

Board of Selectmen
REGULAR MEETING
Town Hall
July 14, 2009 – 6:00 P.M.
MINUTES

- 1.0** Meeting was called to order at 6:00 pm by First Selectman Joyce Okonuk; Selectmen John Bendoraitis and Russ Blakeslee, and Administrative Assistant Patti Handy were also present. Audience: 14.
- 2.0** **Public Forum**
None
- 3.0** **Minutes**
Moved by Blakeslee, seconded by Bendoraitis to approve the minutes from the June 2, 2009 Regular Meeting amended as follows: Item 5.2 under Old Business, last line, should read: *Further discussion will take place in Executive Session*. Vote: yes, unanimous.
Moved by Bendoraitis, seconded by Blakeslee to approve the minutes from the June 15, 2009 Special Meeting: Vote: yes, unanimous.
Moved by Okonuk, seconded by Blakeslee to approve the minutes from the June 26, 2009 Special Meeting: Vote: (2) yes, (1) abstain (Bendoraitis); motion carries.
- 4.0** **Correspondence**
4.1 Okonuk presented a Water quality analysis of the Susquetonscut Brook which was conducted by Max Wolf and Lara Reynolds, two Lyman students. Blakeslee questioned where exactly the tests were done, and Okonuk said that she would find out and that she would bring the information to the board at the next meeting. No action.
- 5.0** **Old Business**
5.1 Okonuk presented an update on the disconnection of town-funded street lights. A letter has been sent to Connecticut Light & Power (CL&P) requesting that the lights be shut off as of August 1, 2009, with the exception of the locations noted previously at the April 21, 2009 Special Meeting of the Board of Selectmen. Three churches and one resident/business elected to take over the cost of their lights and will deal directly with CL&P to do this. A letter was also sent to Bozrah Light & Power Co. (BL&P), giving the required one-year written notice to discontinue town-funded lights as of August 1, 2010. The Lake Williams Beach Association had expressed interest in taking over the lights on Lake Shore Drive; they have also been notified of the intended shut-off for next year. No action.
- 6.0** **New Business**
6.1 **Bids were opened for the Reclamation of Bender Road with the results as follows:**
 - Costello Industries, Inc., Newington, CT: \$4,630.00
 - Rafferty Fine Grading, Enfield, CT: \$6,485.00
 - All State Asphalt, Dayville, CT: \$7,647.00
 - Garrity Asphalt Reclaiming, Bloomfield, CT: \$8,500.00**6.2** **Bids were opened for the Paving and Grading of Bender Road with the results as follows:**
 - Charles Pasteryak, Jr., Inc., Lisbon, CT: \$89,262.00
 - American Industries, Jewett City, CT: \$90,000.00
 - B & W Paving, Mystic, CT: \$99,411.00
 - Hain Materials Corp., Windham, CT: \$109,750.00
 - TILCON, New Britain, CT: \$112,600.00
 - All State Asphalt, Dayville, CT: \$114,295.50
 - Milton C. Beebe & Sons, Inc., Storrs, CT: \$153,930.00**6.3** **Bids were opened for Road Resurfacing with the results as follows:**
 - B & W Paving, Mystic, CT: \$367,603.00
 - Charles Pasteryak Jr., Inc., Lisbon, CT: 378,986.00
 - American Industries, Jewett City: \$439,500.00
 - All State Asphalt, Dayville, CT: \$453,519.00
 - TILCON, New Britain, CT: \$457,310.00
 - Milton Beebe & Sons, Inc., Storrs, CT: \$488,233.00
 - Hain Materials Corp., Windham, CT: \$560,000.00**6.4** **Bids were opened for Road Chip Sealing with the results as follows:**
 - Comer Contracting, Inc., Option #1: \$37,899.00; Option #2: \$3,999.00
 - Gorman Group, Albany, NY: \$Option #1: \$44,254.00; Option #2: \$6,532.00
 - All State Asphalt, Dayville, CT: Option #1: 66,600.00; Option #2: None.**6.5** **Bids were opened for Lake Shore Drive Pipe Project with the results as follows:**
 - H M & E, Woodstock, CT: \$64,393.00

- Botticello, Manchester, CT: \$76,086.25
- Wiese Construction, Norwich, CT: \$97,595.00
- Milton Beebe & Sons, Inc., Storrs, CT: \$99,031.50
- HUGO Key & Son, Newport, RI: \$111,474.00
- Suchocki & Son, Inc., Preston, CT: \$119,874.81
- Urbanati Construction, Franklin, CT: \$128,187.62

Moved by Okonuk, seconded by Bendoraitis to add **Item 6.5A** to the Agenda: “Discuss and act upon the decision by the Rails to Trails Committee to award the bid for Sections 3 & 4 of the Trail Improvement.” Vote: yes, unanimous.

6.5A Selectmen discussed the decision by the Rails to Trails Committee to award the bid for Sections 3 & 4 of the Trail Improvement to Donahue General Contractors, Inc., in the amount of \$32,720.46. Donahue was the lowest qualified bidder, but Bendoraitis wished to see in writing why the Rails to Trails Committee did not choose the lowest bidder over all. The decision was made to wait until the information was made available by the Committee before approving the award. No action.

- 6.6** The Board of Trustees for the Jonathan Trumbull Library sent information to the Selectmen regarding the appointment of a Library Needs Study Committee to determine the goals and objectives for the future of the Library. Julie Culp, Director of the Library, was present to outline the goals for the Board of Trustees; however, the Selectmen felt that at least some board members should be present in order to discuss appointing a committee. Item was tabled until the Selectmen could meet with members of the Board of Trustees. No action.
- 6.7** Wayne Budney, resident and President of the New London County Farm Bureau was present to propose a Right to Farm Ordinance to the Selectmen. Budney stated that while many Lebanon residents appreciate the efforts the town has made in land preservation and the preservation of open space, there is a growing need to create a “farmer friendly” atmosphere to support the farmers as well. He suggested adopting a “Right to Farm” ordinance, to be voted upon at a Town Meeting, which would inform both present and future residents that Lebanon is an agricultural community. The proposal has been presented to the Conservation Commission and the Planning and Zoning Commission; both commissions voted unanimously to adopt the ordinance. Bendoraitis noted that the proposed ordinance just encourages a “farm friendly” atmosphere, and that it is not designed to set or enforce laws. Budney agreed, stating that the State DEP, Inland Wetlands and Department of Agriculture are responsible for setting laws and regulations and enforcing them. Budney also hopes that such an ordinance will help to encourage current Farm Bureau members to adhere to regulations. Okonuk noted that the proposed ordinance does not set parameters, but rather sets a tone. Blakeslee expressed reservations about adopting this ordinance, as he stated that an ordinance carries with it a lot of power, and he would not want to see it used as a “crutch” that would allow certain farmers, especially large, commercial ones, to ignore regulations. Phil Chester, Town Planner, said that such would not be the case, as this ordinance is only a “policy statement” not a law. Resident and member of the Code of Ethics Drafting Committee, Ron Cowles spoke to the Selectmen, reminding them of the fly problems in the past, and how long it took the State to step in and do something about it. He asked if this ordinance was passed, would residents then go to the Town first with complaints. Chester stated that the ordinance would not change the procedure of complaints or resolution at all. There was further discussion on past farming practices that violated regulations. It was agreed that the Selectmen will review it further and bring it to the next meeting. No action.
- 6.8** Okonuk stated that Jean Gilbert, current Land Use Secretary, has announced her intentions to retire effective October 1, 2009, she would like the Board’s approval to advertise the position. Moved by Blakeslee, seconded by Bendoraitis to allow Okonuk to proceed with advertising the position for Land Use Secretary: Vote: yes, unanimous.
- 6.9** Ron Cowles, member of the Code of Ethics Drafting Committee, wished to discuss the specific reasons that the proposed draft of an Ethics Policy was voted down at the Annual Town Meeting on May 5, 2008. Some selectmen expressed that partly it was too “wordy”. Bendoraitis stated that the policy should not be so “boiled down” that it becomes open to interpretation. Discussion followed. Bendoraitis felt that if the advisory opinions were put back into the original draft, it would be okay. Okonuk explained that she feels that people are afraid of the “human element”—that they could be brought up on frivolous charges, and that such a policy could only work with the right committee members involved. Cowles agreed to go back to the committee and rework the draft. Okonuk also questioned Cowles on the recent distribution of a survey by the Code of Ethics Drafting Committee through certain town churches. She strongly expressed her disapproval, stating that a political survey had no place being distributed in churches, nor should any survey, from any town committee, be distributed without first getting approval of the Board of Selectmen. No action.
- 6.10** Lebanon’s building official noticed recently that the support structure of the handicapped ramp in front of Town Hall was rusted out and that the platform was cracked and pulling away from the building. A welder

was brought in to temporarily support the structure, but agreed that the ramp must be replaced. Okonuk had Public Works Foreman Tom Conley get an estimate for replacing the ramp with pressure-treated lumber and bringing it up to code, and the estimate is between \$12,000.00 and \$15,000.00. Okonuk then brought the matter to the Board of Finance, which requested that she also get estimated for a small elevator to replace the ramp, and Okonuk said that she will do that, and bring the information back to the Board of Selectmen at their next meeting. No action.

- 6.11** Okonuk stated that a recent report on four Bridges identified by State of CT DOT as being at the “Critical” status. One, on McGrath Lane, has been closed; the other three remain in jeopardy. A minimum of two must be considered for the Local Bridge Program. The highway budget is going to be tight, as two plow trucks and a loader are in dire need of replacement. Bendoraitis asked if the Public Works Department needs to post weight limit signs immediately on the bridges in question; Okonuk agreed to bring this to the attention of the Public Works Foreman. She said that she will also meet with engineers to discuss the options. No action.
- 6.12** Okonuk pointed out that the Public Works Foreman position was overlooked when action was taken on this fiscal years’ wage increase, as it is neither part-time, nor union position. Moved by Okonuk, seconded by Bendoraitis to approve a 3% wage increase for the Public Works Foreman for FY 2010, effective 7/01/09: Vote: yes, unanimous.
- 6.13** Bendoraitis outlined the need for purchasing a new switch for the Town Hall Computer System. During the last electrical storm, the switch lost several critical ports out of 24-port system, which is now inadequate. Walker Systems installed temporary equipment to keep the computers running, and gave the town an estimate for replacement. They recommended increasing to a 48-port system to allow for future expansion, and gave two options: Option #1: A basic system for \$629.00; and Option #2: A system that is 10 times faster for \$1,629.00. Bendoraitis recommends that the Town purchase the better unit with an eye for future needs, and considering that the new server will be installed in August. He also said that he can search for a better price, but that Walker may not want to install a unit that was not purchased through them. Moved by Okonuk, seconded by Blakeslee to purchase the faster switch to replace the currently failing switch at Town Hall, with an expenditure of up to \$1,630.00: Vote: yes, unanimous.
- 6.14** Resident Pat Marquis was present to discuss the problem of animals and animal waste on the walking path on the Town Green. Okonuk added that she has received several complaints involving unleashed dogs, dog waste that is not being picked up, and even horses and horse waste on the green. Bendoraitis said that the Town has looked into passing an ordinance, however, that would require policing in order to enforce it. Everyone agreed that better, larger signage, plastic bags provided to pick up waste, and additional garbage cans for disposal would greatly improve the situation. Also, the Selectmen all agreed that there is no need to allow horses on the walking path at all. Moved by Blakeslee, seconded by Bendoraitis to direct Okonuk to put up new signs and bag dispensers. The signs should read: “Be Responsible – all dogs must be on a leash, and all waste removed. Horses are prohibited from the walking path.” Vote: yes, unanimous.
- 6.15** Okonuk presented a letter from a resident who wishes to transfer a previously sold cemetery plot back to the Town of Lebanon as the plots are no longer needed. Moved by Okonuk, seconded by Blakeslee to authorize a reimbursement to Donna Rae Gahrman, daughter of Michael Davis, for plot numbers 706 – 1&2, and 707 – 1&2, in the amount of \$100.00: Vote: yes, unanimous.
- 6.16** Okonuk briefed the Board on the redistricting of probate courts in Connecticut. She stated that recent legislation has been passed to reduce the number of probate courts to approximately 40-50. She has been working to get other towns involved to join with Lebanon, as increasing the number of towns that are currently serviced by the probate court in Colchester would perhaps save that office. If this passes, then 13 towns will be left without a probate court, and Lebanon residents will be forced to go to Glastonbury for probate needs. Okonuk has spoken with Senator Prague on the issue, and there will be a public forum at some point in the future. No action.
- 6.17** Moved by Bendoraitis, seconded by Blakeslee to adopt a Resolution for the 2009 Fair Housing Action Plan, and to allow Okonuk to sign said Resolution: Vote: yes, unanimous.

Moved by Okonuk, seconded by Bendoraitis to add **Item 6.18** to the Agenda, under New Business: “Discuss the status of the Duntz property garage:” Vote: yes, unanimous.

- 6.18** Bendoraitis said that the garage on the front of the Duntz property is currently being used for storage, and the roof is deteriorating and should be repaired to preserve the building. Bendoraitis suggested that having the Town Handyman, John Dudek, take a look at the roof to assess the repair. Okonuk said that she would put it as a priority job for Dudek.

Moved by Bendoraitis, seconded by Okonuk to add **Item 6.19** to the Agenda, under New Business: “Discuss the status of Brewster Pond access:” Vote: yes, unanimous.

- 6.19** Okonuk re-capped the progress made with the State DEP regarding access to Brewster Pond. A tentative meeting date is set for August 12, 2009, to hold a Special Selectmen’s Meeting with a representative of the

DEP, members of the police department and residents. Okonuk said that to date the old signs are still in place that say “no trespassing” and that the State has agreed to replace them. No action.

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

7.1 Okonuk re-capped her progress in combing animal control resources with surrounding towns. At this point three other towns are interested in utilizing Lebanon’s pound; the goal is to continue to provide services to the Town, while keeping costs down. Lebanon intends to keep the current Animal Control Officer. Moved by Bendoraitis, seconded by Blakeslee to re-appoint Michelle Kellough as Municipal Animal Control Officer for one year, effective August 7, 2009. Vote: yes, unanimous.

7.2 Moved by Bendoraitis, seconded by Blakeslee to accept, with regret, the resignation of Chris Darrow from the Energy Task Force Committee. Vote: yes, unanimous.

8.0 Financial Reports

None available

9.0 Tax Refunds

Moved by Bendoraitis, seconded by Blakeslee to accept the following Tax Refunds for June 2009:

NAME	AMOUNT
Chaput, Ronald R.	\$84.25
Chaput, Ronald R.	\$89.24
Chaput, Ronald R.	\$90.58
VW Credit Leasing LTD	\$44.94
Macdonald, Francis & Evelyn	\$13.30
Orr, Linda	\$36.94
Yolda, Francis J.	\$25.78

10.0 Executive Session

None

11.0 Adjournment

Moved by Okonuk, seconded by Blakeslee to adjourn at 8:30pm; Vote: yes, unanimous.

Respectfully Submitted,

Joyce R. Okonuk, First Selectman