



TOWN OF WOODBURY
Board of Selectman
281 Main Street South
Post Office Box 369
Woodbury, Connecticut 06798-0369

Minutes

Board of Selectmen Regular Meeting
Thursday, July 22, 2010
7:30 p.m. Shove Conference Room

Present: Gerald D. Stomski, First Selectman
Barbara K. Perkinson, Selectman
George W. Hale III, Selectman

Also present: Joseph Donato, Ted Tietz Jr., Richard Snider, Leesa Peters, Tom Arras, Norma Weisbrich, *Voices* Reporter and approximately six townspeople.

Call to Order

Selectman Stomski called the meeting to order at 7:30 p.m. in the Shove Conference Room.

Privilege of the Floor

Richard Snider

- Mr. Snider said that when the First Selectman is sworn in, part of the oath is to represent all of the people of Woodbury. He said 64% of Woodbury is not being represented. He questions the make up of the Charter Revision Commission. He also questions the make up of the Business and Economic Development Committee asking why there are no females seated. Selectman Stomski addressed Mr. Snider's concerns and referred him to State Statutes as far as majority/minority representation. The Charter Revision Commission fulfills the requirements of State Statutes and Town Charter. When a request is put out for volunteers, the people that respond are who is drawn from in accordance with State Statute and Town Charter.

Joe Donato

- Mr. Donato as Business and Economic Development Committee Chair, wanted to address Mr. Snider's comments. There is a female business owner seated on the committee, TJ Hardisty.
- When we put out the public to have people come forward almost every person got on that came forward.

Tom Arras

- Mr. Arras commented on Mr. Snider's comment that 64% of Woodbury is not represented. I go to a lot of town meetings and I don't see anything near 64% of dissatisfaction. What is the make up of the 64%? If the townspeople that do not come forward and are put into the category that they don't care, it does not necessarily mean that they are not represented and dissatisfied.

Ted Tietz Jr.

- Mr. Tietz submitted the sample results of the gravel that is out to bid. He explained how the gravel sample was taken and shared that it passed. He wanted clarification on what a yard of gravel weighs. Selectman Stomski said he has not been able to look at Mr. Monckton's recommendation yet as he just received it so a decision could not be made tonight.

Approval of Minutes

MOTION: Selectman Perkinson moved and Selectman Stomski seconded to approve the minutes of the July 8, 2010 regular meeting with the following amendments:
a. Page 1, first paragraph under Privilege of the Floor, last sentence should read "Charter Revision Meetings" instead of "regular meetings".
Voting Yea: Stomski and Perkinson; Abstained: Hale (was not present at the previous meeting). *MOTION APPROVED*

Donations and Contributions

MOTION: Selectman Perkinson moved and Selectman Hale seconded to accept with gratitude the following contribution:
Willie Nininger Concert – Giuliano & Richardson, LLC \$300.00
UNANIMOUSLY APPROVED

Appointments and Resignations

A resignation was previously received by the Board of Selectman from the Conservation Commission of the seat held by Claudette Volage. After notifying both the Democratic and Republican Town Committee's and posting in the newspaper only one applicant came forward, Judith Platt. Selectman Stomski read for the record her biography.

MOTION: Selectman Perkinson moved and Selectman Hale seconded the appointment of Judith Platt (R) to the Conservation Commission.
Discussion – Selectman Hale asked if the resignation was a full time member and if there were any alternates interested in the position. Selectman Stomski said yes the resignation was a full time member and after asking if anyone was interested this is who came forward.
UNANIMOUSLY APPROVED

Bids/Contracts

Electronic Waste – David Monckton, Public Works Director, explained in writing that the State of Connecticut has a new electronic waste law in place requiring municipalities to recycle electronics regularly. He recommends using the company WeRecycle which is an approved vendor by the State of Connecticut Department of Environmental Protection. Mr. Monckton also submitted the proposed contract by WeRecycle offering the program at no charge.

MOTION: Selectman Perkinson moved and Selectman Hale seconded to use WeRecycle to implement the new electronic waste law program.
Discussion – Selectman Hale asked if there were other companies interested. Selectman Stomski said other companies were looked at. He met with WeRecycle and

another company. The other companies had a fee included. WeRecycle is doing it free of charge. Selectman Perkinson asked what the contract term is. Selectman Stomski said three years.

UNANIMOUSLY APPROVED

Railing Installation – David Monckton, Public Works Director shared in writing that three bids have been solicited; two were received for the fabrication and installation of railing on the stairs between the Library and the Boyd Building. Mr. Monckton recommends Monocrete Step, LLC quoting \$1525.00 as it was the lowest bid.

MOTION: Selectman Perkinson moved and Selectman Hale seconded to award the railing installation contract to Monocrete Step, LLC.

UNANIMOUSLY APPROVED

Old Business

Selectman Stomski read for the record a letter received a few meetings ago by Tom Arras. The letter respectfully requests Mr. Arras is provided and opportunity to discuss directly with Selectman Hale, Selectman Hale's published opinion on Charter interpretation regarding the Pezzo issue. Before discussion began, Selectman Stomski shared what action the Board of Selectman has taken. An independent attorney was hired to look at all material associated with the Pezzo property. They have been asked to advise the Board of Selectman the following: In accordance to the Charter what mistakes were made, if any. Who is responsible for any mistakes, if any? If there is a monetary amount to be recuperated, if any, and if so what procedures to use. How to proceed with the resolution of accepting the conveyance of the property. There are no time constraints since there are no pending legal matters. Selectman Hale was happy that the matter was being discussed with legal counsel but he wanted the record to show that he has not participated in conversation with legal counsel. Selectman Stomski commented that First Selectman has the authority to hire and obtain legal counsel on behalf of the Board of Selectman. It was a consensus of the Board of Selectman at a prior meeting to seek independent legal counsel, which is what has been done. Selectman Hale wishes to respectfully withhold comment to Mr. Arras because of discussion of the matter with legal counsel. Mr. Stomski stated that this matter was not in litigation and Mr. Hale could comment and address Mr. Arras. Mr. Hale declined further comment.

New Business

Transfer Station Contract – One of the areas previously brought up to look at in making budget cuts was the transfer station. In previous discussion there were questions raised in regards to cost savings and legality of going into the contract. Selectman Stomski read aloud the parts of the contract addressing hours of operation and payment thereof. Section (A)(3) states the facility will be open on the days and during the hours designated by the Board of Selectman. It is the interpretation that since the Board of Selectman set the days and hours of operation they have the ability to make changes if needed. Selectman Stomski recommends closing the facility on Wednesdays in which will incur a savings for the Town of \$16,744. The savings fall under Section (C)(1)(a) discussing the contractor's employees. No other changes are sought to be made to the contract. The original number the Board of Finance cut was \$20,000. After

speaking with the Fiscal Officer he was reminded that in addition to the \$20,000 the Board of Finance previously cut an additional \$10,000.

MOTION: Selectman Perkinson moved and Selectman Stomski seconded to close the recycling transfer station on Wednesday's for a savings of approximately \$16,744.00.

Discussion – Selectman Hale wanted to make sure that since the Town voted to cut \$20,000 that the exact amount is cut and the proposed \$16,744 falls short. Selectman Stomski responded the tipping fees are expected to be lower and in combination with the savings for closing one day it will balance out. Selectman Hale requests that the item be revisited in six months to make sure they are coming close to meeting the \$20,000 cut. Selectman Stomski agreed. Selectman Hale expressed concern for not meeting with the contractor, Mr. Stone before the Board of Selectman vote. Selectman Stomski said he wanted to get a consensus from the Board of Selectman before and feels due to how the contract is written they are within their legal right to make changes in the best interest of the Town. Selectman Hale wanted the record to show that he feels Mr. Stone should be given the professional courtesy of proposed changes before the Board of Selectman votes.

UNANIMOUSLY APPROVED

Fireworks – A special fund was set up for the fireworks due to the cut in the budget for the fireworks. Selectman Stomski was happy to report that due to the townspeople's donations fireworks will be held this year.

MOTION: Selectman Perkinson moved and Selectman Stomski seconded the establishment of a special fund for the fireworks. Checks can be made payable to Town of Woodbury – Firework Fund.

UNANIMOUSLY APPROVED

Addendum to Minutes – At the last Board of Selectman's meeting, Mr. Snider submitted a letter and errata sheet in regards to minutes of the June 24th Board of Selectman meeting. At the previous meeting a motion was carried to amend the minutes of the June 24th meeting.

MOTION: Selectman Perkinson moved and Selectman Stomski seconded to submit Mr. Snider's letter as an addendum to the minutes of the June 24th Board of Selectman meeting.

Voting Yea: Stomski and Perkinson; Abstained: Hale (was not present at the previous meeting). *MOTION APPROVED*

Grey Fox Woods Subdivision – A letter was received from Norma Weisbrich, Grey Fox Woods Subdivision Owner, regarding the subdivision. Selectman Stomski with the Town Planner and provided Ms. Weisbrich the following responses:

- In regards to the reduction of the road bond, a motion was made on May 19, 2010 to recommend the release of \$495,000 from the bond for Application 05-PC-5004 submitted by

Weisbrich for property on Grey Fox Trail contingent upon the completion of the as-built survey to include all details required by the Town Engineer; and approval of the as-built survey by the Town Engineer. It was not included in the memo to the Board of Selectman if the motion was approved or denied.

MOTION: Selectman Perkinson moved and Selectman Stomski seconded to recommend a release of \$495,000 from the bond for Application 05-PC-5004 submitted by Weisbrich for the property on Grey Fox Trail (Tax Assessor's Map 027/Lot 11A, 12, 13) contingent upon proof that there is an approval of the recommendation from the Planning Commission to the Board of Selectman for that purpose.
UNANIMOUSLY APPROVED

- In regards to the outstanding bill for \$3,400 that is being challenged, the Town Planner presented Selectman Stomski with several memos and correspondence going back to 2008. Selectman Stomski disagrees that all requested documentation was never received, as he has copies.
- In regards to the \$10,000 review fee, action has been taken and the fee has been released.
- In regards to the follow up on the subdivision five-year renewal approved by the Planning Commission, the Board of Selectman has not received a request for an extension for the road construction. If you want to request an extension for road completion from the Board of Selectman a request needs to be made. Selectman Hale thought that the request needs to go to the Planning Commission. Selectman Stomski said there needs to be clarification, upon which a special meeting can be called to meet the deadline of August 5th.
- In regards to payment for services in question, those issues need to be taken up with the Land Use Office. That charges were under an agreement between you and Planning Commission in which go through the Land Use Office. Pertaining to a 2008 memo from the Land Use Administrator to the First Selectman regarding 10% increase of fees to cover gas, travel and inspection costs, the increase was approved by the Board of Selectman.

Correspondence

- A memo was submitted notifying changes in Public Act 10-110 Section 4 (effective upon passage-as of June 5, 2010). The change is Section 49 (effective July 1, 2010) states "the municipality may charge applicable state or federal fees to the person whom the fingerprints were collected, and forward those fees to the DPS on a monthly basis."
- A letter was received from the Glebe House Museum requesting Hollow Road be closed on October 23rd with a rain date of October 30th from 4:30 p.m. to 9:00 p.m. for the Glebe House Museum's All Hollow's Eve. The request is made with concern of public safety crossing the road.

MOTION: Selectman Perkinson moved and Selectman Hale seconded to close Hollow Road for the Glebe House Museum's All Hollow's Eve on Saturday October 23, 2010 with a rain date of Saturday October 30, 2010 from 4:30 p.m. to 9:00 p.m. for public safety concern.

- As a point of order, a special revenue balance sheet was received from the Fiscal Office showing two deficiencies from last year's budget. The first a \$161.68 deficit from the

Woodbury 350th Celebration. The second a \$1,350.00 deficit from Gateway Signs. Selectman Stomski asked Selectman Hale, the previous administrations First Selectman, if he was aware of who was responsible for the deficiencies and what were the arrangements. The provisions are not in this year's budget. Selectman Hale responded that it was the first time he has heard about this. Selectman Hale said the Woodbury 350th Celebration was donation oriented and suggested contacting Janice Scruggs. Regarding Gateway Signs, the money was to be raised by the antique dealers and suggested contacting David Monckton. Selectman Perkinson asked if there were any provisions made at the time for the signs. Selectman Hale's recollection was the monies were to be raised and the Town would pay the difference out of the sign line item.

Adjournment

MOTION: Selectwoman Perkinson moved and Selectman Hale seconded to adjourn the meeting at 8:53 p.m. *UNANIMOUSLY APPROVED*

FILED SUBJECT TO BOARD APPROVAL

Respectfully submitted,

Sarah Wirtes
Acting Clerk