

**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 20, 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 7:01 p.m. at Town Hall.

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

MOTION made (Dearborn) and **SECONDED** (Richards) to add an agenda item pertaining to the discussion regarding Sports World that took place at the January 6, 2015 meeting.

In favor: Dearborn and Richards. Opposed: Bowsza, Nelson, and Menard.

Motion did not pass.

4. APPROVAL OF MINUTES

Regular Meeting Minutes of December 16, 2014

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

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

Regular Meeting Minutes of January 6, 2015

MOTION was made (Bowsza) and **SECONDED** (Richards) that the Board of Selectmen approve the Meeting Minutes of January 6, 2015.

Discussion: Selectman Richards would like to add under Section 10A on Page 4, "Selectman Richards was in agreement with all items but strongly objected to the item which read, '\$10 surcharge on auction untaxed vehicles'."

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

5. COMMUNICATIONS

First Selectman Menard read a memorandum from Town Planner Laurie Whitten and Assistant Town Planner Robin Newton concerning Wagner/Sports World and Selectman Dearborn – hereto attached as Attachment A.

6. SELECTMEN'S REPORTS

A. Denise Menard

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

B. Jason Bowsza

Selectman Bowsza read his report – hereto attached as Attachment C.

C. Steve Dearborn

Selectman Dearborn reported on the following:

- New plow trucks are being prepared for the Town, they will provide at least 15-20 years of service life.
- He is still waiting to do a walk-through of the mill property; other selectmen are also welcome to do a walk-through.
- He went through East Windsor to collect some Christmas trees to save the Town money on the tree pick-up and to make and sell mulch.
- On January 15, 2015 he attended the American Legion Pasta dinner and had a great time.

D. Dale A. Nelson

Selectman Nelson reported on the following:

- She attended the Board of Education meeting.
- On January 12 CRT met to discuss Park and Recreation requests.
- Volunteer Incentive received a grant for recruitment and retention of Firefighters. She thanked Jerry Bancroft and Nick Mascata for working on the program.
- On January 13 she attended the Building Committee meeting
- On January 14 she attended the Police Commission meeting. She mentioned that the Police Department is on Facebook and Twitter and recommended subscribing so that you can state up-to-date with any crimes or traffic information in Town.
- She met to discuss the Broad Brook Fire Department and Warehouse Point Fire Department and the volunteer incentive. She stated that the cost still remains the same as the last couple of years.

E. James C. Richards

Selectman Richards reported on the following:

- He met with regional business leaders from Windsor Locks, Windsor, Granby, and Suffield and it appears that things are getting better for businesses.
- Park and Recreation met and are going to get a new budget.

7. PUBLIC PARTICIPATION

Cathy Pippin, Woolam Road – Attended the Board of Education and Building Committee meeting and she thought it was spectacular with everyone sharing their ideas and creativity. She said that there are great people on the boards and commissions.

Scott Morgan, 106 South Main Street – He wanted to say that the Town roads have been great in regards to sanding. He said they are better for driving conditions than the State roads are.

8. BOARD AND COMMISSIONS APPOINTMENTS

Resignations:

None.

Re-Appointments:

MOTION was made (Bowsza) and **SECONDED** (Richards) to reappoint Stanley Kement (U) to serve until August 1, 2020 on the Building Commission as a regular member.

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

New Appointments:

MOTION was made (Nelson) and **SECONDED** (Richards) to appoint Alden L. Penland (D) to serve until November 1, 2015 on the Ethics Commission as a regular member.

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

MOTION was made (Bowsza) and **SECONDED** (Nelson) to appoint William Kehoe (U) to serve until January 1, 2019 on the Economic Development Commission as an alternate member.

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

9. UNFINISHED BUSINESS

***A. Discussion of updated part time Fire Fighters**

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.

MOTION made (Richards) and **SECONDED** (Nelson) to taken Item 11 out of order and move into Executive Session at 7:44 p.m.

The Board came out of Executive Session and the meeting reconvened at 8:22 p.m.

10. NEW BUSINESS

A. Update Permanent Building Commission Ordinance

First Selectman Menard noticed that only the first page of the ordinance was filed with the Town Clerk. The Board of Selectman will review the Ordinance and make sure that it is current and up-to-date. The next step, if there are changes would be

to rescind and replace the original ordinance. First Selectman Menard stated that there is more to follow on this item once we get the second page of the ordinance.

B. Discussion of Broad Brook Elementary School Discussion

The Board of Selectmen questioned if a formal decision was made for the next step on the modular project. Selectman Dearborn stated that he would like to see the money spent on a permanent brick building rather than a temporary one. The article printed in the Journal Inquirer titled, "Aging East Windsor modular classrooms stay put" was discussed. Selectman Richards said that he was going to request a timeline of when things were submitted from the Board of Education regarding the modular classrooms project. The Board of Selectmen questioned the next step for this project.

C. Ordinance re-election of Board of Education Members (C.G.S. 9-204b)

There was discussion of the above mentioned ordinance. No decision was made on the ordinance re-election of Board members. Further discussion will be postponed until the next meeting.

11. EXECUTIVE SESSION

The Board went into Executive Session at 9:07 p.m.

12. ADJOURNMENT

MOTION to adjourn made (Nelson) and **SECONDED** (Dearborn). Unanimous.
The meeting was adjourned at 9:07 p.m.

Respectfully submitted,



Amanda Schroll
Recording Secretary



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, CZEO, ZWEO
Laurie Whitten, AICP, CZEO, Town Planner

DATE: January 15, 2015

SUBJECT: Updated Memo Concerning Wagner/Sports World and Selectmen
Dearborn

This memo will serve as a final follow up to Selectman Dearborn's "issues" regarding Sports World/Wagner and staff performance which he continues to discuss on Board of Selectmen agendas.

All land use board decisions (Planning & Zoning, Inland Wetlands and Zoning Board of Appeals) have a statutory (mandated) route of appeal. This mandatory appeal process is through the court system. An applicant's issue with any decision a land use board makes is not a topic which is appropriate for the Board of Selectmen to be discussing. There is no appeal to the BOS for such land use decisions and to discuss those decisions and attempt to provide an opinion on regulatory laws and case law is inappropriate and has no legal bearing on any decision they have made. Regulations are governed only by the land use Boards that create them and the enabling statutes which grant the authority. Therefore there should be no further discussion concerning the PZC Special Use permit that was granted as that issue was taken up with the Superior Court and has been decided. I would suggest that should Mr. Wagner have any further concerns he should continue to discuss with his Attorney if he so feels it appropriate. Meanwhile Selectmen Dearborn has no standing or statutory authority to begin any "actions" against those decisions. Staff has explained in great detail the timeline and what took place concerning the issue and there is nothing further that needs to be discussed. Again the BOS is not an appropriate appeal avenue for applicants and abutters.

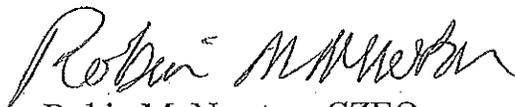
Regarding any personnel issues; The Assistant Town Planner and Town Planner are both members of the Local 818 of Council #4, AFSCME, AFL-CIO, Supervisor's

Union. Should Selectmen Dearborn or any other member of the board have a complaint concerning Staff's performance, they should discuss with First Selectmen Denise Menard the appropriate avenue for such complaints as is spelled out in the contract between our union and the Town of East Windsor. Selectman Dearborn's comment at the January 6, 2015 meeting appeared to imply there would be a Board formed to discuss if Staff made an error concerning permits and/or violations that have been granted in our office. This should not take place. If Selectmen Dearborn continues in his attempt to form such a Board and discuss personnel and their jobs and potential errors or discipline we will file a grievance against the Town.

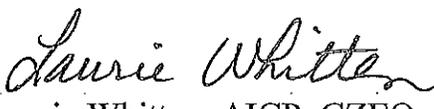
Finally, Selectmen Dearborn expressed his opinion that the Zoning Permit should not have been granted for Sports World to replace the "bubble" that was torn down. While he may be entitled to his opinion, again decisions made from a Zoning Enforcement Official have statutory legal appeals processes in place for an applicant or direct abutter to appeal. That process includes an appeal to the Zoning Board of Appeals by an aggrieved party. If an applicant or abutter does not then agree with the decision the appeal can then be made to the Superior Court. In this instance no appeal of that Zoning Permit was made by the abutter in the statutory timeframe. There again is no appeal process to the BOS and it is inappropriate to be discussing such issue at the BOS meetings.

We will no longer discuss any of the decisions that have been made by any of our land use boards at the Board of Selectmen, except to correct misinformation which in this case we have done. Additionally, we will not discuss any decisions made the by ZEO as there is a legal statutory process that is followed, and we will not discuss job performance or any "errors" that Selectmen Dearborn thinks may have been made unless the appropriate procedures are followed through our union contract.

Respectfully,


Robin M. Newton, CZEO

Asst. Planner, ZWEO


Laurie Whitten, AICP, CZEO

Town Planner

January 20, 2015

My report to the Board of Selectmen

A meeting with Fire Chiefs Arcari and Barton, Incentive Program Chairman Masters and the Town Attorney was held regarding the part time firefighters program. The outcome of that meeting was that the Chiefs will propose a job description for the part time position and the Town Attorney will recommend how that position can be filled while remaining within the State and Federal requirements for this type of position. I expect there may be enough progress to be able to discuss this at the next Selectmen's meeting.

The Planner, Assistant Planner and I have been gathering the information for requested by Selectman Dearborn. The information should be ready before the end of this week.

The Treasurer, Tax Collector, Assessor and I met with Warehouse Point Fire District (the "District") Commissioners. They are investigating the possibility of their budget being approved and collected directly from the District taxpayers rather than through the Town's budget. They asked about the process for that kind of change. Some concerns that were discussed were:

- how to be sure no taxpayer would be double taxed, first by the District then for Broad Brook Fire Department expenses in the Town budget,
- accuracy of the boundaries of the District,
- how collection would be handled, and
- how District information (including their budget info) would get to taxpayers in the District.

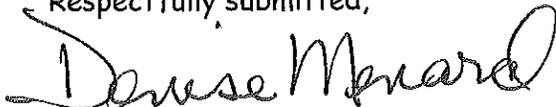
The Treasurer, Assessor and Tax Collector are confident that the fire budgets can be split by taxpayers in the District and those not in the District and collection would be handled the same way Town taxes are handled. District Commissioners and the Assessor are verifying delineation of properties in the District. My concern regarding taxpayers being informed about the Warehouse Point District's meetings, agendas, minutes, budget and budget meetings is already in the process of being addressed with an updating of their webpage on the Town's website to be completed by the end of this month. With this update, the District's meetings will be posted on the Town's Community Calendar and I have been assured that agendas and minutes of their meetings will be posted on the Town's website as well. Currently the District meets at the Warehouse Point Fire Department on the 1st Monday of every month and any taxpayer in the District is welcome to attend. I was also told that the Annual Meeting that votes on the District's budget is always the 1st Tuesday in June.

Since I have been asked a number of times recently about the Town's Code of Ethics, I thought it might be an opportune time to provide you all with a copy of the Code (attached to my report). Please let me know if you have any questions relating to the Code. I may not know the answer but can certainly find it.

The Capital Improvement Committee will be discussing which capital projects it will be recommending to the Board of Selectmen next Monday January 26 at 5:30 at Town Hall. The Treasurer is posting the 2015-2016 budget information in the system as it comes in. There are only a few budgets she has not yet received. So far this year's process is going very smoothly even with all the changes that have been made to the look and software for the budget.

Finally as you can see, the heating/cooling project is coming along well. There are always some unexpected issues with a project this size but nothing of significance to date. We will all be glad when it is complete I'm sure.

Respectfully submitted,


Denise Menard

TOWN OF EAST WINDSOR CODE OF ETHICS

SECTION 1 PURPOSE

The purpose of these standards is to guide Town officials, elected and appointed, and Town employees by establishing standards of conduct for persons in the decision making process. It is intended to strengthen the tradition of good government in East Windsor by helping to ensure that government decisions and policies be made free from undue influence and in the proper channels of government structure; that public office not be used for unauthorized personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, this Code of Ethics is hereby established pursuant to Section 7-10 of the Charter of the Town of East Windsor.

SECTION 2 DEFINITIONS

In this Ordinance, the following terms are defined as follows:

2.1 Official shall mean all elected and appointed individuals in the executive or legislative branches of the Town, including the Board of Education to the extent that the provisions of this ordinance may lawfully apply to the school district, and members and alternates of all Town agencies.

2.2 Employee shall include all individuals who receive income, weekly or otherwise, from the Town, or who are responsible for taking or recommending official action of the Town of a non-ministerial nature.

2.3 Agency shall mean all departments, boards, commissions, authorities, and committees, including advisory working groups, of the executive or legislative branches of the Town, including the Board of Education to the extent that the provisions of this ordinance may lawfully apply to the school district.

2.4 Ministerial action shall mean an action that a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to, or he exercise of, the person's own judgment upon the propriety of the action being taken.

SECTION 3 STANDARDS OF OFFICIAL CONDUCT

3.1 Conflicts of Interest

No official or employee, or a member of his or her family, may obtain financial, political or personal gain, directly or indirectly from any contract, transaction or decision of any agency of the Town. Any official or employee who has or questions whether he or she has a real, pecuniary or personal beneficial interest in any matter coming before any agency of the Town shall make the same known to such agency, and such interest shall be disclosed on the records of such agency. If such official or employee is a member of such agency, he or she shall refrain from voting upon or otherwise participating in the consideration of such matter or any determination in connection therewith by such agency.

3.2 Disclosure of Confidential Information

No official or employee who has access to any confidential information related to the functions or activities of the Town or of any of its Boards or agencies shall divulge that information to any person who is not authorized to have it.

TOWN OF EAST WINDSOR CODE OF ETHICS

3.3 Gifts and Favors

No official or employee or member of his or her immediate family shall solicit or accept any gift or favor in excess of \$50.00 in value in any calendar year, whether in the form of service, income, a loan, a gift or other thing of value, a promise, or in any other form from any person or entity who to his or her knowledge is interested directly or indirectly in any manner whatsoever with respect to personal or business dealings with the Town.

3.4 Use of Town Assets

No official or employee shall use or permit the use of Town funds, services, property and equipment, owned or leased vehicles, or materials for personal convenience or profit, except when such services are available to the public generally or are provided in conformance with established Town policies.

3.5 Representation of Private Interests

No official or employee shall appear on behalf of private interests before any agency of the Town, nor shall he or she represent any private interest in any action or proceeding against the Town in any litigation or other proceeding when such appearance or representation would be in conflict with or would impair his or her independence of judgment and action in the performance of his or her official duties as such official or employee.

3.6 Use of Influence

No official or employee shall solicit any business, gift or favor directly or indirectly, from another official or employee over whom he or she has any tenure, compensation, duties, or from any vendor or third party doing business with the Town.

3.7 Incompatible Employment

No official or employee shall engage in any employment or services which will impair his or her independence or judgment as to official duties or require or induce disclosure of confidential information gained in Town service.

3.8 Fair and Foul Treatment

No official or employee shall grant or withhold any consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

SECTION 4 ETHICS COMMISSION

4.1 Establishment

An Ethics Commission as provided in the Town Charter shall consist of five members who shall be electors of the Town, no more than the bare majority of whom shall be of the same political party. Each member shall serve for a four (4) year term following the initial term established by the Board of Selectmen on January 24, 1991. No official or employee of the Town shall be eligible to serve on the Commission. Vacancies shall be filled according to the Town Charter.

4.2 Organization and Procedures

The Ethics Commission shall elect from amongst its members a Chairman and a Secretary, and shall establish its own rules and procedures, which shall be made public. The need to maintain confidentiality shall be considered pursuant to State 1-82a when establishing the rules and procedures, and official opinions of the Commission shall require a minimum of four (4) affirmative votes for adoption.

TOWN OF EAST WINDSOR CODE OF ETHICS

4.3 Power and Duties

(A) **Advisory Opinions.** Upon written request or on its own initiative, the Commission may render advisory opinions with respect to the requirements of this Code of Ethics. Any request or opinion, the disclosure of which invades the personal privacy of any individual (as that term is used in the Connecticut General Statutes Section 1-19 shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Commission may make available to the public such advisory opinions as do not invade an individual's privacy, and may take other appropriate steps in an effort to increase public awareness of this Code of Ethics.

(B) **Complaints.** The Commission shall establish a procedure by which the public may initiate complaints alleging violations of this Code, provided however, that no such complaint shall be received for a violation alleged to have occurred more than five (5) years prior to the date of such receipt. On its own initiative or upon receipt of a written complaint alleging, under oath or affirmation, a violation of these standards of official conduct, the Commission shall determine by a minimum of four (4) affirmative votes whether or not sufficient cause exists to warrant an inquiry. Unless the Commission makes such a finding, a complaint alleging a violation shall be dismissed and kept confidential, except upon receipt of a request to the contrary by the respondent.

(C) **Hearing procedure.** Following its inquiry, in the event that the Commission, by a minimum of four (4) affirmative votes, determines that probable cause exists to believe that a violation of this Code has occurred, it shall conduct a public hearing thereon, which hearing shall be held no later than sixty (60) days thereafter. The Commission shall give public notice of the date fixed for said hearing at least fourteen (14) days prior thereto. The Commission shall have the power to administer oaths and compel the attendance of witnesses by subpoena. All parties shall be entitled to counsel, to present evidence, and to examine and cross-examine witnesses. The public hearings of the Commission shall be recorded at public expense.

(D) **Decision by Commission.** The Commission shall, within thirty (30) days after conclusion of the public hearing, file a memorandum of decision. If the Commission determines by the minimum of four (4) affirmative votes that the respondent has in fact violated a provision of this Code, its Memorandum shall include a recommendation for appropriate action, taking into account the respondent's intent and willfulness in respect to said violation. Said Memorandum shall be presented to the Board of Selectmen, except with respect to individuals under the jurisdiction of the Board of Education, in which case the Memorandum of Decision shall be filed with the Board of Education with simultaneous copy to the Board of Selectmen. No such recommendation shall limit the authority of the Board of Selectmen under the Charter of the Town of East Windsor.

- (E) **Penalties for Violation.** The penalties for violation of this Code shall include:
- 1) Public censure or reprimand;
 - 2) Suspension for up to ninety (90) days or dismissal of a public employee;
 - 3) \$1,000.00 civil penalty; and/or
 - 4) Restitution of any pecuniary benefit received.

4.4 Procedures for Filing a Complaint

(A) Complaint must be signed under penalty of false statement.

(B) The complaint must be filed within five (5) years of the alleged violation.

TOWN OF EAST WINDSOR CODE OF ETHICS

(C) The target is to be notified within ten (10) business days of the complaint via certified mail.

(D) Commission shall review the complaint and determine whether the allegations constitute a violation of the ethics code

- 1) If not, dismiss and notify parties.
- 2) If so, fix a date for a hearing that starts within 60 days of the filing of the complaint with legal counsel for the Board of Ethics.

(E) Hearings with our legal counsel

- 1) Complaint is confidential unless the respondent requests otherwise.
- 2) Respondent can cross-examine the witness.
- 3) The commission needs four (4) votes to make a finding of an ethics violation.

(F) Confidentiality

- 1) Complaint is confidential unless the respondent requests otherwise.
- 2) Commission can conduct a preliminary investigation and no information may be publicized by anyone involved.
- 3) A determination of no violation shall be kept confidential except upon the request of the respondent.

(G) Finding a violation

- 1) Findings to be turned over to the Board of Selectmen and made public within five (5) business days of the hearing.
- 2) Entire record of the investigation becomes public.
- 3) Provide parties with summary of its findings within three (3) business days of the hearing.
- 4) Respondent may appeal the decision to the superior court within thirty (30) days.

SECTION 5 COPIES OF CODE OF ETHICS

A copy of the Ethics Code shall be given to all public officials and public employees and a signed receipt should be obtained therefore and maintained by the Town Clerk.

Said ordinance shall become effective fifteen (15) days from publication thereof.

3.2 Updated August 2005

4.4 Added May 2005

4.5 Added May 2005

Amanda Schroll

From: Jason Bowsza
Sent: Tuesday, January 20, 2015 7:20 PM
To: Amanda Schroll
Subject: Selectmen's report

On Tuesday, January 13, the Planning and Zoning Commission met. They held another POCD workshop, this time discussing commercial development opportunities in East Windsor over the next ten years. They focused specifically along the Route 5 corridor.

That same night, the Permanent Building Commission (PBC) met. They discussed the ongoing issues associated with the modular project. The decision was made unanimously to rescind their approval of the project and encourage the Board of Education to resubmit the needs of the district to the PBC so that a better pathway forward could be determined.

The next night, the 14th, the PBC met jointly with the Board of Ed. After further review with the treasurer, the costs have come down. Mr. LaBrie, the project manager, has also added an option to do only 4 classrooms at Broad Brook Elementary School.

The BOE and PBC need to make a recommendation to the Board of Selectmen. An article regarding window remediation of a Hartford area school was also provided. Mr Grace pointed out that many aspects of renovation projects can be scary without cause for concern.

A question was asked about the feasibility of using the existing modulars as the necessary swing space for construction. This was the first time that I'd heard this officially put forward as an idea, but it sounds reasonable. This addresses a more phased process, which seems to be a concept gaining traction.

Traditional construction was raised as an idea by the consultants, although this would lead to additional problems, including new plans, additional architecture and consultation fees, and a need for additional legislative approvals at the state level.

PBC Chairman Rodrigue raised the issue of the evolving plans, specifically dealing with window remediation being added midstream. He raised concerns about uncertainties with the ultimate direction and objective of the project. He made a compelling argument to stick to the original charge of replacing the existing units with 14 modulars and no window remediation.

Mr. Grace pointed out that lower cost solutions were available to address concerns with the windows, including interior storm windows that would lock out any potential contaminants and eliminate any risk of exposure.

Any plan will require additional approvals at referendum and through the legislature that could result in a delay of up to 3 years.

Mr. Sauerhoefer noted that debt service is scheduled to drop off in the next two years, and that this would be an appropriate time to put together an entire school renovation plan. Dr Kane expressed reservations, saying that something like that would be difficult to get approved by voters.

Mr. Pippin stated that talking about 5 different options was not fruitful. One decision needs to be made about a direction, and everyone needs to make an effort to sell that one option.

Mr. Rodrigue stated that he feels that the PBC would agree that the real need is for 14 classrooms and that the focus should be on that goal.