

**Board of Selectmen  
Regular Meeting  
December 7, 2021 — 5:00 PM  
Town Hall  
MINUTES**

**Members Present:** First Selectman Kevin Cwikla, Selectmen Kathleen Smith, Robin Chesmer, Betsy Petrie McComber, and Mark DeCaprio

**Others Present:** Hayley Wagner (Finance Director); Dean Hunniford (Director of Public Works/Facilities); Phil Chester (Town Planner); Bernard Dennler (Office Manager to First Selectman); Jay Schall, Todd Kulman (LVFD); Harold Nelson (American Legion); Bruce Goldstein (Paradise Agency); Bob Nejako (Knights of Columbus); Allyn Miller (Planning and Zoning)

**1.0 Call to Order**

K. Cwikla called the meeting to order at 5:00 PM.

**2.0 Public Forum**

Bob Nejako of Gates Road spoke representing the Fourth Degree Knights of Columbus which includes Lebanon, Willimantic, Hebron, and some other towns. He said the Knights of Columbus are offering purchase of 50 (3x5) American flags and brackets for 50 utility poles in the center of town along the Green. The Knights propose the flags be put up immediately before Memorial Day and taken down just after Labor Day. The Town would be responsible for installation of flags. K. Cwikla expressed concern with lack of properly illuminating the flags. Harold Nelson of the American Legion discussed that the Flag Code states it is preferred they be illuminated but he said the Legion members agreed it would be worth it if they were able to install the flags without proper illumination. K. Cwikla shared his thanks and support for the idea but noted that increasing from 16 to 50 flags would create new responsibility for Public Works to install and maintain the flags including during inclement weather. He said the Town needs to make sure they can take care of the flags before they agree to put them up. R. Chesmer asked how long it takes for the crew to install the existing flags and brackets each year. D. Hunniford said it takes about half a day for 16 flags using the bucket truck using three crew members.

K. Smith asked if the Knights of Columbus would agree to a compromise to place 25 flags which would also give the Town 25 back up flags to replace the flags when they become worn or damaged. B. Nejako agreed to take the idea back to the Knights of Columbus.

**3.0 Correspondence**

**3.1 Monthly Letter from Troop K**

The Selectmen reviewed the letter.

**4.0 Financials**

**4.1 Monthly budget reports**

The Selectmen reviewed the monthly reports with H. Wagner. K. Cwikla said legal fees should be decreasing now that the Public Works union contract has been ratified.

## **5.0 Fire Department Report**

J. Schall said there have been 737 calls this year which is 10 more than the previous record for a single year. There was one significant call during unexpected inclement weather in which a firefighter was injured by a falling tree. A weather station has been installed at the Fire Safety Complex. The LVFD held its bonfire at the tree lighting. Casella Waste Systems donated the pallets. Cadets worked with town leaders to help decorate. He said there were no safety problems noted. Touch-A-Truck event on December 18 at the Fire Safety Complex. R. Chesmer thanked the LVFD for their care for his father when an ambulance was needed this month.

## **6.0 Consent Agenda**

*K. Smith MOVED to approve the Consent Agenda as presented:*

### **6.1 Approval of Tax Refunds**

<i>Gendron Harol R Jr &amp; Andrea M</i>	<i>\$51.32</i>
<i>Hyundai Lease Titling Trust</i>	<i>\$39.65</i>
<i>Mullins Chatham F &amp; John R</i>	<i>\$64.90</i>
<i>Rice Erik D</i>	<i>\$320.07</i>
<i>Warner Errol M 3<sup>rd</sup> &amp; Amato Brenda L</i>	<i>\$57.61</i>

**6.2** *Accept resignation of Keith LaPorte (D) from Planning and Zoning Commission, effective 11/19/2021*

**6.3** *Reappointment of Joseph Dolan, Brice Padewski, Christopher Dwyer, and Robert Magao as constables with terms to expire 12/31/2023*

**6.4** *Reappointment of John Meigel as Deputy Fire Marshal, term to expire 02/05/2023*

**6.5** *Reappointment of Dean Hunniford as Tree Warden, with a term to expire 12/31/2023*

**6.6** *Approval of Minutes*

a. *Approve Minutes of November 29, 2021 Special Meeting*

*B. Petrie SECONDED.*

**MOTION CARRIED 5:0**

## **7.0 New Business**

**Discuss and act upon:**

### **7.1 Gan Aden Phase II tax abatement extension**

K. Cwikla said that Paradise Agency is requesting a two-year extension of the tax abatement. B. Goldstein of Paradise Agency said they are seeking the extension plus authorization to include eight units rather than six and authorize the ability for the abatement to be transferred to a subsidiary for the purpose of the Phase II development. K. Cwikla stated that the Selectmen have the authorization to grant the extension and modify it as requested. M. DeCaprio asked about the demand for additional senior housing. B. Goldstein said there is a wait list for the current Gan Aden units. P. Chester said he regularly receives inquiries about additional senior housing.

*B. Petrie MOVED to authorize a two-year extension for Phase II of the Gan Aden of Lebanon senior housing development including the addition of two units to the plan and the ability to assign the tax abatement to a new, wholly owned subsidiary for Phase II. K. Smith SECONDED.*

**MOTION CARRIED 5:0**

## **7.2 Senior Housing proposal presentation**

B. Handfield presented a preliminary site layout for a 16-unit, two-story building including a new parking lot and one three-bay garage for new affordable senior housing. He presented recommendations for use of ARPA funds that would help advance the project to the point that the Town could attract a committed developer. This included funds for an A2 survey (\$6,000), preparation of septic design with Uncas Health District (\$1,200), and RFP preparation to attract potential bidders/developers (\$3,200).

*K. Cwikla MOVED to authorize up to \$10,400 from ARPA funding for an A2 survey, preparation of septic design with Uncas Health District, and RFP preparation to attract potential bidders and developers for a proposed affordable senior housing development on the parcel next to the Lebanon Senior Center. K. Smith SECONDED.*

R. Chesmer asked if the Town is already committed to the layout. B. Handfield said the layout is not locked; his charge was to show a layout with a septic that fits on the parcel. R. Chesmer said they should be careful that it will match the aesthetic of the town. He said he would prefer single story units instead of a two-story building. B. Handfield said the layout can be changed but it will be a challenge with the wetlands to accommodate sufficient units and a septic without a two-story building.

MOTION CARRIED 5:0

## **7.3 Borrowing for Library Building Project**

H. Wagner presented options for borrowing to fund the cost of the library building project not covered by grants. Based on anticipated expenditures and received grants, the town needs to borrow \$3,225,000. She said a direct bank loan could be obtained with a 15-year repayment schedule or a municipal market bond with a 20-year repayment. K. Cwikla said the 15-year direct bank loan would likely save the Town about \$200,000. H. Wagner said the Selectmen need to decide whether to go directly through the bank or to go into the municipal market.

*B. Petrie MOVED to authorize a 15-year amortization schedule and to borrow directly from a bank for costs related to the library building project as authorized by the May 2015 referendum. K. Cwikla SECONDED.*

MOTION CARRIED 4:0

M. DeCaprio abstained.

## **7.4 Budget surplus priorities**

B. Petrie said she had discussed budget surplus with K. Cwikla and town officials including D. Hunniford. Recreation Department is seeking funds for basketball courts at the Elementary School. B. Petrie said she and D. Hunniford have looked at options to repair or replace the courts. D. Hunniford said to replace the courts would cost about \$65,000. B. Petrie said she thinks the Selectmen should authorize the full amount to replace the courts. K. Smith said the condition of the courts means they need to be completely replaced.

H. Wagner distributed a list of items that have been under consideration for surplus funds. The Selectmen reviewed the list.

The Selectmen discussed that \$100,000 had been requested for a sweeper in the previous budget request but D. Hunniford said the coming change to all-salt means there will be less of a need for a sweeper now. He said there is a greater need for the replacement of an over-the-rail mower. She said they could also accelerate the purchase of a plow truck. \$65,000 for body cameras are needed for the police and constables. A police cruiser is also in need of replacement at \$65,000.

*K. Cwikla MOVED to recommend that Board of Finance appropriate up to \$588,625 from surplus to provide additional funds for a pickup truck, a replacement mower, a plow truck, body cameras, a replacement police explorer, two basketball court replacements, and interest payment for the road bond. M. DeCaprio SECONDED.*

MOTION CARRIED 5:0

#### **7.5 Firefighter tax abatement program recommendation**

K. Cwikla said the Town has an existing tax abatement program for firefighters but the state statute has changed in recent years allowing an increased abatement, up to \$2,000. T. Kulman said the LVFD is requesting that the Town update its ordinance to allow for the increase in the firefighter tax abatement from \$1,000 to \$2,000. He said to qualify firefighters must maintain active status which includes responding to a certain number of calls and completing certain trainings annually. K. Cwikla said the Selectmen need to approve draft language on an updated ordinance and send that ordinance to Town Meeting for approval.

B. Petrie noted that there is an error in the draft language and that "Medical Response Technician" needed to be changed to "Emergency Medical Responder". She said she would recuse herself going forward.

*R. Chesmer MOVED to recommend that Town Meeting adopt "An Ordinance Establishing the Lebanon Volunteer Firefighters' Property Tax Abatement Program and Revoking the 2002 Ordinance Establishing a Volunteer Firefighters Property Tax Abatement Ordinance For The Town Of Lebanon" included as Attachment A to these Minutes. K. Smith SECONDED.*

MOTION CARRIED 4:0

B. Petrie abstained.

#### **7.6 Appointment to fill vacancy on Planning and Zoning Commission**

K. Cwikla said that the Democratic Town Committee has requested that the seat vacated by Keith LaPorte be filled by Tom Meyer. B. Petrie asked for a review of the Charter language on filling vacancies on elected Boards. B. Dennler read aloud Charter section 7.4 which states that the Board of Selectmen shall fill vacancies with a member of the same political party as the member who vacated the seat; the Board shall first endeavor to fill the vacancy with an alternate member with the same political affiliation. If no such alternate exists, then any registered voter of the same political party can be appointed. K. Cwikla said there is no alternate registered as a Democrat.

A. Miller asked to speak. K. Cwikla granted him the floor. A. Miller said he did not support T. Meyer to fill the position as T. Meyer was a candidate in the November election and lost. He said the Board of Selectmen should not appoint someone who lost. K. Cwikla said the Selectmen have a duty to fill the vacancy and the appoint someone within the bounds of the Charter.

*K. Smith MOVED to appoint Tom Meyer as a member of the Planning and Zoning Commission with a term to expire 11/21/2023. R. Chesmer SECONDED.*

MOTION CARRIED 5:0

**7.7 TIP funding for equipment rental**

The Selectmen reviewed an invoice for the rental of an excavator for \$762.80. D. Hunniford said it was used at a bridge on Tobacco Street after one of the storms. It was not related to any paving work done on Tobacco.

*K. Smith MOVED to authorize \$762.80 from TIP to pay for the rental of an excavator for work performed on Tobacco Street following a storm. B. Petrie SECONDED.*

MOTION CARRIED 5:0

**7.8 Approval of holiday hours**

The Selectmen discussed the approval of holiday hours for the annual holiday party for employees.

*B. Petrie MOVED to approve holiday hours for the Lebanon Town Hall on December 17 at 1:00 PM. K. Smith SECONDED.*

MOTION CARRIED 5:0

**7.9 2022 Regular Meeting Schedule**

The Selectmen reviewed a proposed calendar. M. DeCaprio noted that November 8, 2022 is election day not November 1, 2022. He suggested the November meeting be held November 1.

*B. Petrie MOVED to approve the 2022 Regular Meeting Schedule included as Attachment B to these Minutes. M. DeCaprio SECONDED.*

MOTION CARRIED 5:0

**8.0 Old Business**

**Discuss and act upon:**

**8.1 HVAC at Town Hall and Fire Safety Complex**

The Selectmen reviewed quotes for HVAC at Town Hall and the FSC. They indicated they plan to use ARPA funds and would prefer a sealed bid process. K. Cwikla asked D. Hunniford and B. Dennler to prepare an RFP.

NO ACTION TAKEN

**8.2 Update on Library Building Project**

K. Cwikla said the project is about 30 percent complete and moving on schedule.

NO ACTION TAKEN

**9.0 Designation of duties in case of First Selectman's absence or disability**

Per Town Charter Section 3.4, K. Cwikla reviewed his letter designating that Selectman Kathleen Smith shall fulfill the duties and responsibilities of the Office of First Selectman in the event of his absence or disability.

**10.0 Approval of Minutes**

**10.1** Approval of Minutes

- a. Minutes of November 9, 2021 Regular Meeting

*B. Petrie MOVED to approve the minutes of the November 9, 2021 regular meeting. R. Chesmer SECONDED.*

MOTION CARRIED 4:0

M. DeCaprio abstained.

- b. Minutes of November 22, 2021 Special Meeting

*B. Petrie MOVED to approve the minutes of the November 22, 2021 special meeting. K. Smith SECONDED.*

MOTION CARRIED 4:0

K. Smith abstained.

**11.0 Executive Session**

*K. Cwikla MOVED to enter Executive Session and to invite attorney Catherine Marrion of Waller, Smith, and Palmer to participate by phone. B. Petrie SECONDED.*

MOTION CARRIED 5:0

**11.1 Executive Session: Strategy and Negotiations regarding Lebanon Green Litigation**

Executive Session began at 6:20 PM. The Selectmen returned to public session at 7:05 PM.

**12.0 Adjourn**

The meeting adjourned at 7:05 PM.

Respectfully submitted,

Bernard W. Dennler III

Office Manager to the First Selectman

**ATTACHMENT A**

**AN ORDINANCE ESTABLISHING THE LEBANON VOLUNTEER FIREFIGHTERS'  
PROPERTY TAX ABATEMENT PROGRAM**

**AND**

**REVOKING THE 2002 ORDINANCE ESTABLISHING A VOLUNTEER  
FIREFIGHTERS PROPERTY TAX ABATEMENT ORDINANCE FOR THE TOWN OF  
LEBANON**

BE IT ORDAINED by the electors of the Town of Lebanon ("**Town**") at a duly warned Town Meeting to be held on the \_\_\_ day of \_\_\_, 202\_:

WHEREAS, the Town is served by a volunteer firefighting company, the Lebanon Volunteer Fire Department Inc. ("**Fire Department**"); and

WHEREAS, the Fire Department is served by dedicated and loyal volunteers who selflessly provide their personal services and time to train and maintain their preparedness to provide competent and prompt firefighting services within the Town; and

WHEREAS, the volunteer firefighters expend substantial amounts of personal time, resources and funds to maintain their individual qualifications; and

WHEREAS, the volunteer firefighters receive no compensation for the time, resources and funds they expend in providing volunteer services and in maintaining the proper qualifications; and

WHEREAS, the federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201-219, permits payments for reimbursement of expenses, reasonable benefits and nominal fees to volunteers without impairing their status as volunteers; and

WHEREAS, Conn. Gen. Stat. §12-81w was amended effective July 1, 2019 to increase the maximum property tax abatement available to volunteer firefighters; and

WHEREAS, the Town's Board of Selectmen has recommended the adoption of an ordinance adopting a new volunteer firefighters' property tax abatement program and rescinding the 2002 ordinance providing a volunteer firefighters' tax abatement (the "**2002 Ordinance**"), and

WHEREAS, the Town, through Town Meeting, desires to revoke the 2002 ordinance and replace it with this Ordinance, which provides continuing property tax abatement to qualifying volunteer firefighters in recognition of their loyal and dedicated service.

NOW, THEREFORE, BE IT ORDAINED by Town Meeting of the Town of Lebanon that:

Articles 1 – 5 set forth below are adopted as the rules and regulations of the Lebanon Volunteer Firefighters' Property Tax Abatement Program (the "**Program**").

Article 1. **Eligibility:** Town residents who are active members of the Fire Department shall be eligible for up to one hundred percent (100%) of the maximum property tax abatement each year as set forth in Conn. Gen. Stat. § 12-81w as amended from time to time (the "**Maximum Abatement**").

Article 2. **Active Member:** An active member of the Fire Department shall be a member who meets the Active Member requirements set forth in the Fire Department by-laws ("**Active Member**"). These requirements include responding to a certain number of emergencies, training sessions and meetings. Active Members shall be entitled to a tax abatement equaling fifty percent (50%) of the Maximum Abatement.

Article 3. **Certifications:** An Active Member, who is certified by the State of Connecticut at or above Fire Fighter I, Emergency Medical Responder, Hazmat Awareness, or Fire Police, shall receive twenty five percent (25%) of the Maximum Abatement for each certification, with a maximum of two (2) certifications for a total of fifty percent (50%) of the Maximum Abatement. This will entitle an Active Member to a tax abatement of one hundred percent (100%) of the Maximum Abatement. The participant must meet the Active Member requirement before receiving any certification credits.

Article 4. **Reporting:** The Fire Chief shall certify and submit a notarized list of eligible members, as well as the level of tax abatement, to the Tax Collector, Finance Board, and the First Selectman by January 15th to be eligible for a tax abatement for the following fiscal year.

Article 5. **Limitations:** This Ordinance shall only be applicable to residential and personally owned property. Commercial and investment property not occupied by an Active Member shall not be covered by this Ordinance.

This Ordinance shall not be construed to imply that if an eligible member has less tax liability than their permitted amount of tax abatement that they are entitled to receive any additional funds from the Town of Lebanon under this ordinance. In a household with two participating members the maximum tax abatement shall be two hundred percent (200%) of the Maximum Abatement. In this instance, if the eligible members have less tax liability than their permitted amount of tax abatement, they will not receive any additional funds from the Town of Lebanon under this ordinance.

This Ordinance shall have no effect on other Ordinances and Special Acts referring to the retirement system for employees of the Town of Lebanon.

This Ordinance shall take effect fifteen (15) days after publication in accordance with Connecticut General Statutes. Dated at Lebanon, Connecticut this \_\_\_ day of \_\_ 202\_\_.



**BOARD OF SELECTMEN**

**2022 REGULAR MEETING SCHEDULE**

**The Board of Selectmen meets the first Tuesday of every month in the upper-level Conference Room in the Town Hall at 5:00 pm, unless otherwise noted.**

January 11, 2022 \*

February 1, 2022

March 1, 2022

April 5, 2022

May 3, 2022

June 7, 2022

July 12, 2022 \*

August 2, 2022

September 13, 2022\*

October 4, 2022

November 1, 2022

December 6, 2022

\* Second Tuesday due to conflict

*Adopted by the Lebanon Board of Selectmen (12/07/2022)*