

TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
SPECIAL MINUTES OF SEPTEMBER 28, 2009

I. TIME AND PLACE OF MEETING

Ms. Menard called the meeting to order at 5:30 Monday, September 28, 2009 at the East Windsor Town Hall, 11 Rye Street.

II. ATTENDANCE

BOARD OF SELECTMEN

Denise Menard, First Selectman

Gilbert Hayes, Deputy First Selectman (arrived at 5:50 p.m.)

Dale Nelson, Selectman

Mark Simmons, Selectman

Richard Pippin, Selectman

REPRESENTATIVES PRESENT

RED HILL PARK

OWNER: ADELBERT HALLISEY

HOMEOWNER: LYNN MORENO

LAUREL VIEW ESTATES

OWNER: LARRY HALLISEY

HOMEOWNER: RICHARD MORRISON

ATTORNEY: MICHAEL RICE

BALCH MOBILE HOME PARK

HOMEOWNER: LINDA KLEMAS

OWNER: CHER BALCH

LATA MOBILE HOME PARK

OWNER: NICK LATA

HENRY'S MOBILE HOME PARK

HENRY MAS (arrived 5:55 p.m.)

SHONOSKY MOBILE HOME PARK

OWNER: JULIE CORTESE

ALSO PRESENT:

Jim Donnelly, Representative, All American Waste

III. PUBLIC PARTICIPATION - None

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IV. NEW BUSINESS

A. Discussion of Mobile Home Trash & Recycling (Item from
September 15, 2009 Board of Selectmen's meeting)

Ms. Menard introduced Mr. Donnelly who brought trash hauling equipment to do a presentation of the automated trash pick up; which will example how the truck works and demonstrating the space needed to collect trash. Also discussed will be how the truck needs to maneuver and truck width and space needed to turn (going the wrong way down a road is not an option), and the problems with arm and overhead wires. Ms. Menard indicated the town has eliminated hand pick trash pick up which is what residents had in the past – that is not a service provided for any residents and it is not an option.

Presentation outside 5:35 – 5:45 p.m.

At this point in the meeting questions were asked and general discussion was held.

Ms. Menard provided pictures of each park and Mr. Donnelly has gone to the mobile home parks and all parks have some type of obstacle. Ms. Menard stated the town cannot pick one park to provide this service to and not another.

Mr. Lata asked if there is access to the road at a park can trash be picked up? His park has 200 ft frontage on Route 140 – and he does not see why cans cannot be put there and picked up. There are 15 homes here - which would be 30 barrels on recycling day.

Ms. Menard indicated the board discussed all or nothing; that is to say the Town will not do for one Park and not another Park.

Ms. Menard detailed this is a business decision and the town was looking for ways to save money in taxes; she understands the mobile home park owners pay taxes; that is not an issue. The cost savings of the trash changes this year was \$100,000. The town is laying off teachers; reducing any service they can think of; this was a small piece that was thought to save money as trash hauling gets more expensive. They reviewed Connecticut General Statutes and it appears that the land lord must arrange for removal and maintain and provide appropriate receptacles for trash. Ms. Menard indicated that she has been told there are land lords which in the lease charge for trash removal which Ms. Menard found interesting.

Ms. Menard looked at different towns and very few found had mobile homes trash pick up. East Windsor belongs to CCM who did a survey and found very few that provided this service to mobile homes. Ms. Menard also asked for information on a tax credit; just

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before the meeting Ms. Menard got information that the Town of Branford allows for rebate on taxes for mobile home parks.

Ms. Menard does not know the cost of front loads for dumpsters as that would be specific to each mobile home.

Mr. Lata asked if Town had a dump? Ms. Menard indicated it does not. It was asked if it is lawful to not have a dump and not provide trash service. Ms. Menard indicated that she does know of towns that do not provide trash service; Cromwell being one.

Mr. Morrison asked why if cut in budget why not pick some other streets in town as well? Ms Menard indicated the mobile home are a landlord tenant situation. He indicated he is not a tenant. He owns the home; but does lease the land.

Attorney Rice inquired as to the size of the truck in the demonstration as well as information on other trucks in the All American Waste fleet.

Attorney Rice noted that it was okay to drive through parks with hand delivery and same size trucks. He heard a comment that there is no place to turn around, but some mobile home parks have streets that are bigger than South Water Street and that, in fact, some trash hauling trucks go down more narrow streets. He is trying to understand as his firm sees it as discriminatory practice. There is talk about land lords in a situation where all of these residents pay taxes on real estate; there is a deed; conveyance tax paid to town and state. He fails to see how the board is missing important distinct that sets mobile homes apart from any other land lord tenant relationship. The statements about issues with clearance and space he does not understand since he has been thru the parks and has seen the roads and clearance. Attorney Rice asked for demonstration in the parks and Mr. Donnelly indicated that a demonstration can be done in the parks.

Attorney Rice felt there is a problem distinguishing that these mobile home owners are tax paying citizens; and not a land lord tenant situation. The Town is making statements that are not being backed up.

Ms. Menard has spoken with the trash company and they have gone thru the parks. The Board and All American Waste thought it beneficial to have this meeting and they can do a demonstration in the different parks. The other piece to the town's decision is that it saved money in the budget and to change that decision would result in an added appropriation.

Ms. Balch inquired why this trash contract did not go out to bid? Ms. Menard indicated that the Board felt the town should stay with current company – extending an existing contract. Ms. Nelson added that the All American Waste was willing to reduce rate and

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do what it could for the Town for cost savings and that was the primary reason for extending. The All American Waste Company reworked the routes to save money and worked hard with East Windsor to try to make an easier transition.

Ms. Cortese indicated she wanted to see a trash hauling truck go down Stiles Road, which is a dead end on a hill. Mr. Donnelly indicated they back down the street and that there are four homes serviced there.

Ms. Klemas inquired if all five unanimously agreed to this. Mr. Pippin indicated he was not there. Ms. Klemas inquired about minutes regarding this decision or discussion leading up to the renewal of this trash. Ms. Nelson detailed that this item goes back to the budget meetings that that budget meetings are open and the public welcome where one can here the Boards of Finance and Selectmen discuss ways might save money. Mr. Hayes indicated that the discussion for contract for trash pick up is held in executive session; where there are no minutes. Discussion on contracts are held in executive session. When the Board comes out of executive session there could be a motion. Or, if not, the discussion was a consensus. It was best way to keep the trash hauling contract as close to status quo due to projected raise in tipping fees and the Board needed to save the Town money.

Ms. Klemas followed up with a question as to why the homeowners did not have information. Ms. Menard reiterated that talking about contracts is sensitive. For any contract, part of freedom of information guidelines indicate the Board can discuss contracts in executive session so you do not give away the strategy for negotiating a contract. Ms. Klemas inquired if the Town wanted to keep it secret from All American Waste - who keeping it from? The competition from All American Waste. Mr. Pippin added that every one would cut the price if they new All American waste bids. The representatives at the table indicated that that is why you ask for bids. Ms. Balch stated that the closed board decision that impact over 200 tax paying voters.

Mr. Lata inquired if there were any houses that could not be reached with the truck? Mr. Donnelly responded that every household that has curb side on the street is picked up. Ms. Klemas felt an option would be to bring the cans curbside at the mobile home parks.

Ms. Morena provided a map to where cars are parked in Red Hill and provided the board with specs. Mr. Donnelly indicated Red Hill Park has an issue where cars are parked and it was stated maybe an option would be to change parking.

Attorney Rice went on to say that in a cul duc sac if car parked on street, the truck drives around. If people want to get trashed picked up they will move them to get trash picked up. If same size trucks and come up with solution and picked up as have done for years,

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then no reason why cannot happen – not because stray car. If streets have stray cars, trash at that location is simply not picked up.

Mr. Pippin asked which Parks Attorney Rice was referring. Attorney Rice stated he was talking about Red Hill, Laurel and Balch. Mr. Pippin suggested he look at Henry's and Shonosky's.

Ms. Klemas wanted to know about residential streets that do not have enough room, yet they have trash hauling trucks on those streets. Mr. Pippin reminded all that the town has parameters to go by and statutorily wires are a certain height and the Town has the right to trim trees as it is not private property. Some parks absolutely can do; some parks cannot; Ms. Klemas indicated that some residential single family homes have small streets with less room and the Town is not discriminating against them.

Mr. Lata wondered if one house could not get service would there be no service for whole town as that's the line of thought. Ms. Menard if that were the case the Board would have done differently. Mr. Lata reiterated that the Town is treating mobile home parks if all cannot get it - no one gets it.

Mr. Morrison stated trash pick up is a business and if it had been put out to bid could know that the town got a deal – how does the Board know it got the best deal? Ms. Menard stated that she shadowed South Windsor as they do not have staff to do extensive bid process; reported back to selectmen what other towns getting; went to meetings to see if in ballpark; absolutely did get information prior to making the decision.

Mr. Morrison felt if it was put out to bid and explained extenuating circumstances; if pick up on Wagner Drive; South Water Street where there are school buses, then it can be done in mobile home parks. Special arrangements to pick up in parks should have been made – it is their constitutional right to have rubbish picked up. They pay taxes and have wide enough streets – most trucks front loaders 8'6" – 24 feet wide streets in Laurel view; narrowest one is 16ft and only houses on one side, no wires, no obstacles. No reason not to pick up. Having said that, if concessions had to be made for other areas of town, then this provider who Ms. Menard is "so high on" should have made accommodations made with rear end loaders. He provided pictures of the East Hartford mobile home park pick up with rear pick ups.

Ms. Cortese indicated the town reassessed and taxes went up on everything up – why are they picking on people. There are elderly people in her Park who cannot walk down to dumpster in the middle of winter and to put a barrel in front is a blessing. Now owners will have to go back and raise rents. Her park has a blind person; deaf person – not fair to them; taxes were raised and that was not fair.

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Ms. Balch added that the mobile home parks use the least amount of services; no snow plow and the Town is denying the simplest minute portion of town service when other services are not used as Parks do their own plowing and maintenance.

Mr. Pippin talked to the Assessor and for all who do own homes, mobile homes do not pay on the same rate those that have on self contained property – mobile homes get a different deal; square footage rate on mobile home and residential home are assessed differently. Attorney Rice countered that value of asset which has mill rate assessed to it; house worth more as paid more and on own real estate; but still paying the same rate. At this point discussion ensued regarding the statement and it was asked if the Assessor could weigh in on the conversation - the Assessor was not present at the meeting. Discussion ensued regarding assessments of mobile homes and single family homes and the towns tax revenue from the mobile home parks which receive very few services.

Larry Hallisey spoke to the Boards decision using all for one; but at same time Mr. Donnelly makes concessions on certain streets. They are asking as park owners and mobile home owners to receive that same courtesy as other town residents. He understands the state statutes but the relationship mobile home owner, park owner and town is different – each town treats relationship differently. What they are asking for is a little leeway that gave rest of homeowners on Stiles Road, for example. Mr. Donnelly relayed some issues on the part of town and contractor when trying to access containers.

It was stated that Laurel View is the mobile park exception to the rule as there is no problem there. Discussion ensued with Mr. Donnelly regarding his drive thru of the Parks and that the Town asked his point of view, but it was the Town's decision.

Ms. Klemas detailed that there are no obstacles, no wires at Balch's and they are willing to make some adjustments as they deserve and want service and pay for it. If there is a problem walk with her and tell her what to do and propose to owners and residents willing to work with the town and the trash hauler 200%.

Discussion took place regarding potential for curbside pick up. It was noted that issues will be present with Henry's park and adjustments there would not make it a feasible park. Larry Hallisey indicated the mobile home park known as Park Place has never had trash pick up by East Windsor and the owner is not interested.

Mr. Hayes apologized to selectmen not being present at a meeting, but asked if what the cost factor to the trash contract will be if adjustments for parks are made to allow for this automated trash pick up. Does the Town go back to paying more money on contract? Mr. Hayes cost questions if the Town put mobile homes back on what adjustments made for collection the new way. Ms. Menard that will cost \$34,400. It is hand picked now.

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Larry Hallisey reiterated the parks that are willing to accommodate; Balch's can accommodate; Laurel View has no issue; Red Hill can accommodate; Lata has access to 140. There is only a problem with Henry's Park. For the town to throw out all mobile home owner parks – 600 of them – for inability to get into Henry's Park, that does not seem right.

Ms. Nelson inquired how as a Board they can service one mobile park and not all of them; how can those present as a group state – yes can do laurel; but cannot do Henry's – that's discrimination. How can you pay for one and not the other? Larry Hallisey made the comment that if the Town resumed trash pick up at mobile homes parks and he will pay for Henry's Park trash pick up.

At this point in the meeting there was shouting regarding the ability to pick up trash in the Parks and that All American Waste had an interest and that Mr. Donnelly had an "interest" to not make it work. Mr. Donnelly stated he was present for the technical aspect only. It was stated that Lata and Shonosky did not get the Town letter detailing this change. Ms. Menard read the letter dated August 5, 2009. Later in the meeting more discussion took place regarding the letter and that some owners/managers did not receive it at all, or if they did, it was from the trash hauling company and it was at a later date. It was felt this should have come from the Town, not delivered by the trash hauler.

Audience member who is an Owner (d.o.b. 6/26/30) stated she will have to pay the cost for trash pick up now because "you people are being selfish toward the elderly" where are her rights? She might fall and get hurt. Ms. Cortese stated mobile home tenants are some of the poorest people, many of whom are facing no increases in social security.

Mr. Morrison detailed that his taxes pay for the Board of Education and has no children in school – even though do not have children pay taxes for education, snow removal, street lights – asking them to pay for their garbage and resident garbage. The Town is asking the most from those who have the least.

Mr. Morrison provided a list of the town's highest tax payers. (Ms. Menard read his information and noted that the 2nd highest taxpayer is Mill Pond - who does not get trash service)

The parks contribution to the tax base was discussed and the only thing they get in return is the garbage pick up. Mr. Morrison detailed he was raised in depression and he never knew of trouble with garbage then. Everyone is hurting and he knows the board works hard to balance budget but they are putting this burden on the backs of a few. There are 200 residents being treated differently and that is not right constitutionally. These are good people he represents, some are veterans who give all they can and taking away

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garbage makes them feel dehumanized. If the mobile home parks secede from Town of East Windsor they would be financially better off with own community. Over \$1 million in taxes collected from Laurel View and Red Hill and there are no children in school system – give garbage and give them a break.

Adelbert Hallisey gave an estimate of how much pay to the town – the parks generate town revenue. This revenue is tax free in neighborhood \$250,000 to \$270,000 and denying garbage pick up – does not add up. He has been to a number of attorneys offices and provided the Town's statement "one or all" which is found to be upsetting. Henry's Mobile Home park has no way to grow. The statement was made that "every town has a bad area." Laurel view and Red Hill have contributed a tremendous amount of money to town and received little services and that needs to take that into consideration. Ms. Menard made it clear that the statement "every town has bad areas", no one took that to mean Henry's Mobile Home park. All present concurred Henry's is a small park that is tight in the back.

Larry Hallisey at this point stated the mobile home park representatives were invited here to work as a group to see if this can get resolved. Tonight has provided a lot of good suggestions but the group has heard nothing back from the Board; except if the Town cannot pick up every single mobile home owner's trash then the Town cannot pick up any mobile home park. If the Board cannot get past that – then tonight is a waste of time.

Ms. Menard stated the Board is not closed minded, if they were this meeting would not have been called. The Board wanted to gather information, have time to think about that information, do further research as necessary and talk about it at the next regular meeting. Ms. Menard suggested that since Mr. Hallisey is threatening to get further legal involved; it might be prudent for the Town Attorney to be involved.

Ms. Menard said the original decision was trash collection for all mobile homes or no mobile homes; but with discussion held the board will revisit and discuss this. Mr. Hayes felt the first step was to determined the cost. Ms. Menard reiterated the information just received regarding the Town of Branford's rebate program and at this point, until she reviews that information she has no idea if feasible to give taxpayers a break; would it be a wash and if it is lets pick up the trash. Ms. Menard stated the no one is saying original decision needs to be what they stick to – that is why everyone is present at this meeting. The Board is open minded.

Discussion ensued from various Park Owners that they want the Town to be fair and the owners want to avoid raising rent. The older community in these parks needs to be considered. The current trash hauling company made the decision where the trucks can and cannot go; maybe another opinion is needed. Mr. Adelbert Hallisey detailed more modern trucks he has seen in other communities which would be feasible to any size

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community for automated garbage collection. Mr. Adelbert Hallisey gave specific information that current not truck most modern trucks are used to do the job. He recently timed trash pick up garbage 97 units 29 minutes in the Park. Hallisey believes the timing may be less with the one arm truck, probably down to 20 minutes. Therefore the hauler can effectively pick up containers by arm or by hand in less than 30 minutes.

Ms. Menard respectfully agreed with what was said about the types of trash hauling vehicles, but one also needs to compare those communities tax rates (as stated Wethersfield and Waterford and Newington) to the taxes paid in East Windsor. One would find those other communities pay higher taxes. East Windsor got a good rate, if that meant reusing older trucks, that is what it is. She stated that East Windsor is not a champagne community but a conservative community.

Discussion took place regarding the residents of the mobile home parks and their contributions as residents of East Windsor.

Mr. Pippin suggested ideas such as bringing carts to a central point or maybe a dumpster in a spot. If an acceptable safe alternative can be found, it might be an option.

Discussion took place regarding the frustration with lack of information and that the First Selectmen's office refers callers to All American Waste and All American Waste refers callers to the Town.

Mr. Larry Hallisey reiterated, as discussed at this meeting, the owners willingness to make accommodations and was wondering what the town was willing to do. If everyone can work together to resolve this issue, be it side arms, front loaders, dumpsters, whatever community owners can do to help out town, they will do.

Mr. Simmons stated he has never lived in a mobile home so prior to these meetings he had no direct knowledge. He wished the Board had all this information during the decision making process and stated maybe a mistake was made due to lack of communication. He stated he is looking at it differently now and agrees all can work together to make decision – this is not a done deal. One thing that stuck in his mind throughout this discussion is that it was commented that Parks for many years enjoyed the service and now, seemingly arbitrarily the Town has taken the service away and increased taxes. If he lived in a mobile home “I would take offense as well.” Mr. Simmons felt all present need to work this out, sit down put and heads together. He reminded everyone of East Windsor's mission statement to provide best services possible with best fiscal responsibility. That is what the board is trying to do. They are a transparent board and he reminded everyone board members are residents as well. Decisions are made not because the Board is going on a cruise somewhere or not because members are being mean, nasty or some other comments made. Mr. Simmons also

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directed Mr. Donnelly to a letter to the editor in the newspaper that referenced smaller containers. Mr. Donnelly indicated smaller containers are available and distribution can be discussed with the Selectmen's office.

Ms. Menard stated the Board now has more information and will talk with the Town Attorney as well as the trash hauler and have more information for the next regular meeting.

It was the consensus of the park owners that they were interested in having Mr. Donnelly go through each of the parks again. After much discussion, Thursday, October 1 was to be the date and the First Selectmen's office would work in conjunction with the owners to schedule specific times for this exercise.

Ms. Menard indicated the town clerk has the contract on file for the trash services.

Mr. Morrison added there might be more return to town financial benefit everyone involved in single stream; more profit back as 200 homes to add to that pool of money savings and that should be considered.

V. ADJOURNMENT

MOTION: To adjourn at 7:10 p.m.

Made by Ms. Nelson, seconded by Mr. Pippin

ALL MEMBERS IN FAVOR. MOTION CARRIED

Respectfully submitted

Cynthia D. Croxford
Recording Secretary