

**BOARD OF SELECTMEN  
TOWN OF EAST WINDSOR  
11 RYE STREET  
EAST WINDSOR, CONNECTICUT 06088**

**MINUTES OF REGULAR MEETING**

**Tuesday, November 20, 2012 at 7:00 p.m.**

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

Members Present: Denise Menard, Alan Baker, Dale Nelson, Richard P. Pippin, and James C. Richards  
Members Absent: None  
Others: Kathleen Pippin, Len Norton, Robin Newton, Deputy Chief Roger Hart, Bill O'Connell, Paul Anderson, D. James Barton, Chief James Barton, Blaine Simpkins, Victor DeCapua, Marie DeSousa, Sharon Tripp, Ron Morin, Jim Strempher, George Akkouris, and many others  
Press: None

**I. Call to Order**

First Selectman Denise Menard called the Regular Meeting to Order at 7:04 p.m., in the Town Hall Conference Room.

**II. Attendance**

Denise Menard, First Selectwoman  
Alan Baker, Deputy First Selectman  
Dale Nelson, Selectwoman  
Richard P. Pippin, Jr., Selectman  
James C. Richards, Selectman

**III. Added Agenda Items**

It was **MOVED** (Pippin) and **SECONDED** (Nelson) and **PASSED** (U) that the Board of Selectmen adds an Agenda Item VIII. Board and Commission Appointments, A. Resignation, Marie DeSousa, Board of Finance Regular Member, Shared Service Committee, and Volunteer Incentive Committee.

**IV. Approval of Minutes**

**Regular Meeting of October 16, 2012**

An error was noted in the October 16, 2012 Regular Meeting Minutes. An amendment to the minutes on Section VI., Subparagraph d, second paragraph is noted. The following is the noted amendment:

“He inquired about the Town Fire Marshall’s report which was not....”

to

“He inquired about the District Fire Marshall’s report which was not...”

It was **MOVED** (Nelson) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen approves the Regular Meeting Minutes of October 16, 2012 as amended.

**V. Communications**

None.

**VI. Selectman’s Reports**

**a. Denise Menard, First Selectwoman**

Ms. Menard did not give her report due to the length of the meeting and the many people who were in attendance at the meeting to discuss a topic on the agenda.

**b. Alan Baker, Deputy First Selectman**

Mr. Baker commented on the American Heritage River Commission’s New Year’s Day hike. The hikers will meet in Melrose in the parking lot. More information will follow as it becomes available.

**c. Dale Nelson, Selectwoman**

Ms. Nelson did not give her report.

**d. Richard P. Pippin, Selectman**

Mr. Pippin commented on the recent Inland/Wetland Meeting which was cancelled. He commented regarding the recent Historical Preservation Commission Meeting which did not happen because they did not have a quorum. The demolition was delayed; however, the garage is gone.

**e. James C. Richards, Selectman**

Mr. Richards gave to all Board Members his report dated November 20, 2012 for their review. Mr. Richards did not discuss his report due to the time constraints.

**VII. Public Participation**

None.

**VIII. Board and Commission Resignations and Appointments**

**a. Resignations:**

**1. Jonathan Towle, Emergency Management Advisory Council**

It was **MOVED** (Nelson) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen accepts the resignation of Mr. Jonathan Towle, of the Emergency Management Advisory Council, with deep regret.

Ms. Menard commented on the years of service Mr. Towle has given to the Town of East Windsor and thanked him publicly.

**2. Cecy Mickey, No. Central District Health Department Board of Directors**

It was **MOVED** (Baker) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen accepts the resignation of Ms. Cecy Mickey, of the North Central District Health Department Board of Directors, with deep regret.

Ms. Menard commented on the years of service that Ms. Mickey dedicated to the North Central District Health Department and thanked her publicly.

**3. Marie DeSousa, Board of Finance, Shared Services Committee and Volunteer Incentive Committee**

It was **MOVED** (Nelson) and **SECONDED** (Richards) and **PASSED** (3-1)(In favor – Ms. Nelson, Mr. Baker, and Mr. Richards; Opposed – Mr. Pippin) that the Board of Selectmen accepts the resignation of Ms. Marie DeSousa, of the Board of Finance, Shared Services Committee and Volunteer Incentive Committee, with deep regret.

Ms. Menard commented that Ms. DeSousa has been an asset to the Town of East Windsor through difficult times. She is resigning from the Board of Finance has nothing to do with the Board but rather her desire to sit on the Housing Authority. Ms. Menard is thankful for the service Ms. DeSousa has given to the Town of East Windsor.

**b. Re-Appointments: None**

**c. New Appointments:**

**Energy Task Force serving an 18-month term to expire May 1, 2014**

- 1. Alan Baker**
- 2. David Menard**
- 3. Tom Talamini**
- 4. Deborah A. Donovan**

It was **MOVED** (Pippin) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen approves the appointments of Mr. Alan Baker, Mr. David Menard, Mr. Tom Talamini, and Ms. Deborah A. Donovan to the Energy Task Force serving an 18-month term to expire May 1, 2014.

It was **MOVED** (Baker) and **SECONDED** (Nelson) and **PASSED** (U) that the Board of Selectmen move Agenda Item No. XII. Executive Session before IX. Unfinished Business.

**XII. Executive Session (pursuant to Connecticut General Statutes Section 1-200 (6) (a) Personnel Section 1-200 (6) (b) Pre- Litigation and 1-200 (6) (c) Contracts**

It was **MOVED** (Baker) and **SECONDED** (Nelson) **PASSED** (U) that the Board of Selectmen enters into Executive Session discussion to preserve confidentiality to include Deputy Chief of Police Roger Hart and Mr. Bill O'Connell, Representative of CIRMA.

The Board entered into Executive Session at 7:16 p.m.

It was **MOVED** (Baker) and **SECONDED** (Nelson) and **PASSED** (U) that the Board of Selectmen terminates Executive Session and enters into Public Session at 7:29 p.m.

It was **MOVED** (Nelson) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen move Agenda Item No. IX. Unfinished Business, B. Condominium Owners Request before IX. Unfinished Business, A. Discussion of August 2011 Warehouse Point Fire District Letter to Include Blaine Simpkins and Victor DeCapua.

**IX. Unfinished Business**

**b. Condominium Owners Request**

Ms. Menard commented that months ago representatives from the Condominium Owner Associations of the Town of East Windsor submitted to the Board of Selectmen petitions signed by condominium owners requesting assistance in

payment of electricity for street lights, fire hydrants, and plowing of the streets.

The Board asked the condominium owners to do research from other towns which are comparable to the Town of East Windsor. A survey was done by CCM, and questions were posed by representatives of the Condominium Owners. All replies were forwarded to Mr. Ron Morin and others. This subject matter has been on the agenda pending receipt of additional information.

Mr. Ron Morin addressed the Board. He began giving a brief history of the issue. He indicated that approximately 10 months ago, fourteen condominium associations identified concerns the way the Town of East Windsor dealt with sub-division street lights, sewers, and other safety issues. Petitions of approximately 700 signatures were given to the Board on May 1, 2012 requesting the Town of East Windsor to provide services. At that time, the Board of Selectmen asked for additional information from CCM as to what other Towns do in regards to this issue. The information received from CCM was very limited. It compared Windsor Locks, Coventry, and Ellington and only one town responded indicating the town does not pay for the lights. However, he has received information from South Windsor and Vernon and those towns provide services for health and safety concerns. Ms. Menard inquired with Mr. Morin and others if they had a recommended ordinance from those towns that could be presented to the Board. She also indicated that South Windsor and Vernon are really not comparable towns to East Windsor due to their population and mill rates. Mr. Morin indicated he does have the ordinance information along with the survey. Ms. Menard reminded Mr. Morin that the information is due in her office the Wednesday before the next regular meeting so Board Members have the opportunity to review all materials before the actual meeting. Mr. Morin commented that he has previously given to the Board copies of the ordinance used in South Windsor. He complained about the information he received from CCM due to their unprofessional manner of corresponding with him. He requested that this matter be placed on the next regular meeting agenda which would be the first meeting in December and he will provide all materials to her office the Wednesday before the meeting. Mr. Richards reminded Mr. Morin that the research which is done must be comparable towns to East Windsor with comparable tax rates and population. Mr. Richards went onto say that when the developers of the condominium complexes were developing the properties; they had to go through Planning and Zoning to acquire variances and so forth. Now, the condominium owners are requesting changes in those agreements. Mr. Morin reminded Mr. Richards this has to do with health and safety issues in subdivisions. The discussion continued regarding sewers and the specifications of the roads that are within the condominium complexes. Mr. Pippin entered the conversation discussing how property is assessed and taxed. Ms. Menard again reiterated the comparisons should be towns which are close in population and tax base to East Windsor, such as, Coventry and Granby. She indicated this expense

which is being requested will have budget ramifications and the taxpayers will require backup materials for this request. Mr. Morin again indicated he is a taxpayer who pays property and automobile taxes to the Town and this issue is a health and safety issue.

Mr. Sal Saitta of 17 Old Barn Road addressed the Board. He indicated he has spoken to Ms. Menard's secretary and she has indicated to him that there is nothing new to report on this issue and she never mentioned bring more information to the office before the meeting. He believes the items that have been furnished at prior meetings, including the sample ordinance. He would like three questions answered at the next meeting. Those questions are: (1) Special consideration for 55 and Older Communities, what benefits does the Town provide to those communities? (2) The documents which were signed when the property was purchased says nothing about paying for electricity, hydrants and snow plowing. He would be interested in looking at those documents to see where this is stated. (3) What are the Statutes that give Town governments the right to discriminate against condominium owners? Ms. Menard indicated she would get that information for him to review.

Mr. Larry Toaro (sp) of 13 Acorn Drive, East Windsor addressed the Board. He stated the development he is living, three more units are being built and there are dump trucks going up and down the street. These are heavy trucks which are using those roads which are not built to certain specifications, so why can't the plows go up and down the streets? Ms. Menard commented that the roads within the condominium units are not Town approved roads and they are not built to certain specifications. Mr. Richards added those roads in the condominium complexes are considered roads on private property and are not as wide as town roads are which are built to certain specifications. The discussion continued about the specifications of town roads and having the Town plow snow on private property.

Mr. George Akkouris of 18 Mullen Road, East Windsor addressed the Board. He commented that as a business owner in town, he believes that every resident should be safe. He is inquiring how much would this request cost the Town.

Mr. Morin responded this request would cost the town approximately \$83,000 which is less than 1% of the total budget.

Mr. Claude Cloutier of East Windsor addressed the Board. He remarked that he believes that it is mandatory that the condominium complexes have fire hydrants and street lights for safety reasons.

Mr. Baker commented that the Board of Selectmen does not dictate to owners of properties what is mandatory or not. The town authority which would be the governing entity would be the Planning and Zoning and the Planning and Zoning Regulations. When the owner of the property requested the permits to build such

complexes, they agreed to those regulations. He then questioned if the Town paid for private property plowing and lights, would the Town be responsible for apartment buildings and other private properties.

Ms. Jennifer Taro (sp) of Scantic Glenn, East Windsor addressed the Board. She was concerned that the Board feels that the condominium owners are asking for something that they are not getting. They pay taxes but they pay taxes at the same rate as other property owners pay not a different rate. She believes that the Town should charge the condominium owners a different percentage due to the fact the condominium owners have less land. She believes they are double paying for services for the complex and for the Town. Ms. Nelson tried to explain that if a person has 10 acres of land, they get taxed on the land; however, if a complex has 10 acres of land, the individual condominium owner is not paying for the 10 acres a land each; it is divided among the unit owners of the complex. Ms. Menard explained that she was a real estate paralegal and she recalls that when the closing took place, the purchaser of the condominium would sign paperwork explaining what the unit owner owns and is responsible for and what the Condominium Association is responsible for.

A brief discussion was held regarding the taxation of acres of land.

Mr. Donato Lauria of 25 Hillside Farms, East Windsor addressed the Board. He commented that he would like to have a legal opinion to advise what the shared cost and the misusing of condominium documents and the relationship between the unit owners and condominium associations.

Mr. Ted Niak of 10 Amelia Court, East Windsor addressed the Board. He wanted a clarification of condominium fees and property taxes.

A brief conversation was held. It was ultimately decided that the condominium owners would return to the next regular meeting in December to discuss this matter further. Mr. Morin again reiterated that this is a health and safety issue.

It was **MOVED** (Baker) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen returns back to order of Agenda Item No. IX. Unfinished Business.

## **IX. Unfinished Business**

### **a. Discussion of August 2011 Warehouse Point Fire District Letter to Include Blaine Simpkins and Victor DeCapua**

Ms. Menard introduced to the Board Mr. Blaine Simpkins, Town Fire Marshall, Mr. George Akkouris, Owner of Golden Irene's Restaurant, Chief James Barton, Chief of Warehouse Point Fire Department and Mr. Victor DeCapua, Chairperson of Warehouse Point Fire Commissioners. Ms. Menard indicated she received a letter dated August 5, 2011 from the Warehouse Point Fire District regarding an

incident at Golden Irene's Restaurant in July of 2011. Ms. Menard indicated she forwarded the letter to Mr. Simpkins but never received a response from him. She asked everyone to this meeting to discuss this incident so any issues can be straightened out. Mr. DeCapua indicated that the Warehouse Point Fire District has certain guidelines which were developed years ago with the First Selectman at the time, Ms. Linda Roberts. At that time, it was decided that there would be two Fire Marshalls, one would cover Warehouse Point Fire District and the other would cover Broad Brook. The history of the incident in question that the Building Inspector was called about an incident which occurred at the Golden Irene's Restaurant back in July of 2011. The Building Inspector, Fire Marshall, and Health Department were called to investigate. The problem which occurred is that the Town Fire Marshall was called and not the Warehouse Point Fire District Fire Marshall. Mr. DeCapua indicated the reason for the guidelines is so there is no confusion when investigations take place and there is accountability for the Fire Marshall's doing the investigations.

Ms. Menard indicated that the gentleman who owns the restaurant is here to discuss the inaccuracies in this letter. Mr. George Akkouris addressed the Board. He commented that he is the owner of the restaurant and he explained the actual incident which is in question. He was a little upset due to the fact that his character was being questioned in the letter and the story was printed in newspapers. He was upset because he has been in the restaurant business for thirty years, and to think that he would put a grease fire out with a garden hose got him very upset. Mr. Akkouris explained the reason why he called Mr. Simpkins is that he has been dealing with him as the Fire Marshall for thirty years. Chief Barton reiterated the importance of having district lines and having all records kept on a consistent basis.

A lengthy discussion was held regarding the boundaries for each of the Fire Marshall, the availability of the Fire Marshall during an emergency, and the location of reports of the Fire Marshalls.

**c. Discussion of Board of Selectmen Priorities**

It was **MOVED** (Nelson) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen tables the Discussion of Board of Selectmen Priorities until the next regular meeting in December.

**X. New Business**

**a. Discussion of Community Gardens Parking Lot to Include Robin Newton and Jim Strempher**

Ms. Menard introduced Ms. Robin Newton, Assistant Town Planner and Mr. Jim Strempher, representative from the Conservation Commission to discuss the

Community Gardens Parking Lot. Ms. Newton showed a map of where the proposed parking lot is to be located. Mr. Pippin inquired if there would be any wetland issues. Ms. Newton indicated there would be no issues. Ms. Newton and Mr. Norton worked together on the location and plan on bidding out the job in the spring. She explained their plan in detail.

A brief discussion was held.

It was **MOVED** (Pippin) and **SECONDED** (Nelson) and **PASSED** (U) that the Board of Selectmen approves the parking areas of the Community Gardens as proposed in Map 79, Block 57, Lot 001 as presented.

**b. Approval of Town Road Release – Rye Street/Send to Town Meeting**

Ms. Menard introduced Mr. Len Norton, Town Engineer to the Board to discuss the approval of Town Road Release – Rye Street. Mr. Norton indicated advised the Board that the Department of Transportation entered into an Agreement with the Town of East Windsor to undertake all Rights of Way activities in conjunction with Urban Systems Improvements for the reconstruction of Rye Street. Pursuant to Section 10 of the agreement, it states that all properties and rights acquired by the State for construction of the Project that are within the proposed highway lines of the reconstruction of Rye Street will be released for highway purposes to the Municipality upon completion of construction. Therefore, the Department of Transportation has prepared a deed to transfer the property and is now ready to close.

A brief discussion was held.

It was **MOVED** (Baker) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen accepts all rights of ways and Urban Systems Improvements related to construction of Rye Street, File No.: 47-117-1A and send the acquisitions to Town Meeting, if necessary.

**c. Approval of Emergency Management Performance Grant Sub Grant Award**

Ms. Menard indicated to the Board Members that in their packets is a letter dated October 25, 2012 from the State of Connecticut, Department of Emergency Services and Public Protection. That letter explains a notice of a grant award in the amount of \$7,375.00 (of which \$3,616.67 is federal funding and \$3,758.33 is sub-grantee match). Ms. Menard commented that the leaders of the Emergency Management Team are likely to use the funding for a switch for the high school generator.

A brief discussion was held.

It was **MOVED** (Pippin) and **SECONDED** (Baker) and **PASSED** (U) that the Board of Selectmen approves the Emergency Management Performance Grant sub-grant award as described in a letter dated October 25, 2012 and authorize First Selectman, Denise Menard to sign any and all documents relating to said grant.

**d. Approval of Tax Refunds**

Ms. Menard discussed an Application for Refund request from the Tax Collector wherein Ms. Kimberly Lord, Tax Collector is requesting under Connecticut General Statutes Section 12-129 a refund from the Town of East Windsor in the amount of \$1,587.83 dated November 5, 2012.

It was **MOVED** (Nelson) and **SECONDED** (Baker) and **PASSED** (U) that the Board of Selectmen approves the tax refunds in the amount of \$1,587.83 pursuant to the tax collector's request dated November 5, 2012.

**XI. Budget Matters**

**a. Current Budget**

Copies of the current budget were given to all Board Members for their review.

**b. Budget Transfers**

Ms. Menard gave to all Board Members a copy of the transfer requests. There is only one transfer being requested which is in the amount of \$23,000 from Private Duty Funds to CNR-PD Cruisers. The funds are being requested to purchase vehicle equipment which is required.

A brief discussion was held.

It was **MOVED** (Pippin) and **SECONDED** (Nelson) and **PASSED** (U) that the Board of Selectmen approves and recommends to the Board of Finance the transfer listed on Exhibit A attached hereto and recommend to a Town Meeting, if necessary.

Ms. Nelson commented that she would like to put Registrars Expenses on the next meeting agenda to discuss cost of elections and training of election officials.

**XII. Executive Session (pursuant to Connecticut General Statutes Section 1-200 (6) (a) Personnel, Section 1-200 (6) (b) Litigation, and Section 1-200(6) (c) Contracts**

It was **MOVED** (Nelson) and **SECONDED** (Baker) **PASSED** (U) that the Board of Selectmen enters into Executive Session discussion to preserve confidentiality.

The Board entered into Executive Session at 10:00 p.m.

It was **MOVED** (Nelson) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen terminates Executive Session and enters into Public Session at 10:52 p.m.

It was **MOVED** (Nelson) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen authorizes settlement of Claim No.: 0479809548 for the total of \$80,000 to be paid in \$40,000 in the current fiscal year and \$40,000 in the 2013-2014 fiscal year from the Heart and Hypertension..

**XIII. Adjournment**

It was **MOVED** (Nelson) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen adjourns the November 20, 2012 Regular Meeting at 10:55 p.m.

Respectfully Submitted,

Denise M. Piotrowicz  
Recording Secretary

**EXHIBIT A**

**Board of Selectmen/ Accounts**

<b>Transfer #</b>	<b>Transfer</b>	<b>Account Dept/line</b>	<b>Department</b>	<b>Amount</b>	<b>Reason</b>	<b>Town Meeting</b>
<b>OTHER</b>						
<b>S2012-14</b>	To From	<b>08/1025/0470</b>	CNR-PD Cruisers Fund Balance/Private duty	\$23,000.00	Purchase vehicle equipment	X

Pending Board of Finance approval, Town Meeting scheduled for December 5, 2012