

Board of Selectmen
REGULAR MEETING
July 12, 2016– 3:00 PM
Town Hall

MINUTES

Members present: First Selectman Betsy Petrie, Selectman Glen Coutu, and Selectman John Bendoraitis

Others present: Patrick McCormack, Director of Health for UNCAS Health District, Mike Kirby from the UNCAS Health District, Town Planner Philip Chester, Senior Center Director Darcy Battye, Highway Foreman Jay Tuttle, Attorney Catherine Marrion from Waller, Smith, and Palmer, Financial Advisor Bill Alleman from Edward Jones, Alicia Wayland, Keith LaPorte, Al Vertefeuille, Judy Vertefeuille, Art Wallace, Martha Shea, Library Director Julie Culp, Library Building Committee members: James Russo, Maggie McCaw, Cynthia Mello, Catherine McCall and Berkeley Nowosad, and Vin Shea, and Administrative Assistant Linda McDonald

1.0 Call to Order: B. Petrie called the meeting to order at 3:04 p.m.

2.0 Public Forum: Resident Martha Shea asked why the Transfer Station hours of operation were cut on Saturdays from 8 am- 5 pm to 8 am - 4 pm. B. Petrie responded that part-time employees were routinely exceeding their maximum allotted number of weekly hours and the Solid Waste Commission self-imposed the reduction in the number of hours of operation.

3.0 Correspondence:

3.1 DECD Correspondence regarding Redevelopment Municipal Grant Program: B. Petrie reported that the town was not awarded a brownfield grant for the town garage property at 937 Trumbull Highway.

3.2 DPH Request for the Town to Submit Updated Local Emergency Medical Services Plan

4.0 Financials

4.1 Discussion with Bill Alleman from Edward Jones regarding the investment policy for small endowments and donations:

J. Bendoraitis explained the proposed modifications to the town's Investment Policy. He said current policy dictates that the principal for small endowments and donations cannot be touched. B. Alleman was in agreement with the proposed changes to the policy regarding the small endowments and donations and he would perform the accounting for the bookkeeping for the endowments.

B. Alleman distributed copies and reviewed the town's investment portfolio. The total in the portfolio as of July 12, 2016 is \$3,177,114.16. To keep diversification percentages in line, his recommendation to the board was to take \$90,000.00 from the Johnson & Johnson stock and invest that amount in the Franklin U.S. Government Securities fund.

J. Bendoraitis MOVED to direct the Deputy Treasurer to sell \$90,000.00 of Johnson & Johnson stock and to invest the proceeds in the Franklin U.S. Government Securities fund. B. Petrie SECONDED. MOTION CARRIED 3:0:0.

4.2 Amending the Investment Policy for Endowments and Donations:

G. Coutu MOVED to amend the Investment Policy for Endowments and Donations as proposed. J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

4.3 Monthly Expenditure Report

5.0 New Business

Discuss and act upon:

5.1 UNCAS Health District Site Investigation Report Conducted on Lebanon Green

B. Petrie explained that the data from the site investigation (deep test holes) conducted on the Lebanon Green by the Uncas Health District on 6/3/2016 (holes #1 & 2) and 7/1/2016 (holes #3, 4, & 5) show that the area investigated does not meet the minimum requirements of the CT Public Health Code for the installation of any subsurface sewage disposal system. B. Petrie said the test holes on 7/1/2016 were dug by Conley Excavating LLC with David Coughlin and Mike Kirby from the Uncas Health District and herself present and described the procedure used to determine where the test holes were dug.

M. Kirby said his job was to observe the test holes dug on site. He explained the difference between an engineered and non-engineered septic system and how the high water mark is measured from natural existing soils, not fill. Responding from audience questions, M. Kirby said another area could be tested if the septic system size is known and taking into account zoning or boundary issues. Also, monitoring pipes could be installed and monitored weekly over a period of time from Feb-May weekly.

P. McCormack said more test pits could be dug and investigated by a private engineer, but any results would have to be verified by Uncas Health District, which would require an application signed by the owner of the land.

Lengthy discussion followed on several septic system questions posed by those present.

- Is digging test holes further down the Green toward West Town Street a possibility? M. Kirby said the Green ownership matter is an issue.
- How far from the library building can the septic system be? M. Kirby responded the further away, the more likely a pump chamber and tank would have to be installed.
- If the current septic system fails, could it be repaired? M. Kirby said repairs to an existing septic system fall under another section of the public health code so repairs could be made if the existing systems fails as long as there is no additional flow proposed through building renovations or expansion.
- Is this testing conclusive?

- Could the results be appealed? P. McCormack stated he would support the town if the decision was made to appeal.

G. Coutu said the exact location of church septic system has to be determined before proceeding.

Town Attorney C. Marrion asked what Uncas Health District would need from the town in order to proceed with additional testing. P. McCormack responded that an application determining owner and a septic plan in place would be required. C. Marrion then asked if the health district would accept results and a plan from another engineer. P. McCormack replied that Uncas would have to verify those results with an application signed by the owner of the property.

J. Russo, Chair of Library Building Committee, asked questions regarding the results from the test holes and questioned the process of natural fill compaction. He noted that the services of the architectural firm contracted by the Library Building Committee has been put on hold by the First Selectman. In order for the committee to request a schematic design of the proposed septic system, the architectural firm would have to be re-engaged.

C. Marrion asked about a shared septic system process. P. McCormack responded that the soil testing requirements are the same and an easement would have to be granted. B. Petrie raised the possibility of locating the septic system under Trumbull Highway to town property on the other side of the street, eliminating the need for an easement. J. Bendoraitis said more issues would arise given the historical significance of the town property across the street.

C. Mello said the services of the architectural firm were suspended because the firm could not produce an A-2 survey and suggested re-engaging the architect to do a specific scope of work.

A. Vertefeuille asked if the library could be built be on other town property. J Culp responded that would have to go to town referendum for approval.

J. Vertefeuille commented that the benefactor of the library, John Trumbull Adams, wanted the library on the Green. B. Petrie said she spoke with the trustees of the Adams Trust and they would not be adverse of a library in another location and continue to be supportive of the need for a library in town.

Responding to questions, Attorney Marrion said there is case law (mostly for beaches) for the town to get adverse possession of the property and explained the difference between obtaining property through eminent domain and adverse possession. She said there are issues of proof of standing as heir or issue that would have to be resolved through the legal process.

C. Marrion said moving the library is not under the purview of the Library Building Committee.

B. Petrie noted that any process to pursue town ownership of the Green would have to go to town residents for approval.

A. Wallace said the Library Building Committee will have come to the BOS to request re-instatement of the architect and allow the committee engage the engineer to design schematic of the septic system.

B. Petrie said the BOS will reach out to the church again regarding allowing additional testing and that the Library Building Committee has to determine what would be expected of the engineer.

5.2 Request from Library Director for Computer Replacements

J. Culp discussed the recommendation of Bibliomation staff to replace 5 library computers, including set-up, delivery, and installation at a cost of \$750.00 each.

B. Petrie MOVED to authorize the acquisition of 5 computers funds for the Jonathan Trumbull Library at a total cost of \$3,750.00, funds to come from TIP. G. Coutu SECONDED. MOTION CARRIED 3:0:0.

5.3 Approving 2017 Date for Earth Day Celebration (Saturday, April 22):

G. Coutu MOVED to set Saturday, April 22, 2017 as the date for the 2017 Earth Day Celebration. J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

5.4 Adopting Emergency Procedures for the Jonathan Trumbull Library and the Senior Center:

J. Bendoraitis MOVED to adopt the Emergency Procedures for the Jonathan Trumbull Library and the Senior Center as presented. G. Coutu SECONDED. MOTION CARRIED 3:0:0.

5.5 Revising the 2002 "Revised Ordinance Regulating the Use and Operation of the Solid Waste Facility".

B. Petrie discussed the challenges the SWC has meeting quorum. Since this is a five member board with two alternates, it would be difficult to recommend an ordinance revision to reduce the number of members. She said effort should be made to recruit volunteers to serve on the board.

Martha Shea said she would be interested in serving on the Solid Waste Commission.

J. Bendoraitis MOVED to amend the agenda to add item 5.5a: Appointment to the Solid Waste Commission. B. Petrie SECONDED. MOTION CARRIED 3:0:0.

5.5a Appointment to the Solid Waste Commission: J. Bendoraitis MOVED to appoint Martha Shea to the Solid Waste Commission, term ending 2/1/2019. G. Coutu SECONDED. MOTION CARRIED 3:0:0. The board thanked Martha for her willingness to serve.

5.6 Request from the Conservation & Agriculture Commission for Authorization of Appraisals and Land Preservation Offers.

Town Planner P. Chester explained the Conservation and Agriculture Commission received three applications for Farmland Preservation and have made recommendations to the BOS for the following:

- Preparation of a conservation easement appraisal report for Scott and Catherine McCall, 147 McCall Road, 74 acres
- Preparation of a conservation easement appraisal report for Cheryl Williams, 724 Exeter Road, 39 acres
- Authorization to enter into an agreement with Charles and Ronald Bender, Bender Road, to place a conservation easement (development right restriction) on 30 acres of land subject to USDA-NRCS funding and town meeting approval

B. Petrie MOVED to accept the following recommendations of the Conservation and Agriculture Commission related to farmland preservation:

- Preparation of a conservation easement appraisal report for Scott and Catherine McCall, 147 McCall Road, 74 acres
- Preparation of a conservation easement appraisal report for Cheryl Williams, 724 Exeter Road, 39 acres
- Authorization to enter into an agreement with Charles and Ronald Bender, Bender Road, to place a conservation easement (development right restriction) on 30 acres of land subject to USDA-NRCS funding and town meeting approval

J. Bendoraitis SECONDED. Discussion followed. MOTION CARRIED 2:1:0 with G. Coutu opposed.

- 5.7** Request from Cemetery Commission to Transition the Cemetery Property on Synagogue Road from Corn to Hay: B. Petrie said the Cemetery Commission would like the next corn and hay bid process to reflect a change in the planting at the cemetery property on Synagogue Road from corn to hay.

B. Petrie MOVED to add agenda item 5.8: Authorizing the First Selectman to sign Amendment Number One to Development Agreement between the Paradise Agency, LLC and the Town of Lebanon. J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

B. Petrie MOVED to add agenda item 5.9: Authorizing the First Selectman to sign Driveway Easement Agreement between GND Lebanon, LLC and the Town of Lebanon. J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

- 5.8** Authorizing the First Selectman to sign Amendment Number One to Development Agreement between the Paradise Agency, LLC and the Town of Lebanon.

G. Coutu MOVED to authorize the First Selectman to sign Amendment Number One to Development Agreement between the Paradise Agency, LLC and the Town of Lebanon. J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

- 5.9** Authorizing the First Selectman to sign Driveway Easement Agreement between GND Lebanon, LLC and the Town of Lebanon.

J. Bendoraitis MOVED to authorize the First Selectman to sign Driveway Easement Agreement between GND Lebanon, LLC and the Town of Lebanon. G. Coutu SECONDED. MOTION CARRIED 3:0:0.

6.0 Old Business

Discuss and act upon:

6.1 Proposals for Twelve Month Service Agreement for Computer Services/Maintenance for the town:

J. Bendoraitis discussed the three bids. He said the CT Center for Advanced Technology (CCAT) has extensive municipal experience. Discussion followed.

B. Petrie MOVED to award the Twelve Month Service Agreement for Computer Services/Maintenance for the town to the CT Center for Advanced Technology, with starting date to be determined. G. Coutu SECONDED. MOTION CARRIED 3:0:0.

6.2 Uncas Health District Board of Directors Vacancy: B. Petrie said one person has volunteered to serve on this board.

B. Petrie MOVED to appoint Keith Wentworth to the Uncas Health District Board of Directors, term ending 7/1/2018. G. Coutu SECONDED. MOTION CARRIED 3:0:0.

6.3 Approving Moderator Training Procedures for Town Meetings: Discussion on this item was tabled to a future meeting.

6.4 Deputy Fire Marshal Vacancy: B. Petrie updated the members and said the position remains vacant. Discussion followed on regionalization.

7.0 Departmental Update

7.1 Update from Registrars: B. Nowosad said office is quiet since there is no primary in August. The Registrars anticipate a high turnout for November election.

C. McCall said office printer is not network connected. Now that the office is receiving a lot of online applications, she asked for printer that voter registration cards could be printed on. J. Bendoraitis said the town will get the Ricoh representative in to see if printer downstairs could accommodate card stock. C. McCall reported that she and B. Nowosad continue to attend required training sessions.

8.0 Minutes

Discuss and act upon:

8.1 Approving the minutes from the June 6, 2016 Special Meeting.

G. Coutu MOVED to approve the minutes from the June 6, 2016 special meeting. J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

8.2 Approving the minutes from the June 7, 2016 Regular Meeting.

G. Coutu MOVED to approve the minutes from the June 7, 2016 regular meeting. J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

8.3 Approving the minutes from the June 28, 2016 Special Meeting.

G. Coutu MOVED to approve the minutes from the June 28, 2016 special meeting. J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

9.0 Resignations: No resignations.

10.0 Appointments: No appointments.

11.0 Police Report: The board reviewed the police activity report.

12.0 Tax Refunds: J. Bendoraitis MOVED to approve the following tax refunds as recommended by the Tax Collector. B. Petrie SECONDED. MOTION CARRIED 3:0:0.

Tax Refunds for July 2016	Amount
Michael Cavallo	\$10.52
Michelle & David Bareiss	\$15.67
Barry Ostrager	\$4.92
Barry Ostrager	\$4.92
Cheryl Bertora	\$107.63
Leonard Rice	\$10.26
Nissan Infiniti LT	\$197.71
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13.0 Executive Session per State Statutes Section 1-200(6) (B), Negotiations: No Executive Session.

14.0 Adjournment: J. Bendoraitis MOVED to adjourn the meeting at 6:00 p.m. B. Petrie SECONDED. MOTION CARRIED 3:0:0.

Respectfully Submitted

Linda H. McDonald

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.