

**TOWN OF EAST WINDSOR  
BOARD OF SELECTMEN  
11 RYE STREET  
BROAD BROOK, CT 06016  
First Selectman's Office - (860) 623-8122**

Regular Meeting Minutes

Tuesday, January 6, 2015 at 7:00 p.m.

**BOARD MEMBERS**

Denise Menard – First Selectman

Dale A. Nelson – Selectman

Jason E. Bowsza – Deputy First Selectman

James C. Richards – Selectman

Steve Dearborn – Selectman

These minutes are not official until approved at a subsequent meeting.

**1. CALL TO ORDER**

First Selectman Denise Menard called the Regular Meeting to Order at 7:03 p.m. at Town Hall.

**MOTION** was made (Bowsza) to recess and **SECONDED** (Richards). The vote was unanimous.

The meeting reconvened at 7:15 p.m.

**2. ATTENDANCE**

Present:

Denise Menard, First Selectman

Jason E. Bowsza, Deputy First Selectman

Steve Dearborn, Selectman

Dale A. Nelson, Selectman

James C. Richards, Selectman

**3. ADDED AGENDA ITEMS**

No added agenda items.

**4. APPROVAL OF MINUTES**

**Regular Meeting Minutes of December 16, 2014**

**MOTION** was made (Nelson) and **SECONDED** (Bowsza) that the Board of Selectmen approve the Meeting Minutes of December 16, 2014.

**Discussion:** On Page 4 under Section 10C., after sentence 4 of that section, a sentence should be inserted to read, "Richards strongly objected to this idea."

In Favor: Bowsza, Dearborn, Nelson, Richards. Opposed - None.

**5. COMMUNICATIONS**

None.

**6. SELECTMEN'S REPORTS**

**A. Denise Menard**

First Selectman Menard read her report - hereto attached as Attachment A.

**B. Jason Bowsza**

Selectman Bowsza reported that the American Heritage River Commission had a great New Year's Day Walk, there were about 160-170 people there.

**C. Steve Dearborn**

Selectman Dearborn strongly suggested that we give Herb Holden Trucking and other volunteers that contribute to our Town plaques to show our appreciation. Selectman Dearborn also reported that he will be doing a walk through at the Mill Property Complex because he does not agree with the way they would like to clean up the property. Dearborn stated that his issue with the Planning and Zoning Department still stands and he is currently looking for more information on his opinion of what went wrong in this town.

**D. Dale A. Nelson**

Selectman Nelson read her report - hereto attached as Attachment B.

**E. James C. Richards**

Selectman Richards had nothing to report.

**7. PUBLIC PARTICIPATION**

**Marie Desousa, 10 Rice Road** - Concerned with Selectman Dearborn's statements and getting himself involved with the mediation with Hamilton Sunstrand and the State, she was wondering if Dearborn was acting on behalf of the Town or himself. She wanted caution that we act accordingly with that situation because it can go astray very quickly.

**Steve Smith, Cobblestone Drive** - Mr. Smith asked if the Mill Property Complex that Mr. Dearborn was going to walk through was the Town's responsibility or if it fell under State legislation of DEEP. Menard responded that it was under the purview of the Federal EPA, Federal, and the State DEEP, and funded by them in part and Hamilton Sunstrand. She also stated that the Town does have some responsibility of the mill property for permitting and making sure that it moves forward.

**Nancy Masters, 312 Rye Street** - She wanted to report on grants that have been received by Scout Hall which is on Town Property. They received over \$10,000 from United Technologies Pratt & Whitney, they have received \$75,000 in solar grants, \$200,000 from the State and many more grants. She added that they are currently looking at a \$5 Million Dollar grant.

**8. BOARD AND COMMISSIONS APPOINTMENTS**

**Resignations:**

None.

**Re-Appointments:**

**MOTION** was made (Nelson) and **SECONDED** (Bowsza) to reappoint Kirk Monstream (R) to serve until April 1, 2017 on the Agricultural Commission as a regular member.

In Favor: J. Bowsza, S. Dearborn, D. Nelson, and J Richards. Opposed – None.

**MOTION** was made (Nelson) and **SECONDED** (Richards) to reappoint James Halloran (D) to serve until November 1, 2018 on the American Heritage River Commission as a regular member.

In Favor: J. Bowsza, S. Dearborn, D. Nelson, and J Richards. Opposed – None.

**MOTION** was made (Richards) and **SECONDED** (Nelson) to reappoint Richard Sullivan (U) to serve until October 1, 2019 on the Planning and Zoning Commission as a regular member.

In Favor: J. Bowsza, S. Dearborn, D. Nelson, and J Richards. Opposed – None.

**MOTION** was made (Richards) and **SECONDED** (Bowsza) to reappoint Jim Thurz (D) to serve until October 1, 2018 on the Planning and Zoning Commission as a regular member.

In Favor: J. Bowsza, S. Dearborn, D. Nelson, and J Richards. Opposed – None.

**New Appointments:**

**MOTION** was made (Richards) and **SECONDED** (Bowsza) to appoint Tom Talamini (R) to serve until June 1, 2020 on the Building Commission as a regular member.

In Favor: J. Bowsza, S. Dearborn, D. Nelson, and J Richards. Opposed – None.

**MOTION** was made (Nelson) and **SECONDED** (Bowsza) to appoint Mark Simmons (R) to serve until January 24, 2019 on the Ethics Commission as a regular member.

In Favor: J. Bowsza, S. Dearborn, D. Nelson, and J Richards. Opposed – None.

**MOTION** was made (Richards) and **SECONDED** (Nelson) to appoint Nancy Masters (D) to serve until January 24, 2017 on the Ethics Commission as a regular member.

In Favor: J. Bowsza, S. Dearborn, D. Nelson, and J Richards. Opposed – None.

**9. UNFINISHED BUSINESS**

**\*A. Discussion of updated Firefighter Incentive Program**

Not discussed at this meeting but remains on the agenda pending receipt of additional information.

**\*B. Discussion of Senior Property Tax Relief**

Not discussed at this meeting but remains on the agenda pending receipt of additional information.

**10. NEW BUSINESS**

**A. Discussion with State Legislators regarding what to advocate for East Windsor**

The Board of Selectmen asked State Representative Chris Davis, State Representative Dave Kiner, and Senator Tim Larson to advocate for the following for the Town:

- What the requirements are to expand the Warehouse Point Fire District
- Preservation of open and agricultural space
- Funding for road reconstruction of South Water Street
- Preservation of Municipal Funding
- Reversal of unfunded mandates such as evictions and legal ad requirements
- Legislative fix for McKinsey v. Monroe for Planning and Zoning Department
- Funding for Route 5 to remedy traffic issues
- Public transportation throughout Town
- Change in Special Education Funding policy to allow the funding to “follow the child” if they change schools
- For residents that had funding cut for EDB water filters
- To expand Economic Development by advocating for leasers or renters of vacant properties along the Route 5 corridor and for the expansion of the “tax-free” zone of the airport.
- \$10 surcharge on auction untaxed vehicles.

Selectman Richards was in agreement with all of the said items except for the \$10 surcharge on auction untaxed vehicles.

After discussion of these items, the State Legislators agreed to look into these items and see what they could make happen.

**B. Planner and Assistant Planner presentation of information regarding statements made at Board of Selectmen Meeting on 12/16/2014**

Town Planner Laurie Whitten read her Memorandum, “Response to Selectman Dearborn’s Comments at BOS meeting of Dec 16, 2014, regarding Wagner and Sportsworld”, hereto attached as Attachment C.

Assistant Town Planner Robin Newton read her Memorandum, "Response to Selectmen Dearborn's Comments at December 16, 2014 BOS Meeting Regarding Violation Procedure for Sports World", hereto attached as Attachment D.

After a brief discussion, Selectman Dearborn provided Town Planner Laurie Whitten, Assistant Town Planner Robin Newton, and First Selectman Menard with Freedom of Information requests.

**C. Set date for Selectmen Budget Workshops**

The dates and times for the Selectmen Budget Workshops were decided as follows:

Wednesday, February 11	6:00 p.m.
Tuesday, February 17	6:00 p.m.
Thursday, February 19	5:30 p.m.
Saturday, February 21	9:00 a.m.
Wednesday, February 25	6:00 p.m.

**MOTION** made (Nelson) and **SECONDED** (Richards) to accept the above mentioned dates for the Selectmen Budget Workshops.

In Favor: J. Bowsza, S. Dearborn, D. Nelson, and J Richards. Opposed - None.

**D. Approval of Tax Refunds**

**MOTION** was made (Nelson) and **SECONDED** (Richards) to approve tax refunds dated 12/30/2014 in the amount of \$3,041.76.

In Favor: J. Bowsza, S. Dearborn, D. Nelson, and J Richards. Opposed - None.

**11. EXECUTIVE SESSION**

No executive session.

**12. ADJOURNMENT**

**MOTION** to adjourn made (Bowsza) and **SECONDED** (Richards). Unanimous.

The meeting was adjourned at 9:26 p.m.

Respectfully submitted,



Amanda Schroll  
Recording Secretary

January 6, 2015

My report to the Board of Selectmen

Wishing everyone a happy and healthy 2015. New Year's Day in East Windsor began with a New Year's Day hike along the Melrose section of the Scantic River. There were more than 135 participants this year. What a great way to start the new year!

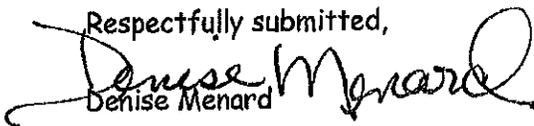
I met with Representative Davis regarding tonight's meeting and mentioned that the island on the corner of Routes 191 and 140 in Broad Brook is a pretty unattractive "welcome" to our Main Street. I asked if it could be removed or at least cleaned up. Representative Davis spoke with the DOT and anyone who has gone by the island recently has seen that it has been cleaned and painted. Thank you Chris and please thank your contact at the DOT for the quick response to our request.

In response to a question I've received about grants the Town has received, attached is a list of the most of the grants that the Town has received within the last 8 years. This does not include any education related grants. If there are any questions regarding the list, I can have an agenda item on our next agenda to discuss.

The Request for Proposals for an Economic Development Consultant is posted on the Town's and CT Department of Administrative Services' website along with distribution to the CT Planning and Development Professionals and an association related to the CT Department of Economic and Community Development. We have asked for proposals to be received by the Selectman's office by January 16. I expect to have information available for our next meeting.

Budget requests are coming in slowly. They are due to the Selectman's office by January 14.

Respectfully submitted,

  
Denise Menard

**Listing of Grants - Last Eight Years**

**Grant Amount Awarded**

**Small Cities Block Grants**

ADA Improvements & Renovations to Park Hill Elderly and Disabled Complex	700,000.00
Neighborhood Drainage & Street Improvements - Phase I	500,000.00
Prospect Hill Drainage Improvements - Phase II	500,000.00
Prospect Hill Drainage Improvements - Phase III	400,000.00
<b>TOTAL</b>	<b>2,100,000.00</b>

**FEMA Grants**

Hurricane Irene - Springdale Cemetery	33,000.00
Hurricane Irene	32,300.00
Storm Alfred Project	212,000.00
Storm Nemo	27,500.00
<b>TOTAL</b>	<b>304,800.00</b>

**Various Grants**

Agricultural Viability	35,000.00
America the Beautiful	1,500.00
Boundless Playground	25,000.00
CT. Urban Forest Council	1,500.00
DECD Urban Act (OPM) Rye Street & Main Street Sidewalks	50,000.00
DECD Urban Act (OPM) Industrial Park Roadway Improvements	600,000.00
E. Byrne	21,000.00
ERASE Program - Parks & Recreation	9,600.00
ERASE Program - Senior Ctr.	2,400.00
FAA	116,000.00
Historical Preservation - Town Clerk's Office	5,000.00
Incentive Housing Zone Study	20,000.00
Registrars Secure BB	9,400.00

**Various Grants (cont'd)**

Senior Bus Municipal	40,000.00
Seniro Funding Initiative	5,000.00
Trombley - Tchumi Property	390,000.00
Volunteer Park	150,000.00
<b>TOTAL</b>	<b>585,000.00</b>

**Police Department Grants**

Bullet Proof Vests	5,600.00
Cops in School	125,000.00
Driving Under the Influence (DUI)	Up to 25,800.00
Emergency Management Homeland Security	8,700.00
Police Video Equipment Technology (PVET)	30,000.00
Public Safety Answering Points (PSAP)	2,500.00
<b>TOTAL</b>	<b>171,800.00</b>
<b>GRANT TOTAL</b>	<b>3,161,600.00</b>

\*This doesn't include Education Grants

12/17 Joint meeting BOS and BOF

12/18 CIP

Public Safety

BBFD – replacement of bunker gear \$36,651 (15 sets of gear over 10 years old) and duty officer vehicle \$35,000. FY 2015-2016 and \$ 35,000 for FY 2016-2017. Board requested specific prices for the duty vehicle.

WHPFD – Replacement of Engine 638 -- \$500,000 for FY 2015-2016 and 500,000 for FY 2016-2017. Thermal imaging camera \$14,000, replacement brush truck \$100,000 FY2015-2016 and Hurst rescue equipment cutters spreaders \$54,000 FY 20015-2016, Board requested specific prices for the vehicles and to prioritize their request.

EWPD – Replacement of 4 older high mileage vehicles \$148,000 FY 2015-2016, 6 digital in car video cameras \$38,310 FY 2015-2016

EW Emergency Management – purchase portable generator 132,000 FY 2015-2016

12/18 CIP

Planning Department – matching fund allocation \$25,000 FY 2015-2016 for each of 5 years for a total of \$125,000

Senior services – replacement of a 20 passenger van in FY 2015-2016 \$63,000, 12 passenger van FY 2016-2017 \$56,000, addition of sedan inn FY 2017-2018 of \$25,000, and 8 passenger vehicle FY 2018-2019 \$47,000

Town Properties – Public Works Roof Replacement \$27,000 and building expansion of \$30,000 FY 2015-2016, Broad Brook Dam Repair - \$539,000 FY 2015-2016, Town Hall Annex and PD Renovations \$75,827 for FY 2015-2016 and similar amounts for the next 4 years (\$227,480 estimated cost. Replacement of Street lights \$120,000 and similar amounts for the next 4 years (estimated cost \$600,000)

12/20 BBFD Torchlight Parade

12/22 CIP

BOE – see attachment

Assessor revaluation 2018 \$75,000 FY 2015-2016 and for the next 2 years

Public Works – replacement of Park and Recreation vehicles \$50,000 FY 2015-2016 and subsequent years (total \$250,000), Replacement of public works equipment \$200, Town drainage \$75,000 FY 2015-2016 and subsequent years for total of \$375,000. Replacement or purchase DPW facilities equipment \$20,000 FY 2015-2016 and subsequent years for a total of \$100,000. Pavement management \$1,500,000 and subsequent years for a total of \$7,500,000

12/30 Town Meeting

Dale Nelson

East Windsor Public Schools  
Capital Improvement Plan  
2015 - 2016



2/12/2014  
ATTACHMENT A - BOE

Year	Facility	District	Priority	Description	Local	State	Total
FY 2016					33,820		33,820
	MS		C	New pick-up truck	250,000		250,000
	MS		C	Replacement of original 1966 boilers	3,673,321		3,673,321
	HS		C	Replace 25 year old Middle School roof	125,800		125,800
				Aux.gym connector and cross bracing	4,082,941		4,082,941
FY 2017				Sub-Total 2016	90,000		90,000
	BB HS		M	Removal of underground oil tanks and gas conversion BB	200,000		200,000
	District		C	Rewire to Cat-6 Data wiring	22,200		22,200
	MS		S	Purchase of storage area - large shed 12' x 24'	25,000		25,000
	BB		S	Sand and finish gym floor & stage floor Broad Brook	247,200		247,200
				Sub-Total 2017			
FY 2018				Complete renovation including minor reconfiguration and finishes for possible use of as an emergency shelter	246,000		246,000
	HS		C	Replacement of roof in B-wing area	101,920		101,920
	HS		C	Replace all windows with energy efficient windows with screens	200,000		200,000
	MS		C	Renovate boys and girls locker rooms to be handicapped accessible, including lift or elevator, toilet areas, and showers.	451,000		451,000
				Sub-Total 2018	998,920		998,920
FY 2019				Window replacement throughout the building	250,000		250,000
	HS		S	Air condition for gym High School	154,110		154,110
	MS		S	Air conditioning for the Cafeteria, Auditorium and Main Office	150,000		150,000
				Sub-Total 2019	554,110		554,110
FY 2020				Removal of Asbestos floor tile	342,500		342,500
	BB		C	AC cafe	65,250		65,250
	BB		S	Removal of asbestos floor tile	567,500		567,500
	MS		C		975,250		975,250
				Sub Total 2020	6,858,421		6,858,421
				Total			

Priority Rank	Source of Funds
M. Mandated or Obligated: projects previously contracted for or those mandated by code, statute or regulation.	A. Current year's Capital Budget
C. Critical Repair or Improvement: projects that will eliminate conditions that impair health or safety or replace unsatisfactory conditions or to provide essential services.	B. Financing - short or long term
S. Scheduled Repair or Improvement: planned projects that are necessary but can wait until scheduled funds are available.	C. Grants Federal, State, or Other
D. Deferrable: projects that are desirable for ideal operations but cannot be considered an immediate need.	



**TOWN OF EAST WINDSOR**  
**PLANNING & ZONING DEPARTMENT**  
**11 RYE STREET,**  
**BROAD BROOK, CT. 06016**  
**(860) 623-6030**

TOWN PLANNER LAURIE WHITTEN, CZEO, AICP

ZONING ENFORCEMENT OFFICER, ROBIN NEWTON, CZEO

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**MEMORANDUM**

**TO:** Denise Menard, First Selectman

**FROM:** Laurie P. Whitten, CZEO, AICP *LPW*  
Director of Planning and Development

**DATE:** January 6, 2015

**SUBJECT:** Response to Selectman Dearborn's Comments at BOS meeting of Dec 16, 2014,  
regarding Wagner and Sportsworld

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I am making this presentation to the Board of Selectmen as I feel compelled to set the record straight in response to derogatory remarks and accusations made by Selectman Steve Dearborn regarding my and my department's qualifications at the BOS meeting held Dec 16, 2014. Please note that this is not the first time I have had to defend my position, and the department's reputation against Mr. Dearborn's inaccurate statements.

Selectman Steve Dearborn has made claim that we are "beating" up Mr. Wagner. I assume that this stems from the issues that have arisen at the Sportsworld (# 226), the rear of #230 and Don Wagner's adjacent 18 acres off of Main Street in Warehouse Point, at the private cul-de-sac (#202 and 227).

The facts of the issue are as follows:

1. When Sportsworld made application in 2003, the application for a Special Use Permit for recreational use was approved for the full 27 acres +/-.

Subsequently, a conveyance map was filed (Map # 3524), partitioning off the land, which was sold to three entities. This acted essentially as an illegal subdivision, where CGS 8-25 requires the creation of a legal lot to be by subdivision. In fact it was actually illegal to sell these lots without a legal subdivision. This conveyance created lots without frontage, and benefit of proper easements.

2. In 2012, staff sent a letter to all the property owners explaining that this conveyance had occurred and that substantial improvements could not be made on the properties until such time as they became legal lots of record. A meeting was held with all parties at the table, and it was suggested that they all pool their resources to submit a subdivision application, The Town also offered to investigate waiving the fees, and a means to help Mr. Wagner inspect the cul de sac

so it ultimately could be taken over as a town road. Staff spent many hours with all the property owners trying to find an amenable, legal solution for all. (letter attached)

3. In Sept of 2013, after the "bubble" was torn down by the tornado, and in efforts to fix some of the outstanding issues, the Sportsworld owners made application for, and was granted a Special Use Permit to grant a waiver for frontage so the Sportsworld property could become a conforming legal lot. This did not fix all the easement issues, but helped to define the property lines for all three property owners. The Town Planner nor ZEO did not have any right to shut the recreational use down as Selectman Dearborn suggested, as it was already vested from the 2003 Special Use Permit. Nor does the Town Planner grant application approvals, as that is the purview of the PZC, which granted the permit within their rights and regulations.
4. On October 10, 2013, Mr. Wagner filed an appeal of the PZC approval. Mr Wagner had been rightly concerned with the overflow of parking onto his property (the cul-de-sac). This was an issue which was discussed, but a formal zoning complaint was not submitted until Feb, 26, 2014. Robin Newton will address the zoning complaint separately.
5. In November of 2013, staff and legal counsel became aware of a Superior Court case known as MacKenzie which was a decision that stated Planning and Zoning Commissions did not have the right to grant waivers of the zoning regulations, It stated that only the ZBA could grant variances.
6. Staff and legal counsel agreed that in light of MacKenzie, we would not fight the appeal, as it was a waiver which was granted. The merits or claims of the Wagner appeal were never heard nor tried in court, In fact the Mackenzie case was never presented as a reason for appeal. (We also revised the entire zoning regulations in response to MacKenzie, eliminating all waiver provisions)
7. Now that the waiver provision has been voided, the three property owners are still back at square one, with no issues resolved. Staff has done everything we could think of to assist all the property owners, inclusive of Mr. Wagner to solve these issues. And it appears that Mr. Wagner is selling the property which has been on the market, to Sportsworld.
8. If anything, we have been more than helpful to Mr. Wagner, trying to solve issues that were out of our hands. In fact, we probably saved him thousands of dollars fighting his appeal in court by being forthcoming with case law that was not part of his appeal, and would not have solved his concerns with parking even if he won!

Mr. Dearborn continues to put statements on the record which are defamatory and false. It is for this reason that I have had to present this lengthy presentation in order to set the record straight, and preserve the reputation of the PZC, my staff, department and myself. I would have much rather spent my time and efforts working with applicants and more pressing development issues.

I have been the Town Planner here for over ten years now, and seven of those years have been spent trying to compel Mr Dearborn to comply with his approved site plan at 68 Newberry Road. He has

been involved with three landuse lawsuits with the town and has lost all three of the law suits. He has cost this town time, money and aggravation. Steve Dearborn has made no secret that his goal was to have myself and the Asst. Town Planner terminated, which certainly feels retaliatory in nature.

I have been diligent in my efforts to enforce the regulations based on statutes and case law in a fair and consistent manner for the past ten years. That is my job, and I have done it well. I would like to continue to serve this community, but I will not continue to be harassed, and be the subject of abusive, verbal behavior, misrepresentations, and unsubstantiated public bashing leading to defamation of character from Selectman Steve Dearborn. If my department or I have done something wrong, or in error, then please present the facts. Otherwise, I expect the disparaging remarks to cease.

Selectman Dearborn is creating a hostile work environment, with his harassment directed towards myself, Asst. Town Planner Robin Newton, and the Land Use Boards.

I would demand a public retraction of his defamatory comments on Dec 16, 2014 and a public apology from Mr. Dearborn to myself, Robin Newton and the Land Use Commissions who work so hard with service to this community.

Speaking as the Economic Development Coordinator for the Town, I am also compelled to remind Selectman Dearborn who claims to be pro economic development, that this is the age of digital information. Any false statements, derogatory remarks, and bashing that are made on the record, or gets printed in a newspaper is searched by potential businesses. When they see such information, they tend to go locate in a different town without controversy and negative press. This is Not very helpful to economic development.

**Attachments:**

- A: Reference/Location Map
- B: Letter to property owners from Town Planner Whitten dated April 9, 2012
- C: Citation for MacKenzie case..Full copy available upon request
- D: Detailed Timeline for events leading up to Wagner appeal of Sportsworld Special Use Permit for a waiver to create a lot without frontage.



Full Town View

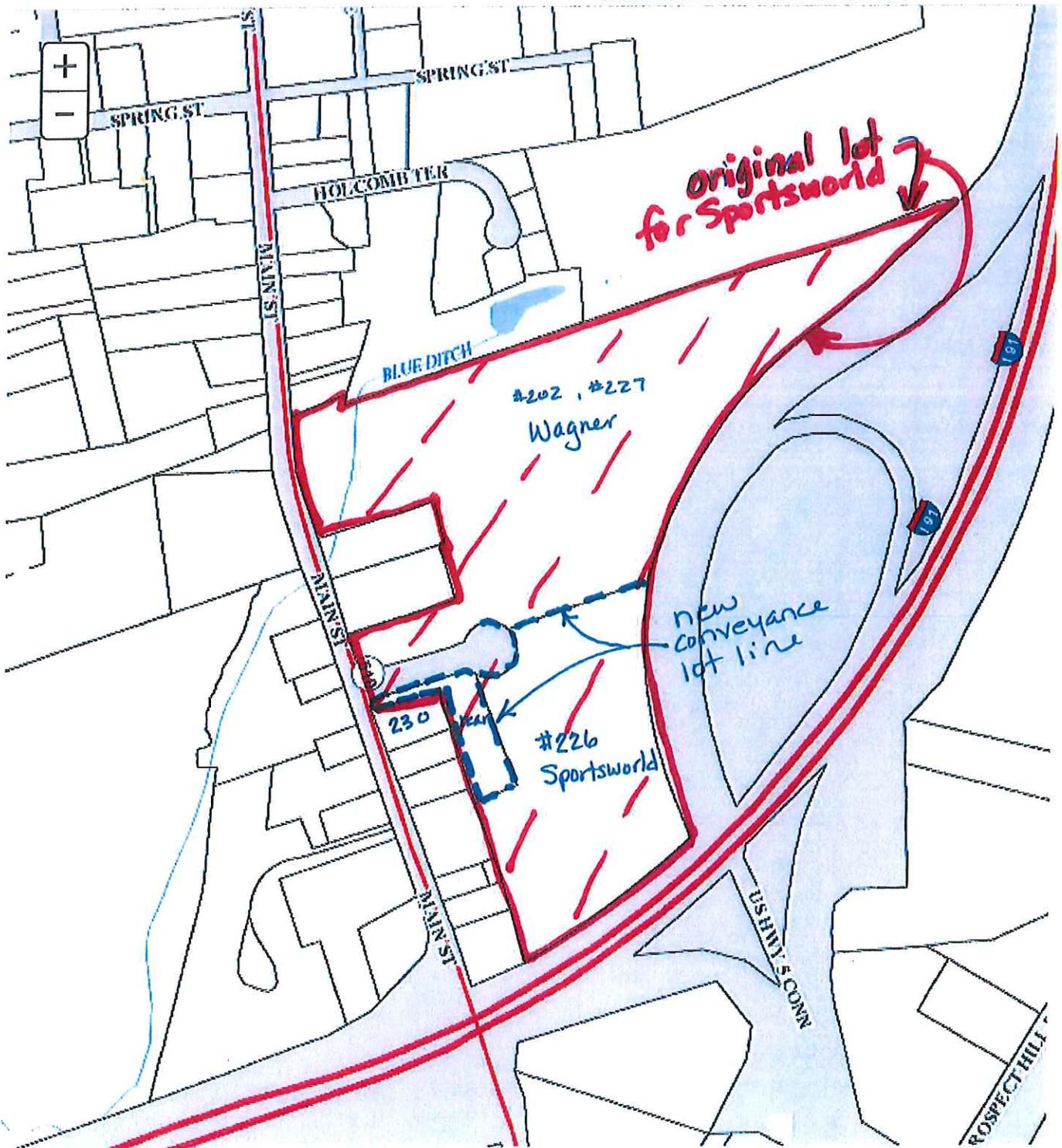
Reset Map

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Full Extent

Zoom In

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Prev Extent

Next Extent

Pan

Parcel Information

MapXpress v1.2

Scale: 1 in = 400 ft





**TOWN OF EAST WINDSOR**  
**PLANNING & ZONING DEPARTMENT**  
11 RYE STREET,  
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FAX: (860) 623-6030

TOWN PLANNER LAURIE WHITTEN, CZEO, AICP

ZONING ENFORCEMENT OFFICER, ROBIN NEWTON, CZEO

April 9, 2012

To Whom It May Concern:

Re: Concerns with legality of parcels at

226 Main Street, Map 091 12 030A (Sportsworld) EWD LLP, c/o Michael Fioretti  
Main St Map 091 12 030B (Vacant Lot) UPS Capital Business Credit  
202 Main St. Map 101 12 030 (Farm w/ 2 houses) Donald S & Eileen T. Wagner

A review of the parcel division history for the above referenced parcels shows that an approved subdivision was never approved, and therefore not filed. These 3 parcels were originally one lot, subsequently divided via a conveyance map (Map # 3524) filed in the Town Records on September 12, 2003.

CGS 8-25 requires that parcels be developed through the subdivision process. This states in part....

*Sec. 8-25. Subdivision of land. (a) No subdivision of land shall be made until a plan for such subdivision has been approved by the commission. Any person, firm or corporation making any subdivision of land without the approval of the commission shall be fined not more than five hundred dollars for each lot sold or offered for sale or so subdivided. Any plan for subdivision shall, upon approval, or when taken as approved by reason of the failure of the commission to act, be filed or recorded by the applicant in the office of the town clerk not later than ninety days after the expiration of the appeal period under section 8-8, .... No such plan shall be recorded or filed by the town clerk or district clerk or other officer authorized to record or file plans until its approval has been endorsed thereon by the chairman or secretary of the commission, and the filing or recording of a subdivision plan without such approval shall be void.*

Although the filed conveyance map shows "proposed areas" and "proposed property lines", at no time was a subdivision applied for, reviewed, nor approved. Yet, properties were conveyed to different owners.

Thus, at this time, the Town views these lots as non-approved, non-building lots. In fact, Parcel [091 12 030A] and [091 12 030B] do not comply with minimum zoning requirements for lot design.

(B)

Attachment c  
Page 6

Until such time as these parcels become legal lots of record, improvements upon them will not be permitted. Unfortunately, these parcels have all been conveyed to three different owners, which adds complications to any solution.

Please contact me so we can discuss this matter more fully.

Thank you for your consideration.

Laurie P. Whitten, CZEO, AICP  
Director of Planning and Development

Cc:

Denise Menard, First Selectman

Carol Madore, Town Assessor

Land Records for each parcel

EWD LLP, c/o Michael Fioretti – 226 Main St., east Windsor, CT 06088

UPS Capital Business Credit – 423 Day Hill Road, Windsor, CT 06095

Donald S & Eileen T. Wagner – 277 Main St, East Windsor, CT 06099-9518

PZC -correspondence



DONNA MACKENZIE ET AL. v. PLANNING  
AND ZONING COMMISSION OF THE  
TOWN OF MONROE ET AL.  
(AC 34919)

Gruendel, Bear and Sheldon, Js.

*Argued April 25—officially released October 15, 2013*

(Appeal from Superior Court, judicial district of  
Fairfield, Radcliffe, J.)

*Kevin J. Gumpfer*, for the appellants (plaintiffs).

*Peter V. Gelderman*, with whom were *John P. Fracassini*, town attorney, and *Raymond W. Ganim*, for the appellee (defendant Real Time Investments, LLC).

©

## Sportsworld and Wagner Timeline

prepared by Laurie Whitten Jan 6, 2015

- April 27, 1989 Application of Francis Dobrowski dba Main Bridge Assoc Inc was approved for development of industrial /office condominiums at Map 2A Block 12 Lots 33 and 22; and Map 2A and @B block 12 lot 30 , approx 29 acres. Sometime in 1988, the cul-de-sac road was constructed, and subsequently the project died.
- Jan 14, 2003 Application of SportsAir/aka Sportsworld (EWD LLC) for Special Use Permit and Site Plan approval was approved for recreational use, indoor -outdoor soccer on property located at Map 4 Block 12, Lot 30 approx. 27.49 acres with 8 ac +/- allocated for the use. The entire site that had been the Industrial/office Park was shown to be part of the application. At this time the RECREATIONAL USE was approved for the site, and the SITE PLAN, based on the 29+/- acres was approved. Thus at this time, the USE for the site became vested.
- Sept 12, 2003 Conveyance map (# 3524) filed for SportsAir, Map 4, Block 12, Lot 30, reflecting a "PROPOSED LOT AREA of 8.24 Acres" and PROPOSED property lines. This is the day that EWD, LLP c/o Michael Fioretti purchased the parcel, without benefit of subdivision. (deed ref 0260/0333)
- April 19, 2004 Zoning Permit #21-2004 was issued by ZEO for 226 Main St = Sports Complex Map 4, Block 12, Lot , based on plan approved Jan 14, 2003, showing 27 ac +/-
- June 7, 2004 Laurie P. Whitten starts in East Windsor as Town Planner
- Nov 12, 2004 Parcel "conveyed" to Don Wagner from Decten (18 ac +/-)
- Nov 15, 2004 Improvement Location survey submitted to ZEO, dated 11/5/04 rev to 11/8/04 for final c.o. This map showed "actual property lines " not proposed as the prior map. However, this was without benefit of a subdivision, and was not picked up by staff, as it is not the norm to check land records for conveyances. A conveyance does not constitute a subdivision nor the creation of a legal lot of record. CGS 8-25 requires a subdivision of land to create lots.
- Sept 12, 2011 Application for Advanced Wheels was submitted, for property located at 230 Main St. Application was submitted subsequent to applicant receiving a variance for parking in the rear. Properties involved were 91-12-29 and 030B. During review it became apparent to the Town Planner that there were legal issues between the properties as there

ⓓ

were no distinct access, and drainage easements. Thus a search of files and maps was pursued.

Nov. 11, 2012

Staff met with all parties trying to solve the problem of lack of subdivision, and easements. The meeting ended without a solution, or agreement to grant easements between the parties.

Jan 10, 2012

Statutory time ran out and Advanced Wheels was denied without prejudice due to the fact that there was no drainage rights over what became to be Don Wagner's property. The applicant did everything they could think of to accommodate the drainage from the proposed improvements, but could not handle them on site, and was not allowed to drain over the private cul-de-sac drainage infrastructure. Thus a viable business was lost in town.

April 9, 2012

After lengthy research stemming from the review of Advanced Wheels, the Town Planner prepared a summary of circumstances and presented them to all three property owners. The summary stated that none of them had a legal lot of record, and that until such time as the lots were made legal, additional improvements would not be permitted. (see letter).

Although I cannot verify an actual date, (I believe it was Feb 2, 2013) we all met again, trying to solve the problem, to no avail. We discussed the need for owners to check their mortgage insurance, possible means of fixing the problem, mainly suggesting that we all pool our resources for a subdivision, even offering that the town might forgo the application fee, etc. We offered to share or minimize cost to Mr. Wagner to have the utilities in the cul-de-sac videoed to verify compliance should the Town agree to take possession of the road. There was no positive action from any party.

Staff continued to try to facilitate a solution to the issue, considering feasible legal remedy.

Sept. 10, 2013

In attempts to solve the illegal lot issue, EWD LLP (Sportsworld) discussed the possible legal and regulatory routes they could take with the PZC in order to fix the subdivision issue. This was after the "bubble" was destroyed by a tornado, and they wanted to re-erect the bubble, and perhaps change site plan for parking issues.

Sept 24, 2013

The PZC approved a waiver in order to allow the Sportsworld property to have a conforming rear lot without legal frontage. This actually fixed the question of parcel lines between all the properties, but did not fix easements or the roadway ownership.

- October 10, 2013 Wagner files appeal of Special Use Permit granted to EWD LLC for a lot to be created without legal frontage. (Donald S Wagner v. East Windsor Planning and Zoning Commission, Et AL)
- October 31, 2013 Meeting held with Don Wagner, Land Use Staff, and Sportsworld owners, and all the respective attorneys. The purpose being to try to address Don Wagner' concerns with access, drainage, taxes, parking insurance etc, as we believed that the appeal would not correct Wagners concerns
- Nov. ?? 2013 Staff becomes aware of McKenzie case, which states that PZC's do not have legal authority to waive zoning regulations. Thus, when it came time to respond to the courts, we offered that we would not fight the case. (Officially released Oct 15, 2013)
- .Feb 26, 2014 First official written zoning complaint from Don Wagner regarding the parking of cars from Sportsworld on his property.
- Aug, 8 2014 PZC adopts updated Zoning Regulations. Due to McKenzie case, town took steps to update their PZC regulations to take out all waiver provisions. This was unfortunate, as the waivers afforded applicants and the PZC to be more flexible and create better plans.
- Oct. 6, 2014 Court case closed. The merits of the case were never tried, nor was the McKenzie case ever offered as reason for appeal. The town offered that in light of the McKenzie case, we would agree that the Special Use Permit for frontage via a waiver should not have been granted.



## TOWN OF EAST WINDSOR

PLANNING & ZONING DEPARTMENT, 11 RYE STREET, BROAD BROOK, CT. 06016

Town Planner, LAURIE WHITTEN, CZEO, AICP ZONING ENFORCEMENT OFFICER, Robin M. Newton, CZEO

### MEMORANDUM

**TO:** Denise Menard, First Selectman  
Board of Selectmen

**FROM:** Robin Newton, Assistant Town Planner, ZWEO

**DATE:** January 6, 2015

**SUBJECT:** Response to Selectmen Dearborn's Comments at December 16, 2014  
BOS Meeting Regarding Violation Procedure for Sports World

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On December 16, 2014 at the scheduled Board of Selectmen's meeting, Selectmen Steve Dearborn made erroneous statements concerning zoning issues and court proceedings between Donald Wagner, the Town of East Windsor and Sports World. His statements included, *"Ok? So my thing is, right now they are operating illegally over there, all right? And they're being allowed to do so. And if the Zoning Department was doing their job they would have to close that business down until they came into compliance, all right? So our Town Planner should not have allowed that to happen, number one, and number two, the Enforcement Officer should be doing her job, too, ok? and they're not doing their job, ok?"* Mr. Dearborn goes on to say, *"My opinion is – the Zoning Department is not doing their job, ok? I don't think they're qualified to do the job, ok? And I'm calling for their termination."*

First and foremost it is important to note that Mr. Dearborn has never come into the Planning and Zoning Office to look at the files associated with Donald Wagner or Sports World. He made false statements concerning the status of the use and structures on the Sports World parcel. Mr. Dearborn did not bother to ensure the statements he was going to make had any truth behind them before speaking them. The facts are as follows as it relates to the Zoning issue (this statement will not address the issue of the status of the lot itself which is a separate issue that the Town Planner, Laurie Whitten is addressing under a separate memo).

1. Sports World has had and continues to have a legal site plan and special use permit for the purpose of running their business of a recreational facility including but not limited to the "bubble" and the outdoor sports fields. Sports World was granted these permits in 2003.

2. In the summer of 2013 the Sports World Bubble was destroyed by a tornado.
3. At that time the issue of the lots created by a conveyance map filed without a sign off by the Planning and Development Office had come to light. The Planning Office had been working with the owners of all the parcels involved to try and solve the issue with the "lots"
4. On October 2, 2013 a Zoning Permit for the replacement of the Sports "bubble" was issued as Zoning Permit #120-2013. This permit was for the replacement of the structure only. **This permit was NOT appealed. (The PZC decisions to make the lot a legal lot by way of a waiver provision was the decision that was appealed)**
5. The first written complaint concerning the parking issue was provided to me by Donald Wagner was on 2/26/14. Mr. Wagner had come into my office the week before and asked what the process was to make a complaint concerning a parking issue on the cul-de-sac which he owns but that Sports World has legal deeded access to. I provided Mr. Wagner with the appropriate complaint form which he filled out and brought back a week later.
6. **Before ever receiving Mr. Wagner's written complaint I issued a Cease and Desist Order to Sports World for non-compliance with their approved parking plan on 2/20/14, signed as received by Sports World on 2/24/14 (again not to be confused with the Special Use Permit for the lot. This plan was approved in 2003 and remains in effect and legal.)**
7. From the end of March 2014 through October 2014 no complaints or pictures were received from Mr. Wagner. Mr. Wagner was in my office in the summer and when I asked him about the parking issue he stated the Sports World had hired parking attendants to stand in the cul-de-sac and direct traffic.
8. When new pictures were sent to me at the end of October 2014 I followed up with an email to Sports World addressing their parking issue. When I received a response from Sports World that was not acceptable to remedy the situation I issued a Municipal Citation #15-2014 dated November 12, 2014 which fines them \$150 a day. They are continuing to accrue a fine to date.
9. For the record I have only received 22 pictures from Mr. Wagner dated in the months of "Jan-March 2014 and then from October 2014. Of those 22 pictures only 9 show actual parking in the cul-de-sac or on what appears to be Mr. Wagner's farm road. The rest of the pictures were taking on Sports Worlds property or showed people walking or jogging on the cul-de-sac road which is NOT a zoning violation.

The violation process was started even **before** an official complaint was received in my office. It should be noted the **ONLY** violation as it relates to Zoning is the parking. It is my opinion that Mr. Dearborn's statements at this BOS meeting and at a past meeting in May 2014 where he also called for staff to be "removed" is a personal vendetta and retaliation for losing multiple lawsuits with the Planning Department. For the record, Mr. Dearborn has been involved in 3 different lawsuits with the Town of East Windsor, the Planning Staff and associated land use Boards. All 3 lawsuits were won by the Town of East Windsor. Mr. Dearborn effectively ended up having his business shut down by the lawsuit until such time as he could come into compliance with his approved site plan and special use permit. Mr. Dearborn's continued public inflammatory and untruthful statements relating to staff and associated land use boards makes for a hostile and uncomfortable work environment.

Finally, it should be corrected that Sports World is **NOT** operating illegally nor is their building illegal. The only **zoning** issue with Sports World is with parking on the cul-de-sac which is being dealt with through the Zoning Violation procedure process.

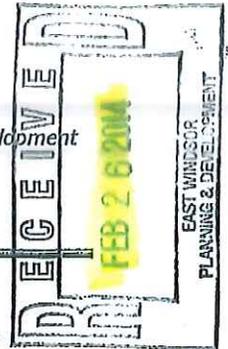
**Attachments:**

1. Complaint from Don Wagner
2. Cease and Desist Letter
3. Municipal Citation
4. Transcript from BOS Meeting 12-16-14 Dearborn's Statements



# TOWN OF EAST WINDSOR PLANNING AND DEVELOPMENT

Planning, Zoning, Zoning Board of Appeals, Conservation/Inland Wetlands, Economic Development  
11 Rye Street, Broad Brook, CT 06016  
PHONE: (860) 623-6030 FAX: (860) 623-4798  
PLANNING & DEVELOPMENT WEB SITE → <http://www.eastwindsor-ct.gov>



## ZONING/WETLANDS COMPLAINT FORM

\*\*\*\*\*ALL COMPLAINTS MUST BE COMPLETED IN WRITING\*\*\*\*\*

Date: 2-26-14

**PLEASE COMPLETE THE FOLLOWING INFORMATION:**

Location of the Complaint (Street # and Name): 226 MAIN St. Warehouse Pt. Ct.  
Property Owner's Name: CWD, LLP  
Business Name (if applicable): Sports world

**Nature of Problem (please be specific, provide dates and times of violations, pictures, etc):**

Parking on Right of Way, Blocking Driveway To  
204 MAIN St. Home,  
Blocking Right of way, Preventing Access For Emergency  
Vehicles  
This Happens Every weekend,

Type of Violation: Wetland/Zoning, of Zoning Section of Regulations \_\_\_\_\_

(Please circle)

Name of Complainant: DONALD S. WAGNER, Phone No. (860) 883-0711  
Address: 277 MAIN St. Warehouse Pt. Ct. 06033

I am signing this form to grant permission to the Zoning/Wetland Enforcement official or other necessary Town employee to access my property to view said violation:

[Signature] Signature of Complainant

\*\*\*As a "public record or file" this form will be available to the public for review under the Freedom of Information Act.\*\*\*

### FOR OFFICE USE ONLY

1. Violation Verified: Yes \_\_\_ No \_\_\_ , Pictures Taken (if needed) Yes \_\_\_ , No \_\_\_
2. Type of Notice: Notice of Violation/Cease and Desist (circle one)
3. Compliance: Yes/No, if no, date of Citation issued and/or fines
4. If citation is issued and compliance is not met, Date of Notice of Non-Compliance \_\_\_\_\_
5. Appeal Filed: Yes/No, If yes Date of Appeal \_\_\_\_\_, Date of Hearing \_\_\_\_\_  
Result of Appeal: \_\_\_\_\_
6. Notice of Assessment: \_\_\_\_\_
7. Daily Fines accrued: \$ \_\_\_\_\_, Paid (Date) \_\_\_\_\_, Amount: \$ \_\_\_\_\_
8. Referred to Town Attorney: (Date) \_\_\_\_\_



# TOWN OF EAST WINDSOR

## PLANNING AND DEVELOPMENT

Planning, Zoning, Zoning Board of Appeals, Conservation/Inland Wetlands, Economic Development

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### CEASE AND CORRECT ORDER

SENT VIA CERTIFIED AND REGULAR MAIL

February 20, 2014

EWD, LLP  
226 Main Street  
East Windsor, CT 06088

RE: Zoning Violations: Site Plan Approval: Parking Violations

Dear Mr. Fioretti:

It has been brought to my attention that parking at your facility has not been following the approved site plan. Your patrons are parking in a private access drive causing traffic flow issues, access issues to private property and most importantly public safety issues if first responders ever needed to access your facility or the adjacent residential property.

I have attached your approved site plan showing your parking areas. There shall be NO parking in the access driveway (cul-de-sac) which is privately owned by the adjacent property owner. You MUST follow the parking as shown on the approved plan.

You are in violation of your approved site plan dated January 14, 2003 and shall immediately:

1. Immediately notify all patrons that there shall be no parking on the cul-de-sac.
2. If you need to adjust the end and start times of your functions at your facility you should do so immediately. Your functions should be timed to allow people from one function to be off the premises before the next function starts.
3. If necessary have an employee outside directing traffic off the cul-de-sac.

**YOU ARE HERBY ORDERED TO CEASE AND CORRECT ALL ACTIVITIES LISTED ABOVE WITHIN 7 DAYS OF RECEIPT OF THIS NOTICE.**

Failure to adhere to your approved parking plan will result in the issuance of a \$150 a day fine. A subsequent inspection and follow up will take place within two weeks of receipt of this notification.

Very Truly Yours,

*Robin M. Newton*

Robin M. Newton, CZEO  
Assistant Town Planner, ZWEO

cc. Diane Whitney, Pullman & PZC  
Laurie Whitten, Director of I

-Pursuant to Connecticut General Statute you are aggrieved by this order, you may file a writ of certiorari with the Superior Court. The writ is available in the Planning and Zoning Department. **the receipt of this notice.**

-Failure to comply with this order may result in a fine of up to \$150.00 per day per violation with Section 8-12 of the CGS. Action may be taken to enforce this order.

SENDER: CC

- Complete item 4 if Return Receipt is required
- Print your name and address so that we can return it to you if necessary
- Attach this receipt to the front of the envelope or on the front of the package

1. Article Address  
EWD,  
226 N  
East

2. Article Number

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here  
BROAD BROOK  
FEB 21 2014

Sent To EWD LLP  
Street, Apt. No. or PO Box No. 226 Main St  
City, State, ZIP+4 East Windsor, CT 06088

PS Form 3800, August 2005 See Reverse for Instructions

DELIVERY

Agent  
 Addressee

C. Date of Delivery 2/24/14

Item 1?  Yes  
How:  No

Mail receipt for Merchandise  
 Yes



# TOWN OF EAST WINDSOR

## PLANNING AND DEVELOPMENT

Planning, Zoning, Zoning Board of Appeals, Conservation/Inland Wetlands, Economic Development

11 Rye Street, Broad Brook, CT 06016

PHONE: (860) 623-6030 FAX: (860) 623-4798

PLANNING & DEVELOPMENT WEB SITE ⇨ <http://www.eastwindsor-ct.gov>

### MUNICIPAL CITATION

Citation Number: 15-2014  
Violator: Sports World  
Mailing Address: 226 Main Street  
Property Address: 226 Main Street

Fine Amounts: \$150.00 per day  
Date Issued: November 12, 2014  
  
(Map #091, Block #12, Lot #030A)

Violation(s):  
Non-compliance with Site Plan Approval  
Specifically- Parking areas Designated on Plan  
No Parking on Landscaped Areas  
No Parking on Cul De Sac property/farm road (Property owned by Don Wagner)

This Violation has been sent to you multiple times to date from the Town. Subsequently, these violations still remain. Short periods of compliance and then non-compliance are NOT acceptable.

In accordance with a Town Ordinance adopted on August 30, 2007 pursuant to Section 8-12(a) of the Connecticut General Statutes, Rev. 1958, as amended, you are hereby cited for violation of the Zoning Regulations of the Town of East Windsor. This violation has caused a fine of \$150.00 per day to be levied against you. **Fines will commence immediately and continue to accrue every day until the site is in compliance.** Written notice of compliance can be submitted to the Town of East Windsor Planning and Zoning Department. Upon written notice, and inspection will be completed to verify compliance and fines shall cease if compliance is observed.

You have thirty (30) days from receipt of this citation to submit the full payment of this fine by mail, or in person, to the Town of East Windsor Planning Department, 11 Rye Street, Broad Brook, CT 06016. Citation Issued by: Robin M. Newton, Assistant Town Planner, ZWEO.

**IMPORTANT INSTRUCTIONS**

*Be advised that payment does not remove requirement for compliance.*

PAYMENT MUST BE MADE BY CHECK OR MONEY ORDER TO THE ORDER OF THE TOWN OF EAST WINDSOR, 11 RYE STREET, BROAD BROOK, CT 06016.  cc: Denise Mena Laurie Whitt Planning & Z	<b>SENDER: COMPLETE THIS SECTION</b> <input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	<b>COMPLETE THIS SECTION ON DELIVERY</b> A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <u>Melinda Ford</u> Date of Delivery <u>11/14/14</u> C. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:
	1. Article Addressed to: <u>SPORTS WORLD</u> <u>226 MAIN STREET</u> <u>EAST WINDSOR,</u> <u>CT. 06016</u>	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

7011 2970 0000 1237 8127

BOARD OF SELECTMEN'S MEETING  
December 16, 2014 – Selectmen's Report:

**(Selectman) Steve Dearborn:** Me. Well I want to wish everybody a Merry Christmas and a Happy New Year and hope that the New Year is prosperous, which I kind of see that it is, everybody I know is working and everybody I know is making money.

Uh, my report tonight doesn't have to do with any commissions but it does have to do with a local business, has to do with a local farmer, ok? And I'm very aggravated about it. And I want the public to know about it. Uhm, anybody who read the JI yesterday read the story about ah Donnie Wagner. Now Donnie has been keeping in touch with me about that issue over there with that bubble, ok? A lot of people come and see me up to the farm over there; I call that the uh Town Hall substation, that metal building over there. A lot of people come in there when I'm working over there, if I'm working they come in and they talk to me because they want to get something done, some results done. Uhm, I have an issue with that sports thing; I don't like the way this Town Hall is being operated. Uhm, I think there's a little bit of shadiness going on here. Uh, if you read the paper you know that Don Wagner won, ok? But he's chose not to fight it any further, which is a good thing for the Town, all right? He's just decided to thrown his hands up in the air and give it up. Anybody who knows me if that was me, that wouldn't have happened. Because he was pushed around in my opinion, ok? And like he said, this place ignored him. All right? (Bells ringing). Oh, here we go; I'd rather see Santa Clause.

Santa arrived.

**(First Selectman) Denise Menard:** Ok, sorry Steve; go on back.

**(Selectmen) Steve Dearborn:** But anyway, back to what I want to talk about here. This is serious. You know, the Zoning Board had issued a Special Permit for the bubble to back up over there and the Zoning Department should not have allowed that to happen. The Court

**(First Selectman) Denise Menard:** In your opinion.

**(Selectman) Steve Dearborn:** No, the Court vacated the decision of the Commission. Ok? I told you Donnie won; they vacated it. That decision is out the window. So right now, we're lucky Donnie pulled out of this thing 'cause he was in the driver's seat if he wanted to be. Ok? Now if he wanted to push this he could have forced the hand of the Town to close that business until everything was right; until

**BOARD OF SELECTMEN'S MEETING**  
**December 16, 2014 – Selectmen's Report:**

**(Selectman) Steve Dearborn (continued):** they were(in) compliance. Ok? So my thing is, right now they are operating illegally over there, all right? And they're being allowed to do so. And if the Zoning Department was doing their job they would have to close that business down until they came into compliance, all right? So our Town Planner should not have allowed that to happen, number one, and number two, the Enforcement Officer should be doing her job, too, ok? and they're not doing their job, ok? Now this could have been a big thing here for the Town, and if the Town did what they were supposed to do in this situation until things got straightened out uh, and passing a new ordinance doesn't correct anything, ok? Which they did. And I want to use some kind of analogy to that – if I'm doing 35 miles an hour down the road at a 60 and a 35 do I go and see the Chief and say – "can you raise that speed up to 80 so it goes away?" No. That's not the way it works. OK.

So, the way I see this is that the Zoning Department has put this Town in a very precarious position. It could have been a major deal, ok? And I, I cut every clipping out of that JI when the different towns talk about their town officials to see what they're doing and what's going on. You know?

My opinion is – the Zoning Department is not doing their job, ok? I don't think they're qualified to do the job, ok? And I'm calling for their termination.

**(First Selectman) Denise Menard:** I need you to stop.

**(Selectman) Steve Dearborn:** No, I'm not stopping. I'm not naming names

**(First Selectman) Denise Menard:** You know, ah

**(Selectman) Steve Dearborn:** This is not; this is public information here.

**(First Selectman) Denise Menard:** this is

BOARD OF SELECTMEN'S MEETING  
December 16, 2014 – Selectmen's Report:

(Selectman) Steve Dearborn: this is public information here.

(First Selectman) Denise Menard: This is a personal vendetta that you've had for a number of years.

(Selectman) Steve Dearborn: No, this is about Donnie Wagner getting beat up by this town again, Denise. Ok?

(First Selectman) Denise Menard: It is

(Selectman) Steve Dearborn: It's another person that's getting beat up, ok?

(First Selectman) Denise Menard: It's your opinion, and we'll let you continue with your opinion

(Selectman) Steve Dearborn: and unless it's stopped

(First Selectman) Denise Menard: but don't be calling for

(Selectman) Steve Dearborn: unless it's stopped

(First Selectman) Denise Menard: don't be calling for

(Selectman) Steve Dearborn: well, unless it's stopped it's going to continue on.

**BOARD OF SELECTMEN'S MEETING**  
**December 16, 2014 – Selectmen's Report:**

**(First Selectmen) Denise Menard:** Don't call for people's resignations here in Town Hall.

**(Selectman) Steve Dearborn:** Well, I'm calling for it ' cause I don't think these people are qualified when they let stuff like this happen.

**(First Selectman) Denise Menard:** You're inappropriate, and you're wrong, and what you're saying is incorrect.

**(Selectman) Steve Dearborn:** Really? I wish John Parks was sitting out here then.

**(First Selectman) Denise Menard:** Well, we could, we could go to the lengths of having, having legal

**(Selectmen) Steve Dearborn:** And I'm not wrong because I have all this stuff from the Court right in front of me here. What I'm saying is not wrong.

**(First Selectman) Denise Menard:** we can have that discussion at another meeting if you want, and we can bring in the evidence.....

**(Selectman) Steve Dearborn:** You heard what I just said, and I meant it. And that's the end of my report.

**(First Selectman) Denise Menard:** You're inappropriate and incorrect.

**(Selectman) Steve Dearborn:** It's not incorrect;

**(First Selectman) Denise Menard:** it is incorrect

**BOARD OF SELECTMEN'S MEETING  
December 16, 2014 – Selectmen's Report:**

**(Selectman) Steve Dearborn:** I have the Court orders and stuff right here in front of me.

**(First Selectman) Denise Menard:** You're incorrect.

**(Selectman) Steve Dearborn:** I'm not incorrect. Let's move on.