

**MINUTES**

- 1.0 The meeting called to order at 1:21 PM by First Selectman Joyce Okonuk. Selectman John Bendoraitis was in attendance and Selectman Russ Blakeslee was absent due to a medical issue. Audience: 7
- 2.0 The town received a complaint from a descendent of the Greenman-Card family, Mr. John Illes of Enfield, CT, great-grandson of Ella M. Greenman and the great-great grandson of Henry S. Greenman, re the burial of non-related individuals in the Greenman-Card cemetery on Gates Road. Town's attorney Ron Ochsner provided a written and oral review of his findings as follows: Samuel Greenman made a conscious decision to keep the cemetery separate from the sale of his property to Mr. Gates. The cemetery has remained in the family name since that time. The title that was conveyed to the three survivors (heirs) all has an undivided interest in the property. To determine all owners, research would need to go back through six to seven generations from each of the three original heirs. Attempting to find all heirs at this point would be very challenging. The family has never been billed for taxes and our land record shows the Town as the owner. Cemeteries can only be tax-exempt if they are owned by a municipality, an association or an ecclesial. No association was ever formed here. Private individuals may own cemeteries but they would be taxed on the properties.

Mrs. Card spoke with the cemetery commission asking them to maintain the cemetery and Mr. Gamache (a neighbor) offered to clean the cemetery and did so. The town gave permission to the Gamache family to bury two relatives in the cemetery. Problem being that at least one of the Gamache men buried there has a living, elderly spouse. If we go this route, Ron stated we'd have to do a "publication of notice" to attempt to notify other heirs. Mr. Gamache was told over four years ago to stop working in the cemetery, but he did not. There is no evidence that the Town owns the property. Ron suggested a couple of courses of action: (1) Eminent Domain: Acquisition of public burial grounds is a "public purpose" for which the eminent domain power of the Town might be utilized. The drawback of this option is that a search for the heirs of the Greenman Card family would, to a certain extent, be required and an ultimate filing with the court under Connecticut eminent domain statute 48-12, (2) Special Act of the Legislature: To give the Town of Lebanon burial authority and (3) Locate heirs and send them tax bills: If they fail to pay, we then foreclose on the property. We can't go back on the tax bills but could send out current bills. Property is presently assessed at \$46,000.

John Bendoraitis recommends we pursue options b and c simultaneously. If the special act passes, then we'd stop sending tax bills.

Keith Wentworth suggested telling the spouse(s) we didn't have authority to bury their relatives in the cemetery and offer to move those interred stating we can't allow the living relatives to be buried with spouses when they pass. Linda Wadsworth purchased seven plots and her husband William T. Wadsworth and a Mr. Lemuel Wadsworth are buried there. Linda lived at 52 Gates Farm. Joyce and Howard will make an appointment to meet with and explain the situation to Linda. They will also contact Mr. Maurice Gamache to make the facts clear to him reiterating that the Town does not have the authority to allow him to be buried in that cemetery inasmuch as we don't hold title to it. The Cemetery members suggested offering Mr. Gamache six burial graves in any town cemetery (except Trumbull and Center). He can work out the locations with the Sexton.

Mr. Illes does not wish to disinter anyone buried in the cemetery. Sexton Marsha Schuett wondered if he may not object to having the spouses buried near the husbands. The town does have other places they could be buried. Per Attorney Ochsner, Probate Court does not have authority with regard to title of a cemetery. The only option is Superior Court. It was the consensus of those present that Howard Wayland as Cemetery Chair and Joyce Okonuk meet with Linda Wadsworth explaining the situation and providing some options for her deceased relatives.

- 2.0 Moved Bendoraitis, seconded Okonuk to approve the request from Boy Scout Troop 180 to hold a food drive fundraiser at the Transfer Station on March 15<sup>th</sup> and 22<sup>nd</sup>. Vote: yes, unanimous
- 3.0 Moved by Bendoraitis, seconded by Okonuk to award the contract for painting the Tax Collector's Office to Bill Bender Painting in the amount of \$800 which includes painting two coats on walls, trim and radiators and replacing the cove base, price includes labor and materials, funds to come from TIP Account #208-610-6117. Vote: yes, unanimous
- 4.0 Further review is needed before taking action.
- 5.0 Based on a motion from the Rec Commission, they have asked the Selectmen to advertise mowing services at the Aspinall Rec Area. Moved by Bendoraitis, seconded by Okonuk to advertise for Lawn and Field Mowing and Maintenance at the Aspinall Recreation area for a two-year contract, 2008-09 and 2009-10. Vote: yes, unanimous
- 6.0 Tax Collector Joyce Hofmann was present and reported that the Tax Sale has been moved to May 10, 2008 at 10AM at the Lebanon Town Hall. Seventeen properties will be put up to auction, four parcels have homes. The Selectmen are interested in investigating the approximate 20.3 acre wooded parcel (no buildings) on Lake Shore Drive. The tax debt on that property is approximately \$19,000 which includes all fees, etc. The town had started to take zoning action against the property owner but stopped when discovering there were delinquent taxes and the property was going to sale. One concern, for the Selectmen, would be the abandoned vehicles, junk and debris on the site that also houses a camp trailer in which the individual has been illegally living. Joyce wants to know if Selectmen which to pursue the option of bidding on this property. The interest being it's proximity to Lake Williams (with possible water rights) and as well as it's proximity to the finished section of the Airline Trail. Both Selectmen were interested in walking this site. Joyce will contact town attorney and report back before this is brought to the Board of Finance.
- 8.0 Due to Attorney Zizka's expertise in the areas of land use and WPCA formation, the Selectmen are opting to solicit a single proposal at this point in time. Attorney Zizka presently provides legal services to the Inland Wetland's Commision and on occasion, the PZC as well. Moved by Bendoraitis, seconded by Okonuk to request a proposal, including fees, from Attorney Mike Zizka for legal guidance related to the creation of a Water Pollution Control Authority (WPCA), funds to come from the Non-Recurring budget, Acct. #5348, Amston Lake Water Quality. Vote: yes, unanimous
- 9.0 Discuss and act upon scheduling pre-negotiation meetings to review town union contracts. The Town Hall and Public Works Union Contracts need to be negotiated this spring. Letters have been received from Local 2001 asking that we set up a date for a preliminary meeting. Joyce recommended this meeting take place in early March. She also wishes to engage the services of Attorney Gabe Jiran of Shipman & Goodwin to help prepare the Town's preliminary proposal and assist in the negotiations. Moved by Bendoraitis, seconded by Okonuk to hire Attorney Gabe Jiran to assist the Selectmen in Union Negotiations in 2008. Vote: yes, unanimous
- 10.0 Moved by Bendoraitis, seconded by Okonuk to adjourn the meeting at 3:35 PM. Vote: yes, unanimous.

Respectfully submitted,

Joyce R. Okonuk  
First Selectman