

BOARD OF SELECTMEN
REGULAR MEETING
July 14, 2015, 4:00 p.m.
Town Hall
MINUTES

Members Present: First Selectman Joyce Okonuk, Selectman Linda Finelli, and Selectman John Bendoraitis **Also Present:** Catherine Marrion and Edward O'Connell for the Law Firm of Waller, Smith and Palmer, Town Treasurer James Forrest, Finance Director Veronica Calvert, Town Planner Phil Chester, Ed Tollmann representing the Lebanon Historical Society, and Administrative Assistant Linda McDonald

1. **CALL TO ORDER:** J. Okonuk called the meeting to order at 4:02 p.m.
2. **Public Forum:** There was no public forum.
3. **Correspondence:** No correspondence.
4. **Financials**
 - 4.1 Discuss and act upon a recommendation from Edward Jones for the sale of a stock

J. Bendoraitis reported that Dupont spun off a section of the company and created a new company called Chemours in which the town owns stock. Dupont is advising the town to sell and J. Bendoraitis is recommending that the town roll the sale into the cash account for the purchase of the previously authorized bond purchases. Discussion followed on the amount of stocks and bonds the town holds.

J. Okonuk MOVED to authorize Edward Jones to sell all shares (approximately 160) of Chemours stock and transfer the funds into the cash account for the purchase of the previously authorized bond purchases. J. Bendoraitis SECONDED. MOTION CARRIED 2:0:1 with L. Finelli abstaining.
 - 4.2 Discuss and act upon the investment of return of principal due to a merger of companies with which the town owns shares

J. Bendoraitis reported that Kraft/Heinz merged and cash from that merger was sent to the Town in the sum of \$6,270.00. He explained this is viewed as a return of principle and should be re-invested.

J. Bendoraitis MOVED to direct the investment company of Edward Jones to invest the cash proceeds from the Kraft/Heinz merger into the cash account for the purchase of the previously authorized bond purchases. J. Okonuk SECONDED. MOTION CARRIED 2:0:1 with L. Finelli abstaining.

J. Bendoraitis reported that he analyzed investment revenues on the three Edward Jones accounts that were combined in June 2014. The estimated annual revenue was projected at \$73,273.00 for the upcoming 12 months. As of today, the estimated annual income is \$90,307.00. The changes made to the portfolio have shown extra revenue for all funds.

J. Okonuk said when Merrill Lynch notified the Town that they were no longer managing municipal investments the funds were first transferred to an account in a local bank. Following a thorough vetting of investment brokerage firms Edward Jones was selected by the Selectmen and the funds were transferred to EJ. Overseeing the management of these invested funds was a significant undertaking. This big step has paid off as evidenced by the excellent revenues these three accounts have generated. Selectmen will advise the Board of Finance on the returns for the past year on the investment accounts.

4.3 Discuss and act upon the appointment of a Deputy Treasurer for the Town of Lebanon:

J. Okonuk explained there has been difficulty reaching the Treasurer in situations that an immediate response is needed such as the recent Bond Sale and in the past year when his approval is required for the purchase of bonds through Edward Jones. As such she contacted town Attorney Edward O'Connell who advised that through the Connecticut General Statutes (CGS), the Treasurer can appoint a Deputy Treasurer. Selectmen recommend that the Finance Director be appointed as Deputy Treasurer. A letter has been prepared by council for J. Forrest to sign indicating this appointment which will be provided to the Town Clerk and to Edward Jones along with minutes of this meeting. Treasurer James Forrest stated he understood the reasoning behind the recommendation and he signed the document appointing the Finance Director as Deputy Treasurer at that time.

5. Departmental Update: No update.

6. Minutes: Discuss and Act Upon:

6.1 Approval of the minutes from the June 23, 2015 regular meeting: L. Finelli MOVED to approve the June 23, 2015 regular meeting minutes as presented. J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

7. New Business:

7.1 Discuss and act upon extending the Snow and Ice Removal contract with Pond View Farm Excavating and Trucking LLC for the 2015-2016 season under the previously agreed upon terms.

B. Handfield reported Pond View Excavating would like to extend the one year snow-ice removal contract. B. Handfield said the company did a great job on all three schools. Letters were sent from the principals within the school district confirming the excellent service. This was a tough winter and the company did not give up. B. Handfield recommends extending the contract with Pond View at the same contract price of 2014-2015 rate of \$86,450.00. The company also did all repairs to curbing and sand clean-up after the season ended.

Discussion followed on extending the contract.

J. Okonuk MOVED to extend the snow/ice removal contract with Pond View Farm Excavating and Trucking LLC for the 2015/2016 snow season at the same cost as in the 2014-15 season of \$86,850 with funds to come from Acct. #433 Snow Removal, as supported by the principals within the school district. J. Bendoraitis added to the motion "the reason for not going out to bid is because the Town is happy with the level of service and went through the competitive bidding process to get this contractor on

board and per the Town's competitive bidding ordinance the Town can re-new with the current contract holder without going out to bid". J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

A letter will be sent to Pond View Farm Excavating and Trucking with a copy sent to the Superintendent of Schools.

7.2 Discuss and act upon awarding the contract for the deck replacement on the Town Hall ramp:

B. Handfield explained the extent of the project. Two quotes were received; Mattern Construction proposal of \$9,200.00 and Harrison Concrete proposal of \$7,415.00. B. Handfield said both firms do good work and recommends going with Harrison Concrete. Work will be done on a weekend because the project impacts handicapped accessibility to the upper level of Town Hall. J. Okonuk said Harrison Concrete has a product to seal the concrete to keep salt out and recommends increasing the cost of the project by \$1,000.00 for this sealing. Also, once the current concrete is removed, Harrison also recommended they not only paint the channel where the new deck will sit (which is included in the contract price) but should they find any other deterioration/rust, they would recommend a Rustoleum-type paint to these areas which should extend life of the structure.

J. Bendoraitis MOVED to award the contract for the deck replacement on the Town Hall ramp to Harrison Concrete LLC up to \$10,000 with funds to come from TIP Account #208-00-510-5100, with \$7,415.00 going to Harrison Concrete LLC for the original quote and the remainder of the appropriation being held in contingency to allow for possible repair that is identified once the decking is removed. L. Finelli SECONDED. MOTION CARRIED 3:0:0.

This request will be provided to the Board of Finance for approval.

7.3 Discuss the Bond Sale scheduled for Thursday, July 16, 2105 for the Roads and Bridges Project:

J. Okonuk stated that the Town will be going out on a Bond Sale on July 16th for \$2.240 million for the Road and Bridge Projects that was approved at the referendum this past May. The one-year Bonds will be issued on 7/16/15 and mature 7/15/16 which will coincide with proposed \$4.875 million bond proposed to be issued on the same date for the Library Project. No interim borrowing will be required.

J. Okonuk reported that the Town has received a confirmation email from Tracey Whitehead, Director of Deutsche Bank Trust Company in NYC stating that the \$1M grant from the Adams Family Trust for the Library Project will be forthcoming and in Lebanon prior to August 1st. The receipt of these funds "up-front" will provide the capital needed to move the Library Project into next year without any additional borrowing in the interim.

J. Okonuk MOVED to add agenda item 7.4: Discuss and act upon replacing the freezer at the Fire Safety Complex kitchen to the agenda. L. Finelli SECONDED. MOTION CARRIED 3:0:0.

7.4 Discuss and act upon replacing the freezer at the Fire Safety Complex kitchen:

J. Okonuk explained that the freezer in the FSC kitchen, which is original to the building, was repaired by Ed's Refrigeration a few weeks ago but has continued to malfunction. Glenn of Ed's recommends replacement as the compressor is not working. Okonuk obtained a quote of \$169.00 from Sears Appliances for 3.5 cubic foot chest freezer.

J. Bendoraitis MOVED to purchase a 3.5 cubic foot chest freezer from Sears Appliances for \$169.00 with funds coming from TIP #208-00-620-6200. L. Finelli SECONDED. MOTION CARRIED 3:0:0.

J. Okonuk MOVED to add agenda item 7.5: Discuss and act upon the hiring of a Public Works Foreman. J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

7.5 Discuss and act upon the hiring of a Public Works Foreman:

A panel of Public Works Directors interviewed 8 candidates. The selected top three candidates were interviewed by J. Okonuk and Director of Public Works Brandon Handfield. Jay Tuttle, a crew leader with the Mansfield Public Works Department, and Lebanon resident, was selected.

J. Okonuk MOVED to hire Robert Jay Tuttle effective August 7, 2015 as a non-union Highway Foreman, at a rate of \$28.00/hour, \$58,240/year with a six month probationary period. L. Finelli SECONDED. MOTION CARRIED 3:0:0.

J. Okonuk MOVED to change order of agenda to go to item 8.3. L. Finelli SECONDED. MOTION CARRIED 3:0:0.

8. Old Business:

8.3 Discuss and act upon membership concerns with the Water Pollution Control Authority

J. Okonuk said the last time the WPCA met with a legal quorum was on May 14th, 2015. The WPCA Clerk Brenda Bennett contacted J. Okonuk very concerned because there were bills that needed to be paid. Attorney O'Connell reported that bills for items built into the WPCA budget could be paid but others would have to be approved by a quorum of the WPCA. J. Okonuk provided that information to B. Bennett and the bills being held were paid. B. Bennett reported today that there were no outstanding bills at present and when the WPCA Chair returns to Connecticut in September there should be enough members available to be in attendance so the WPCA will have quorum.

B. Bennett also reported there is low activity and no applications waiting. Attorney O'Connell stated that the CGS pertaining to WPCAs allows a municipality to designate an existing Board or Commission as the WPCA or (as Lebanon has done) create a new WPCA. The Town can amend the ordinance which created the WPCA and designate another Board or Commission as the WPCA (such as the Selectmen). J. Okonuk stated she is quite concerned about the way in which the WPCA is having difficulty making quorum and feels this type of operation is not good business for the town or the people being served by the sewer and feels that either she or another member of the Selectmen should be appointed to the WPCA to guarantee quorum and a better understanding of operations.

Town Planner Phil Chester said it is a problem for Land Use Department because properties on Amston Lake have sewer easements and before the department can sign off on any building permit in the Amston area, it needs a review and sign-off by the WPCA.

J. Bendoraitis requested that Holli Pianka be asked to determine if any building applications are being held up by the WPCA not meeting quorum and if so it can be addressed at the next BOS meeting. J. Bendoraitis volunteered to be appointed to the WPCA much to the pleasure of the First Selectman.

J. Okonuk MOVED to appoint John Bendoraitis to fill the vacancy of Brandon Handfield on the WPCA, term ending 5/1/2016. L. Finelli SECONDED. MOTION CARRIED 3:0:0.

- 8.4** Review and act upon legal comments on the proposed Charter from Town Counsel Discussed under 8.5 below.

- 8.5** Discuss and act upon bringing to a Special Town Meeting the question of a Town Charter to the November election ballot.

The Town Clerk has reported that Sept 3rd is the last day for the Selectmen to approve a question to appear on the election ballot unless specifically provided by the General Statutes. (CGS 9-370). Attorney O'Connell said the appointing authority is the BOS who has already decided to place the question of a Town Charter on the ballot and although some thought otherwise, Town Meeting approval of the question on the ballot is not required. Selectmen will work with the Attorneys and advise the Town Clerk the wording of the question to be printed on the ballot prior to September 3. There was no action on this agenda item.

- 8.6** Discuss and act upon recommending an LLC for the Jonathan Trumbull Jr. House

Discussion followed on amending the wording of the title of the proposed ordinance. Consensus of the Board is to change the wording "Establishing the Board" to "Designating the Board Members".

Attorney Catherine Marrion said new ordinance will designate the new board members of the LLC.

L. Finelli MOVED to approve the Operating Agreement for the Jonathan Trumbull Jr. House Museum LLC pending approval of the revised Ordinance at Town Meeting. J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

- 8.7** Discuss and act upon a revised Ordinance for the Jonathan Trumbull Jr. House Museum

Ed Tollmann and other members of Lebanon Historical Society (LHS) met with J. Okonuk and Attorney Marrion to review the draft of the LLC. The LHS has approved the latest LLC draft of June 18, 2015 which once approved, will permit the Adams Trust to continue to provide grants to the J.T. Jr. House Museum. Without the LLC formation, they will no longer be allowed to continue to fund grant requests as they can only provide funding to LLCs and other not-for-profit agencies. All meetings at of the Board of the Jonathan Trumbull Jr. House Museum will be treated as public meetings and as such will give public notice for all agendas and minutes.

At Town Meeting voters will be asked to approve the Ordinance to Dissolve the Board of Historical Preservation for the Jonathan Trumbull Jr. House Museum and establish the Board of the Jonathan Trumbull JR. House Museum LLC.

J. Okonuk MOVED to bring to Town Meeting the amended ordinance "Dissolving the Board of Historical Preservation for the Jonathan Trumbull Jr. House Museum and Designation of the Board Members of the Jonathan Trumbull JR. House Museum LLC".
L. Finelli SECONDED. MOTION CARRIED 3:0:0.

L. Finelli MOVED to change the order of the agenda to go to item 8.1. J. Okonuk SECONDED. MOTION CARRIED 3:0:0.

8.1 Discuss and act upon approving a five-year copier lease contract for the Lebanon Senior Center as recommended by the Commission on Aging

J. Bendoraitis MOVED to authorize the First Selectman to sign the copier lease contract for a period of five (5) years beginning November 2, 2015 with Connecticut Business Systems (CBS) for the rate of \$210.40 per month plus \$.01 per excess copies per month for the Lebanon Senior Center. L. Finelli SECONDED. MOTION CARRIED 3:0:0.

8.2 Discuss and act upon approving the job description for a Transportation Clerk for the Lebanon Senior Center as recommended by the Commission on Aging

There was no action required on this agenda item.

9.0 Executive Session:

J. Okonuk MOVED to enter into Executive Session at 5:40 p.m. for the purpose of discussing negotiations for the sale of town land, inviting Town Planner Phil Chester and Attorneys Catherine Marrion and Edward O'Connell to join the Executive Session.
J. Bendoraitis SECONDED. MOTION CARRIED 3:0:0.

Executive Session ended at 6:35 p.m. and Selectmen returned to Regular Session.

9.2 Discuss and act upon authorizing the First Selectman to enter into a Development Agreement for the Senior Housing Project

There was no action on this agenda item.

9.3 Discuss and act upon authorizing the survey and subdivision application for the Senior Housing Project, funds to come from TIP.

J. Bendoraitis MOVED to authorize the hiring of Tarbell-Heinz to complete the survey and subdivision application for the Senior Housing Project, in the amount of \$4,500.00, funds to come from TIP Account #208-00-510-5100 L. Finelli SECONDED. MOTION CARRIED 3:0:0.

10.0 Resignations:

Town Clerk Susan Coutu received notice (ED-642) on July 9, 2015 that Joyce Goderre (Democrat) has moved out of the Town of Lebanon and no longer a resident. As such she is not eligible to serve as an elected member of the Zoning Board of Appeals. Section 9-220 of the Connecticut General Statutes states: Resignations of Zoning Board

of Appeals Regular and Alternate members shall be filled for the expired portion of the term by the Board of Selectmen. The appointee's term will run from their date of appointment through November 21, 2017. The Town Clerk requested to the Democrat and Republican Town Committee Chairmen that recommendations for appointments be submitted to the BOS.

J. Bendoraitis MOVED to remove Joyce Goderre from her position as a member of the Zoning Board of Appeals due to the fact she has moved out of state. L. Finelli SECONDED. MOTION CARRIED 3:0:0.

11.0 Appointments: Discuss and act upon:

11.1 Discuss and act upon and appointment to the Water Pollution Control Authority: This was discussed and acted upon in agenda item 8.3.

11.2 Discuss and act upon an appointment to the Zoning Board of Appeals due to a recent vacancy:

Town Clerk Susan Coutu received notice from the DTC that at a meeting on June 4, 2015, the Lebanon Democratic Town Committee voted unanimously to recommend to the BOS the appointment of Keith Sczurek as full member of the ZBA to replace Joyce Goderre. K. Sczurek presently is an Alternate member on the Board.

J. Bendoraitis MOVED to appoint Keith Sczurek to fill the unexpired term of Joyce Godere on the Lebanon Zoning Board of Appeals for a term to end November 21, 2017. L. Finelli SECONDED. MOTION CARRIED 3:0:0.

12. Police Report

13. Tax Refunds: J. Bendoraitis MOVED to approve the following tax refund: L. Finelli SECONDED. MOTION CARRIED 3:0:0.

Tax Refunds for July 2015	Amount
Robert Gagnon, ITS Member RMD Land Development, LLC	\$19.71

14. Adjournment: J. Bendoraitis MOVED to ADJOURN the meeting at 6:45 p.m. L. Finelli SECONDED. MOTION CARRIED 3:0:0.

Respectfully Submitted,



Joyce R. Okonuk, First Selectman

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