (Motor Vehicle \$12,335.61; Personal Property \$2,826.99 and Motor Vehicle Supplement \$2,329.01) as presented by the Tax Collector. Vote: yes. Unanimous.

5.2 Motion by Okonuk, seconded by Bendoraitis to approve the invoice from Waller, Smith and Palmer in the amount of \$10,115.68 for legal services provided to the Tax Collector for the May 9, 2008 Tax Sale, contingent upon the authorization to over-expend and eventual appropriation of funds by the Board of Finance to Account #400 for this expense. Vote: yes. Unanimous.

5.3 At the May 5, 2008 Annual Town Meeting a proposed Ordinance was presented by resident Timothy Wentworth. The proposed Ordinance "Approval of Capital Projects" was moved and seconded and discussion ensued. At the meeting the First Selectman advised the audience that the motion and Ordinance were not proper to be presented for vote as the Ordinance was not included in the published town meeting warning. The proposal passed by a majority vote. Legal counsel was asked to comment on the legality of the proposal and subsequent vote. Attorney Ron Ochsner stated in his May 8, 2008 letter that in his opinion the Ordinance which was adopted at the Annual Town Meeting regarding approval of capital projects is void as the Ordinance had not been published in a legal warning containing a fair description of that Ordinance. Additionally, legal counsel recommends that the individual who prepared and submitted the Ordinance should be informed in writing as to the legal opinion and a copy of said opinion provided to him. Should the ordinance be considered at a future Town Meeting, the reason for the invalidity should be provided at that time. First Selectman Okonuk stated a letter and copy of the legal opinion had already been sent to Tim Wentworth.

5.4 At the request of the First Selectman, a proposal from EMCOR New England Services was submitted to the Town to correct the supply of oil to the five heating systems at the Fire Safety Complex. After the installation of the furnace in the new addition there has been an increasing and costly amount of service calls due to no hot water or no heat within the building. The problem is impacting both the old and new furnaces within the FSC. It appears as though, once the new furnace was added to the new section, the other three heaters (two hanging in the apparatus bays and one in the old section), are losing prime. The contractor is recommending that a "reserve tank" be installed to allow the heaters to have oil readily available so they will not lose prime when heat is called for. The Board requested the First Selectmen to contact the HVAC contractor who installed the new furnace regarding this problem and to see why this problem had not been anticipated in the installation of the new furnace. No action.

5.5 The Board discussed TIP expenditures and agreed that completion of the Town Hall parking project should take precedence. The First Selectman will obtain quotes for the installation of the three wall-mounted outside lighting sconces as well as the cost of installing timers on the switch for the sconces and the two front lights on either side of the Town Hall front door. Selectman Bendoraitis would also like her to obtain a cost to fence in or shrub around the new dumpster pad on the south end of Town Hall. Okonuk asked the Board to consider exterior repairs to the Library including the lower level door and frame (located near the book drop) as the door/trim are rotting door due to lack of protection from the elements. It was recommended that a small roof be installed off the east side of the Library to protect the door/trim from water. Additionally, the library exterior trim paint is peeling and should be considered for scraping and re-painting. The First Selectman will seek quotes for the library work. Okonuk stated the appliances at the Fire Safety Complex kitchen are in need of repair. As a result of the Jackson dishwasher overflowing a few weeks ago, the vendor who temporarily fixed the problem, proposed to replace the timer assembly at a quote of \$890.75. Additionally, the Garland Range is in need of new surface burner assemblies (several are not working) and are in poor condition at a quote of \$1,153.00. The First Selectman will contact another local repair vendor for a quote on both appliances. No action.

5.6 Lebanon continues its commitment to the 20% by 2010 campaign energy program. Another round of funding for the 20% by 2010 Campaign will be available the end of the month. The Community Innovations Grants Program, funded through the CT Clean Energy Fund, provides eligible communities with a \$5,000 block grant to support local public awareness and education projects that support clean renewable energy. The new fund requires that municipalities establish an Energy Task Force and one of the charges is to increase local awareness of energy conservation. Motion by Okonuk, seconded by Bendoraitis to form a five (5) member Energy Task Force Advisory Committee responsible for applying for and overseeing a \$5,000.00 block grant to support local public awareness and education projects that support clean renewable energy. The Board of Selectmen will attempt to recruit two students at Lyman Memorial High School to serve on this task force as well. Vote: yes. Unanimous.

5.7 Resident Jackie Smakula sent a request on behalf of the Connecticut Valley Driving Club to use the Lebanon Green in August for a horse-drawn carriage drive. The Club is looking for a safe place to drive the horses and also encourage understanding of the driving history. The Club will coordinate the drive with the hay cutting on the Green. Motion by Blakeslee, seconded by Okonuk to approve the request from the Connecticut Valley Driving Club to use the Lebanon Green for a horse-drawn carriage drive working around the mowing of hay. Vote: yes. Unanimous.

5.8 Motion by Bendoraitis, seconded by Okonuk to approve the following 2008 Summer Dance invoices for payment. Vote: yes. Unanimous.

1. \$53.23 to reimburse Marion Russo for cost of fireworks permit and postage.
2. \$500.00 to POM for DJ services.
3. \$600.00 to The Illusions for live band music.
4. \$200.00 to Clubhouse Inflatables
5. \$498.16 to reimburse Bob and Sue Leone for purchase of raffle prizes.
6. \$600.00 to Peter Haddad for magic show.
7. \$250.00 to reimburse Marion Russo for deposit to CT Party Rental (Tent deposit)
8. \$1,090.909 to CT Party Rental for tent.
9. \$4,750.00 to Atlas Fireworks for balance due on fireworks.
10. \$333.99 to reimburse Marion Russo for postage monies used to mail fundraiser letters.
11. \$900.00 to C&J Septic LLC for portable toilets.

5.9 Resignations from Commissions/Committees.

(a) Motion by Okonuk, seconded by Blakeslee to accept the resignation of John Bendoraitis from the Ethics Code Drafting Committee, with appreciation for his hard work and dedicated service to this Committee. Vote: 2 Yes (Okonuk and Blakeslee); 1 Abstain (Bendoraitis). Motion carried.

5.10 Appointments/Re-appointments to Commissions/Committees.

(a) Mike Sundquist submitted a letter of interest for appointment to the Economic Development Commission. Mike was unable to attend the Selectmen's meeting due to a family medical problem but told Selectman Okonuk on the telephone that he had moved to Lebanon 1 ½ years ago and has worked many years as a business manager. His years of business experience and willingness to serve can be an asset to the Commission. Motion by Blakeslee, seconded by Bendoraitis to appoint Mike Sundquist as an alternate member to the Economic Development Commission with a term to expire 02/01/2012. Vote: yes. Unanimous.

(b) Long-time resident Sarah Palmer, interested in an appointment to the Ethics Code Drafting Committee, explained she served many years as a Governor appointee to a State Board, leaving her little time for local community involvement. Sarah strongly believes in ethics and feels ethics should involve everyone. She now has the time to volunteer and is seeking this appointment. Motion by Bendoraitis, seconded by Okonuk to appoint Sarah Palmer as a member of the Ethics Code Drafting Committee. Vote: yes. Unanimous.

(c) Dori Bruce, present at the meeting, also wrote asking for an appointment to the Ethics Code Draft Committee. Dori told the Board that in her career, she is accustomed to basing decisions on facts. Facts need to be established and complaints investigated as she has seen good, decent people smeared because of lack of investigation.

Okonuk stated that she has seen the term "ethics" misused recently by a member of the Code of Ethics Drafting Committee and is concerned that townspeople should not be confusing terms such as competency and cooperation (or the lack thereof) as an indication of someone being unethical. There is a vast difference in the meaning of those words. The Ethics Code document failed to pass at the Annual Town Meeting and as a result of a motion passed at that meeting, the draft Code will need to be brought back once again to Town Meeting for discussion and action. Okonuk expressed concerns about the difficulty she feels there will be in getting the Code of Ethics passed by Town Meeting as there is a great deal of opposition to the present document. She would like to see a more concise, much shorter version brought back.

In response to Ms. Bruce's interest in appointment, Okonuk told her for the Committee to be successful, members need to have credibility. Although it is obvious Ms. Bruce is quite articulate and very bright, of late, Selectman Okonuk has observed Ms. Bruce acting aggressive and hostile at public meetings and Joyce feels her public persona would not be a good match for this position, especially with the public involvement this committee will have. Bendoraitis stated he feels strongly about continuing the committee, and would like to see a document that explains what ethics is and what it is not. Blakeslee said that he believes that establishing a code of ethics will cause more problems and would like to see a shorter document than what was presented at town meeting. Blakeslee asked Ms. Bruce if she could listen to opinions without judging and jumping to conclusions. Ms. Bruce reiterated that in her professional capacity, she cannot pre-judge.

Blakeslee told Ms. Bruce that he had noticed as well, that at the Town Meeting there were many interruptions made by her and she was over speaking when people had the floor. Blakeslee stated that doesn't work well at committee or commission meetings. Resident Tim Thompson, a member on the Ethics Committee stated he had believed the Board of Selectmen were in favor of the Code and now feels otherwise. Thompson said the Selectmen Board knew how long the document was that was presented. Bendoraitis said the key to passing the Code will be educating the entire Town – not just employees, who in his opinion represented a large portion of the audience at the Annual Town Meeting. Motion by Bendoraitis, seconded by Blakeslee to appoint Dori Bruce to the Ethics Code Drafting Committee. Vote: 2 yes (Bendoraitis and Blakeslee); 1 No (Okonuk). Motion carried.

(d) Long-time Lebanon resident Antoinette (Toni) Williard submitted a letter of interest to serve on the Conservation Commission. Okonuk and Blakeslee both know Toni who has served the community in other capacities over the years. Motion by Blakeslee, seconded by Okonuk to appoint Toni Williard as an alternate member to the Conservation Commission, term to expire April 1, 2010. Vote: Yes. Unanimous.

(e) Kara Fischman submitted a letter of interest to be appointed as an alternate to the Solid Waste Commission. Kara's letter and resume suggests she has a strong background in waste disposal issues and appears very enthusiastic about serving the town on this Commission. Motion by Okonuk, seconded by Bendoraitis to appoint Kara Fishman as an alternate member of the Solid Waste Commission, term to expire 02/01/09. Vote: yes. Unanimous.

6.0 Tax Refunds

Motion by Okonuk, seconded by Bendoraitis to approve the Tax Refunds. Vote: yes. Unanimous.

Gary or Deborah Dalton		\$14.09
James & Ellen Macauley		\$3.44
Paul & Stacey Terwilliger		\$500.00
Frank or Daniel King		\$7.77

7.0 Financial Report Update

Selectmen reviewed YTD monthly expense reports. The budgets that appear to be running very tight or slightly over will be brought to the attention of the Board of Finance at their June meeting. These budgets include Account #400 Legal—higher activity; Account #401 Selectmen—higher advertising costs; Account #430 Highway—propane, engineering and equipment repairs--insurance refund not credited to Highway; Account #431 Bldgs & Grounds—fuel charge for lawn mowing not in budget.

8.0 Public Forum - None requested.

9.0 Executive Session

Moved by Bendoraitis, seconded by Blakeslee to move to Executive Session at 7:25 PM for the purpose of discussing negotiations for open space property acquisition. Vote: yes, unanimous Conservative Commission member Mark Lang was invited into the meeting.

Members returned to Regular Session at 7:40 PM. Moved by Bendoraitis, seconded by Blakeslee to authorize the First Selectman to sign a cooperative Purchase Agreement in the amount of \$50,000.00 for the shared purchase of a Conservation Easement on forestry property owned by Wolfgang and Edwina Rechlin, 753 Waterman Road, Lebanon, CT, funds to come from the Capitol, Non-recurring Open Space Fund, pending approval by Town Meeting. Vote: yes, unanimous

10.0 Adjournment

Moved by Blakeslee, seconded by Bendoraitis to adjourn the meeting at 7:45 PM. Vote: yes, unanimous

Respectfully submitted,

Joyce R. Okonuk
First Selectman