

Board of Selectmen
REGULAR MEETING
Town Hall
October 6, 2009 – 6:00 P.M.
MINUTES

1.0 First Selectman Joyce Okonuk called the meeting to order at 6:00 pm. Selectmen Russell Blakeslee and John Bendoraitis, and Administrative Assistant Patti Handy were also present. Audience: 4

2.0 **Public Forum**

Resident Ron Cowles asked the Selectmen about the method used to count votes at a Town Meeting, and whether or not identification can/should be required. Okonuk responded that voting by the show of hands is how it is done, unless it is moved to request a ballot vote, and then residents must be checked off on the Registrars list prior to casting their vote. Mr. Cowles felt that a show of hands may be inaccurate as not all who attend Town Meetings are eligible to vote, and that certain votes may be “weighted” by non-eligible voters. Okonuk said that State Statute sets how Town Meetings are to be conducted. Bendoraitis added that it is a public meeting and that it would not be proper to check ID’s at the door and to separate non-residents from residents as Mr. Cowles suggested. Okonuk added that the Town wants to encourage people to come to the meetings, and that some would be intimidated by such segregation. She admitted that the Town Meeting format may have its flaws, but it still allows the voters to have a say in local government. Mr. Cowles agreed.

3.0 **Minutes**

3.1 Moved by Bendoraitis, seconded by Blakeslee to approve the minutes from the August 28, 2009 Special Meeting amended as follows: Item 4.0 should read “Members of the Rails-to-Trails Committee asked the Selectmen to *consider* waiving the bid...” Vote: Yes, unanimous.

3.2 Moved by Okonuk, seconded by Blakeslee to approve the minutes from the September 1, 2009 Regular Meeting amended as follows: Item 6.1, second line should read “He also questioned *whether* or not...” Also, in Item 6.6 the motion should read “Moved by Blakeslee, seconded by *Okonuk*...” Vote: 2 Yes (Okonuk & Blakeslee); 1 Abstain (Bendoraitis).

3.3 Moved by Blakeslee, seconded by Bendoraitis to approve the minutes from the September 11, 2009 Special Meeting. Vote: Yes, unanimous.

3.4 Moved by Okonuk, seconded by Blakeslee to approve the minutes from the September 22, 2009 Special Meeting. Vote: 2 Yes (Okonuk & Blakeslee); 1 Abstain (Bendoraitis).

Moved by Bendoraitis, seconded by Okonuk to add the minutes from August 10, 2009 Special Meeting and August 11, 2009 Special Meeting to the agenda for approval. Vote: Yes, unanimous.

3.5 Moved by Okonuk, seconded by Bendoraitis to approve the minutes from the August 10, 2009 Special Meeting. Vote: 2 Yes (Okonuk & Bendoraitis); 1 Abstain (Blakeslee).

3.6 Moved by Okonuk, seconded by Bendoraitis to approve the minutes from the August 11, 2009 Special Meeting. Vote: 2 Yes (Okonuk & Bendoraitis); 1 Abstain (Blakeslee).

4.0 **Correspondence**

Okonuk read a letter from Lori-Ellen Wesolowski withdrawing her name as a candidate for the Board of Finance in the November election—just a courtesy notice as the official notice is to the Town Clerk; no action was required.

5.0 **Old Business**

5.1 Okonuk felt that the Selectmen should briefly discuss the Farm Building Tax Exemption once again. Bendoraitis said that although he is in favor of the concept, he does not think that anything adversely affecting tax revenues would be in the best interest of the Town at this time. Okonuk and Blakeslee agreed. No action.

5.2 Okonuk gave a brief update on demolition progress at the Aspinall property stating utilities had been disconnected, the septic pumped and the asbestos inspection completed with only minimal asbestos found. Sally Kropp has been approached for a quote on the removal. Burning Official Byron Lenox is in charge of coordinating the demolition.

6.0 **New Business**

6.1 Selectmen opened the two bids received for the reconstruction of the Town Hall ramp:

Patrick Lyons, Lyons Building & Remodeling, Lisbon, CT

Bid 1: Demolish existing ramp, remove debris from premises and reconstruct new ramp as per specifications; price to include labor and materials. With pressure treated treads: \$18,080.90; with composite decking treads: \$19,270.90.

Bid 2: Reconstruct new ramp as per specifications, Town to do demolition; price to include labor and materials. With pressure treated treads: \$13,550.90; with composite decking treads: \$14,740.90.

Robert LaBossiere, LaBossiere Builders, LLC, Danielson, CT

Bid 1: Demolish existing ramp, remove debris from premises and reconstruct new ramp as per specifications; price to include labor and materials. With pressure treated treads: \$5,337.00; with composite decking treads: \$27,563.00.

Bid 2: Reconstruct new ramp as per specifications, Town to do demolition; price to include labor and materials. With pressure treated treads: \$23,397.00; with composite decking treads: \$25,623.00; additional – Stain of Decking: \$1,300.00. No action was taken on awarding the bids until the Building Official is consulted.

Okonuk explained to the Selectmen that after the project was advertised, she met further with the Building Official and Public Works Foreman. With the assistance of a local architect it appears there may be a better way to replace the ramp than previously specified. It was her recommendation that both bidders be sent notice that the project would not be awarded as advertised and once the new specs are made available, they would be mailed to both bidders. Selectmen agreed.

6.2 There were eight bids for the Asbestos Abatement for the Jonathan Trumbull Library: Bestech, Inc., Ellington, CT: \$9,860.00; Wiese Construction, Norwich, CT: \$10,950.00; Oscar's Abatement, Hartford, CT: \$11,000.00; Mota Brother's Asbestos, LLC, Hartford, CT: \$13,970.00; DEC-TAM Corporation, North Redding, MA: \$14,400.00; AAIS, West Haven, CT: \$16,325.00; Acme Abatement Contractor, Inc., Seekonk, MA: \$17,900.00; Manafort Brothers, Inc., Plainville, CT: \$21,185.00. Okonuk will have the consultant with ATC check the qualifications of the lowest bidder. Moved by Okonuk, seconded by Bendoraitis to award the bid for the Asbestos Abatement at the Jonathan Trumbull Library to Bestech, Inc., of Ellington, CT in the amount of \$9,860.00, pending verification of qualifications by the consultant: Vote: Yes, unanimous.

6.3 Selectmen discussed the recently awarded STEAP Grant in the amount of \$250,000.00 for a Town Parking Lot at the Alden Tavern site. Selectmen will ask the Board of Finance to call a Special Town Meeting to accept the grant. No action.

6.4 Moved by Bendoraitis, seconded by Blakeslee to adopt a Resolution to authorize Okonuk to enter into a contract with the DEP for the Lebanon Air Line South State Park Trail – Phase VII. This is the final phase in the trail project, with a cost of \$132,495.00; the Town's 20% responsibility is \$26,499.00. Vote: Yes, unanimous.

Moved by Okonuk, seconded by Bendoraitis to adjourn order of the agenda and take up Item 6.9; Vote: Yes, unanimous.

6.9 Heidi Hooper, resident and local Girl Scout Leader, made a request to the Selectmen to place a memorial bench on the Town Green in memory of resident Michelle Bragg who passed away earlier this year. Michelle's daughters are in the Girl Scout Trooper with Heidi. Ms. Hooper said the Girls in her troop have raised enough funds to purchase a granite bench similar to those already on the Green. They would like to place it in view of the skating pond. Ms. Hooper will work with the Bragg family to decide the exact location, and seek approval before it is set. Okonuk also said that the Public Works Department needs to be consulted and will pour the footings for the bench. Moved by Okonuk, seconded by Bendoraitis to approve the project to place a granite bench on the Town Green in memory of Michelle Bragg: Vote: Yes, unanimous.

Moved by Okonuk seconded by Blakeslee to return to the order of the agenda: Vote: Yes, unanimous.

6.5 Jason Hofmann, Chairman of the WPCA and Al Wilder, Chairman of WPCA Finance Sub-Committee were present to discuss adopting a DEP Resolution to obtain Clean Water Fund financing. Wilder explained that the WPCA may submit an application and be partially reimbursed for the 2007 Wastewater Management Study conducted by Wright-Pierce. The Town will receive 55% of the \$25,000.00 cost for the study; these funds will go towards funding the actual project. Hofmann explained that the WPCA will need extra funding to go forward with the project and will make a request to the Board of Finance at their next meeting. Projected costs include office storage and at least a part-time person to oversee the project. Wilder said a new estimate is needed to update the cost of the project and to go forward, a process that will take several months to complete. Okonuk said that Lebanon Health Director, Dr. Robert Powitz has also offered his services to the WPCA. Okonuk said that after consulting with George Hicks of the DEP she was informed that the Resolution should be issued by the WPCA, authorizing their Chairman to enter into contracts and agreements with the

State DEP; all agreed. Okonuk said that she will verify this with Hicks, and get the document to Hofmann with the corrections made.

Moved by Bendoraitis seconded by Okonuk to adjourn the order of the agenda and take up Item 6.10 as it relates to the WPCA. Vote: Yes, unanimous.

6.10 Selectmen and members of the WPCA discussed the DEP Consent Order for Amston Lake. Okonuk reported that she has consulted Attorney Ed O'Connell and together they shared concerns about a quick signing of the Consent Order. Considering the many variables over which the Town has no control, including the passing of the funding required via referendum, she does not feel it necessary to go to the level of a consent order when significant progress has been exhibited to the state. Hofmann said that although he could not speak for the State, he felt that not signing the consent order could result in a lawsuit against the Town. Okonuk said that Hicks seemed to be pleased with the progress made so far. Wilder added that in general, a Consent Order protects both parties and insures that the project is moving forward. He also said that he will gather more information and put it in writing for the Selectmen. Okonuk will also seek more information from O'Connell, as her concerns include bonding, endorsements and funding.

6.6 This item was covered at a previous Special Selectmen's Meeting.

6.7 Moved by Okonuk, seconded by Blakeslee to extend the agreement with the ARC New London Program to use the Community Center for their weekly lunch program for an indefinite period. Vote: Yes, unanimous.

6.8 Moved by Blakeslee seconded by Okonuk to grant the request by the Lebanon Historical Society to be routinely notified of the demolition or altering of any historical building in Town. Vote: Yes, unanimous.

6.9 (See above)

6.10 (See above)

6.11 Okonuk recapped the situation with the renewal of the Resident State Trooper contract for the contract period July 1, 2009 through June 30, 2011, which has not yet been signed. There was discussion concerning the Town's liability for benefit costs associated with overtime pay. Okonuk checked with the Finance Office and found that the amount of overtime worked by the Resident Trooper over the past few years has been minimal to none. Consequently, the potential for benefit costs are minimal as well. Moved by Blakeslee seconded by Okonuk to sign the contract for the Resident State Trooper for the contract period July 1, 2009 through June 30, 2011. Vote: Yes, unanimous.

6.12 Resident Ron Cowles addressed the Selectmen with his concerns regarding whether or not Roberts Rules of Order were followed at the last Town Meeting on August 24, 2009. Okonuk said that the moderator decides which book of rules is to be used, but that yes, Robert's Rules of Order is the most commonly used. Discussion followed as to whether or not the moderator is fully aware of the rules and what qualifications are required to be a moderator. Cowles stated that in his opinion the meeting on the 24th was "totally out of order" and he cited several examples to support his claim. Blakeslee asked if the moderator has to recognize a "call of the question". Okonuk said yes and Cowles said the person who "called the question" at that meeting was not recognized by the moderator. Cowles emphasized that the meeting was not run by Robert's Rules of Order, and he cited examples from the book, including that the chair (moderator) should be able to control others and him/herself. Cowles stressed the need to have an appointed "Sergeant at Arms" for each meeting, especially those containing contentious issues. More discussion followed and Cowles said that he was more concerned with the process than the issues (at that meeting). Blakeslee agreed that the process should be explained to the moderator. Cowles agreed and Blakeslee added that in that circumstance the moderator could have just said "I haven't recognized you" and Bendoraitis added that he also could have asked the motion maker to withdraw the question until such time as the few remaining people wishing to speak had been given the opportunity to do so. Cowles made several valid points about improving the process, to which the Selectmen agreed. Bendoraitis offered to see if CCM offers any kind of training for moderators. All agreed that the process of assembly will be protected. The Selectmen thanked Cowles for his input and he stated he was grateful for the opportunity to be heard.

7.0 Appointments/Reappointments to, and Resignations from, Boards, Commissions and Committees

7.1 Selectmen received a letter notifying them of the resignation of Margaret McCormick from the Jonathan Trumbull Library Board of Trustees. This letter was sent as a courtesy as the actual notice is sent to the Town Clerk; no action was required.

7.2 Moved by Blakeslee, seconded by Bendoraitis to accept, with regret and appreciation for many years of service, the resignation of Fred Wright from the Commission on the Aging. Vote: Yes, unanimous.

8.0 Financial Reports

None

9.0 Tax Refunds for September 2009

A and R Landscaping LLC	\$253.37
Peroni, Joseph F.	\$6.39

Moved by Bendoraitis, seconded by Blakeslee to accept the Tax Refunds for September 2009 as presented; Vote: Yes, unanimous.

10.0 Executive Session

None

11.0 Moved by Okonuk seconded by Bendoraitis to adjourn at 7:52 pm. Vote: Yes, unanimous.

Respectfully Submitted,

Joyce R. Okonuk, First Selectman