

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

MINUTES OF REGULAR MEETING

Tuesday, May 17, 2016 at 7:00 p.m.

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

Members Present: Robert Maynard, Richard P. Pippin, Jr., Jason E. Bowsza and Steven Dearborn
Members Absent: Dale Nelson
Others: Patti Kratochvil, Kathleen Pippin, John Burnham, Thomas Talamini, Jim Barton, Sr., Denise Menard, Jay Urssery, Jim Richards, Scott Morgan, Steve Smith, Bob Lyke and others
Press: None

I. Call to Order

First Selectman Robert Maynard called the Regular Meeting to Order at 7:02 p.m., in the East Windsor Town Hall.

II. Attendance

Robert Maynard, First Selectman
Richard P. Pippin, Jr., Deputy First Selectman
Jason E. Bowsza, Selectman
Steven Dearborn, Selectman

III. Pledge of Allegiance

Everyone who were in attendance, stood and recited the pledge of allegiance.

IV. Added Agenda Items

Mr. Pippin remarked he did not want to add an agenda item to this meeting, but would request at a future meeting to discuss sidewalks in the Warehouse Point section of town near Advance Auto on Bridge Street.

Mr. Dearborn indicated he would like to talk about the budget proposal which is an increase of 1.84% over the last budget.

Mr. Bowsza corrected Mr. Dearborn indicating the increase is 1.82%. Mr. Dearborn continued saying he has heard throughout the town that people are questioning the \$400,000 taken away from Warehouse Point Fire District and that money should go to capital improvements needed in the town.

It was **MOVED** (Pippin) and **SECONDED** (Dearborn) that the Board of Selectman add Agenda Item No. 10 New Business F. Budget Discussion

No discussion was held.

A vote was taken:

In Favor: R. Pippin and S. Dearborn, J. Bowsza
Opposed: None
Abstain: None

Motion carried.

V. Approval of Meeting Minutes

a. Regular Meeting Minutes of May 3, 2016

It was **MOVED** (Pippin) and **SECONDED** (Dearborn) and **PASSED** (2-1) (In Favor: S. Dearborn and R. Pippin, Opposed: None, Abstain: J. Bowsza) that the Board of Selectman approved the May 3, 2016 Regular Meeting Minutes as presented.

VI. Communications

a. Memorial Service for Lion Don Bartlett and Lion Dan Golden

Mr. Maynard read from an email which was received by his office from Ms. Barbara Sherman inviting the Board of Selectmen to a memorial service on Wednesday, May 18, 2016 at 6:30 p.m. at the East Windsor Park on Reservoir Avenue, Broad Brook, Connecticut. The East Windsor Lions are holding a small memorial service to honor the years of service from two of their members who passed away this year, Don Bartlett and Dan Golden. The high school chorus will be performing at the event. A light dessert will be served afterwards.

b. Public Works Week Proclamation

Mr. Maynard read from the Proclamation from Governor Dannel P. Malloy proclaiming May 15 – May 21, 2016 Public Works Week in the State of Connecticut.

Mr. Bowsza suggested a copy of the proclamation should be hung in each town building and in the future, all proclamations should be hung in town buildings.

VII. Public Participation

Mr. Jim Richards of 27 Pleasant Street, addressed the Board. As the Executive Director of the East Windsor Chamber of Commerce, he announced the Chamber every year recognizes an East Windsor businessman and this year will be Mr. Christopher Davis who is a State Representative and real estate agent in town. The Annual 21st Meeting will be held on June 22, 2016 at 5:30 p.m. at the Nutmeg Restaurant. Tickets are on sale for \$30.00 each for dinner.

Mr. John Burnham, 178 Scantic Road addressed the Board. He thinks it is unfair to comment about the Board of Finance when on two of their members are not in attendance in this meeting as they do not have an opportunity to discuss the issues. He is sure no one on the Board of Selectmen would like if members of the Board of Finance talked about them at their meeting.

Ms. Kathleen Pippin of 37 Woolam Road addressed the Board. She seconded Mr. Burnham's comments and added the Mr. Dearborn is the liaison to the Board of Finance and WPCA but he does not attend those meetings and should already know the answers to the questions.

Mr. Kirk Monstream. He wanted to thank the public works department for water at Community Garden and Dog Park. It was greatly appreciated.

It was **MOVED** (Pippin) and **SECONDED** (Dearborn) and **PASSED** (3-0) (In Favor: R. Pippin, J. Bowsza and S. Dearborn, Opposed: None, Abstain: None) that the Board of Selectmen moves Agenda Item No. 10 New Business, C. Veteran's Memorial Project out of order and to be heard before Agenda Item 8 Board and Commissions Resignations and Appointments.

X. New Business

c. Veteran's Memorial Project

Mr. James Barton, Chairman of the Veteran's Commission along with Mr. Jay Ussery, of JR Russo Land Surveyors and Civil Engineers

addressed the Commission. As part of their presentation, they had a model of the proposed project along with a map of the area. Mr. Ussery explained the map which is located in Warehouse Point at the intersection of Main and Bridge Streets, across the street from the Maine Fish Market. Currently, the location has a memorial stone located in the center of the parcel, a flag pole and paver stone. The proposed project will add eight new monuments next to the existing monument, benches and landscaping. There are many over grown trees and shrubs that will be removed to open up the area. It is hoped to have power brought out to the pole so a PA system can be used during events, such as the annual Memorial Day Parade. The Veteran's Commission is coming before this Commission requesting for any input feedback and to obtain approval to move forward in further planning, including fundraising and obtaining bids. It was noted the lights around the monuments would be installed underground and there would be a charge of approximately \$35.00 per month for the electricity service. Mr. Barton commented that this project all rests on fundraising and in order to start the process and hopefully have the project completed by Memorial Day 2017. He explained the dimensions of the monuments and the cost of each is approximately \$4800. The plan is proposing eight monuments. Other costs which have to be considered are paver stones, benches and landscaping. The Garden Club will be asked for assistance in the landscaping; however, the bushes, trees and flowers planned will have to be low maintenance as the Town does not have the resources to have someone maintaining those plants. Future concerts or other events could be held at that site not just Veteran functions. Mr. Barton further advised that monuments will represent all of the different branches of the military and will list names of the veterans from East Windsor who died in action during the Revolutionary War, Civil War, War of 1812, Spanish American, World War I, World War II, Korea, Vietnam and the conflicts of the Middle East. It was the general consensus that the Board of Selectmen are in favor of the concept.

A brief discussion was held.

It was **MOVED** (Pippin) and **SECONDED** (Dearborn) and **PASSED** (3-0) (In Favor: R. Pippin, J. Bowsza and S. Dearborn, Opposed: None, Abstain: None) that the Board of Selectman endorses the proposed plan of the East Windsor Veteran's Commission for the Memorial Green Project in Warehouse Point as proposed wholeheartedly and to move forward with fundraising.

It was **MOVED** (Pippin) and **SECONDED** (Dearborn) and **PASSED** (3-0) (In Favor: R. Pippin, J. Bowsza and S. Dearborn, Opposed: None, Abstain: None) that the Board of Selectmen moves back in order to Agenda Item No. 8, Board and Commission Resignations and Appointments.

VIII. Board and Commissions Resignations and Appointments

a. Resignations: None

b. Re-Appointments: None

c. New Appointments: Planning and Zoning Commission, Tim Moore (U), Regular Member for a term expiring 10/01/19

It was **MOVED** (Pippin) and **SECONDED** (Bowsza) and **PASSED** (3-0) (In Favor: R. Pippin, J. Bowsza and S. Dearborn, Opposed: None, Abstain: None) that the Board of Selectmen approves the appointment of Mr. Tim Moore (U) to the Planning and Zoning Commission, for a term expiring October 1, 2019.

IX. Unfinished Business

a. Parliamentary Procedures

Mr. Maynard commented about Robert's Rules for Amending a Motion. He gave to all of the Board Members a handout entitled "Robert's Rules for Amending a Motion". He read from the document, "If an amendment is adopted, the motion it's applied to changes. However, the amended motion itself is not adopted until the motion, as amended, is voted on and passes. If a motion to amend fails, the original motion is not changes in any way". He asked that all Board Members try to follow this procedure.

b. Barber Hill School Update

Mr. Maynard commented that the next step he has talked to Ms. Laurie Whitten, Town Planner, to made an application for a re-subdivision which will require a public hearing, two notices 15 days before the hearing and 3-9 days before the hearing that Planning and Zoning will hold a public hearing on changing the use of those four acres from open place to a non-building lot.

c. Discussion of Panhandling Ordinance

Mr. Maynard indicated the Board Member's packet is the rewritten panhandling ordinance of the Town of Enfield which has been tailored for the

Town of East Windsor. He asked if there was any discussion. Mr. Pippin suggested that it would have to be recommended to the next Town Meeting.

It was **MOVED** (Pippin) and **SECONDED** (Dearborn) that the Board of Selectman adopts the Panhandling Ordinance as presented and send the ordinance to the next scheduled Town Meeting.

A discussion was held. Mr. Bowsza discussed a recent email from the Town Attorney which indicated this ordinance is unconstitutional along with a recent newspaper article given to the Board a few meetings ago from Mr. Paul Anderson which discussed this very issue. Mr. Bowsza indicated this ordinance has been clearly deemed unconstitutional in case law. Mr. Dearborn and Mr. Pippin discussed how they have been approached in parking lots and on street corners by people asking for money. They believed the ordinance would probably never be enforced.

A vote was taken:

In Favor: R. Pippin and S. Dearborn

Opposed: J. Bowsza

Abstain: None

Motion carried.

d. South Road Past Due Rent

Not discussed at this meeting.

e. Discussion of Opioid Task Force

Not discussed at this meeting.

f. Sale of Town Property

Mr. Maynard indicated that in the Board Member's packet emails which have been sent over two months ago regarding the sale of town property addressed to the Town Attorney. There are six questions he had posed to the Town Attorney regarding the sale of town property. He read through all of those questions, which were:

1. Section 10-8C of the Town Charter deals with real estate sales. Not all properties which were acquired by tax foreclosure, so I am correct in saying a town meeting is required? Mr. Maynard answered this question as "yes".

2. How should the Town go about hiring one or more real estate agencies to sell the land? Mr. Maynard answered the question that he will put an ad in the *Journal Inquirer* and interview three agents.

3. Should we publish an RFP or RFQ? Mr. Maynard answered the question as “no”.

4. If we do publish an RFP or RFQ, what is the proper text for the request? Mr. Maynard answered this question as moot.

5. Will we need Joshua to be involved in the signing of the contracts with real estate agencies? Mr. Maynard answered the question as “no”. Mr. Pippin indicated he thinks that the contracts have to be looked at by the Town Attorney to make sure they are legal. Mr. Maynard indicated the Town Attorney didn’t answer him so he believes he does not have to have him review the contracts. Mr. Pippin also suggested using local real estate agents.

The Tax Collector joined the conversation and indicated that 90% of those properties were obtained by foreclosure and the attorney would not have to review. Mr. Bowsza quickly noted that the Town does need the Town Attorney to do the closing. The Tax Collector wanted to clarify what she said and she meant to say that the sales of 90% of the properties were obtained by foreclosure so a Town Meeting was not necessary. It was asked about appraising the lots of land and using the current assessments. It was questioned again if the Town Attorney has to become involved to review the contracts as some of the properties are small parcels and not worth much money. It was suggested talking to the neighbors of those lots as they may be interested in purchasing them. There was one parcel in particular that USA Hauling is interested in purchasing.

f. Discussion of Sign Policy

Mr. Maynard commented that in the Board packets are is a copy of the Planning and Development Public and Non-Profit Sign Approval Form. He has made some minor changes to that form, which is “Signs may be displayed for the months of April through November”. He said the rules for signs come from Planning and Zoning and any major changes to the policy itself would have to come from that Commission. He discussed the various regulations in the policy itself, including signs cannot be an obstruction and the maximum size is 4 feet x 8 feet. This will allow advertising of events for organizations.

Mr. Jim Richards from the audience caused the Board as how the Town will enforce this policy since the sign ordinances cannot be enforced as the Town currently does not have a zoning enforcement officer. Also you will not be able to restrict content of the signs as it becomes a First Amendment question.

Mr. Maynard asked Mr. Richards to comment during the public participation of the meeting.

Mr. Bowsza commented that Mr. Richards has raised a valid point. He recalls a lengthy discussion held last fall about this very subject and it was made very clear by a Supreme Court ruling that speech cannot be restricted. He believes the case that was talked about was Reed vs. Town of Guilford. Mr. Maynard indicated maybe this sign policy should be postponed until he had a chance to read the case of Reed vs. Town of Guilford. However, in his opinion and he is not a lawyer, there are only four places where signs can be posted and signed on schools grounds would be unacceptable.

A lengthy discussion was held.

X. New Business

a. 250th Anniversary

Mr. Maynard invited Mr. John Burnham and Mr. Kirk Monstream to discuss the 250th Anniversary of the Town of East Windsor. He read from an email he sent regarding the 250th Anniversary of the Town of East Windsor. He hopes to form an exploratory group and set a time and place for a meeting. He would like to discuss ideas and get some feedback from people in attendance from the meeting for the celebration. Mr. Burnham believes that this is a wonderful idea and he remembers the 200th Anniversary celebration back in 1968 and he was thirteen years old. He noted that the East Windsor Historical Society are very favorable of the idea and are willing to help. Mr. Monstream mentioned the Town of Tolland just celebrated their 300th Anniversary and suggested talking to those who planned their celebration to get ideas. He also suggested the possibility of having the Trolley Museum involved along with all of the churches and other community organizations.

It was **MOVED** (Bowsza) and **SECONDED** (Pippin) that the Board of Selectman create an Ad Hock Committee for the Town of East Windsor 250th Anniversary Celebration.

A brief discussion was held regarding how many members will be on the committee, who will be the core group of members. Mr. Burnham asked to hold up on the formation of a committee until a meeting can be set up with the person who ran the Tolland celebration and return to the Board with ideas from that meeting. Mr. Bowsza withdrew his motion.

Mr. Monstream suggested using social media such as Facebook to keep the community involved. Mr. Burnham indicated that Mr. Bowsza, himself and Mr. Monstream will schedule a meeting with the Tolland Chairperson and

report back to the Board at the next scheduled Regular Meeting in two or three weeks.

b. Fire Marshal April Report

Mr. Maynard commented that in the Board Member's packets is the Fire Marshal April Report for their review. A report from the Fire Marshal will be submitted to the Board of Selectmen at the first meeting of each month for their review.

c. Veteran's Memorial Project

Previously discussed at this meeting.

d. Board Brook Mill Site Remediation

Mr. Maynard remarked that he has been asked about an update to the site remediation at the Broad Brook Mill site. He showed a presentation which was sent to him by Hamilton dated August 11, 2015. It was a power point presentation which showed pictures of the site and history of the site. It listed what the Department of Environmental Protection have been working with Hamilton to clean the site and to give guidance. They have been working on this project for the past 20 years. It was asked if there was anything new to report as this report is the same one given back in August of 2015. Mr. Maynard shared emails he has received on May 11, 2016 explaining what progress is taking place at the present time. Mr. Maynard indicated that there are plans in place to start apply for permits from the Town for excavating wetlands and soil mixing.

A discussion was held. It was the general consensus that the remediation is taking a long time and the Board should invite DEEP and EPA to an upcoming Board Meeting to discuss this matter further. It was also suggested to form a Committee to follow the progress of the mediation. It was eventually decided that Mr. Maynard will invite those officials to an upcoming meeting

e. Discussion of Landscaping a Couple of Locations in East Windsor

Mr. Bowsza commented that he has received an email from Donna Grant regarding the Welcome to East Windsor – Melrose sign that is not on town property and to maintain the property around the sign is on private property and the couple who owns and maintains that property are in their late 80s. They have to cross the busy street to maintain the property. This is a serious safety concern as they have to cross Broad Brook Road. She is asking if there is anything we can do, she would appreciate it. Mr. Maynard also needs to have the grass mowed by the skate park. He says that he has spoken to the

Public Works Director and that property is not considered town property. The property has been maintained by a volunteer, who cannot do it any longer. It was asked why public works department cannot mow the grass. Mr. Maynard indicated the Grants have suggested leasing the lot for \$1.00 per year to allow the Town to maintain the property. There were questions about the skate park and the dog park and maintaining that property. It was believed when those parks were developed, there were agreements with those committees that those parks would be maintained by those committee and boards. It was suggested that the Board review those agreements before any decisions are made.

It was **MOVED** (Pippin) and **SECONDED** (Dearborn) that the Board of Selectman authorizes the lease of the property owned by the Grant family for \$1.00 per year for the Town of East Windsor – Melrose sign.

A discussion was held.

A vote was taken:

In Favor: R. Pippin, J. Bowsza and S. Dearborn
Opposed: None
Abstain: None

Motion carried.

It was **MOVED** (Pippin) and **SECONDED** (Dearborn) that the Board of Selectman authorizes the Public Works Department to maintain the leased property in which the Welcome to East Windsor – Melrose sign is located.

A discussion was held. It was asked about any legal concerns and if the Public Works Director has been notified of this possible change. It was noted that he has not been notified.

A vote was taken:

In Favor: R. Pippin, J. Bowsza and S. Dearborn
Opposed: None
Abstain: None

Motion carried.

The next topic was the maintenance of the Skate Park. Mr. Bowsza asked if an agreement is in place with the Skate Park and the Town. Mr. Pippin believes one does exist and suggests it be looked at before any decisions are made. Mr. Maynard asked why the agreement needs to be reviewed and Mr. Dearborn added that the Town owns the land. Mr. Bowsza continued to add

that an agreement was made regarding the use and yearly maintenance of the infrastructure. He thinks the Skate Park Maintenance should be tabled until the agreement can be reviewed as the next park looking for maintenance will be the Dog Park.

There was audience chatter and Mr. Maynard stood up and indicated the meeting was getting out of control and the only people that should be talking and making any decisions are the members of the Board of Selectmen. If the audience wants to make any comments, they can do so during the public participation of this meeting.

Mr. Bowsza indicated that in addition to the Skate Park, the Dog Park the next park to be looking for maintenance will be the Community Gardens. These parks were developed with private funds and agreements were made.

Mr. Bowsza wanted to clarify that the Town will lease the Grant property for \$1.00 per year and maintain that small parcel.

f. Budget Discussion

Mr. Dearborn remarked that he brought the budget up in the beginning of the meeting as he was told the increase was 1.84% and he believes that it is in the best interest of the Town to vote in favor of this proposed budget. If not, the Town will have to have another referendum which will cost the Town \$3,500. He voiced his concerns with the State budget cuts and revenue from the State decreased. He understands the extra money that funded the Warehouse Point Fire District is being used to help the loss from revenue from the State. He mentioned that people in the Town are not happy, especially with not funding the Broad Brook Library and the Youth Center, but they have to understand it vote no, that is not going to change.

XI. Selectmen Comments and Reports

a. Jason E. Bowsza

See Schedule A attached hereto.

b. Dale A Nelson

No report given as she was absent from the meeting.

c. Richard Pippin, Jr.

Mr. Pippin commented on the recent Inland/Wetland Meeting of May 4, 2016 which discussed the industrial building on the corner of North and Wells Road. Also discussed was the expansion of Scout Hall walking trail. A field

trip was taken to the Poultry Production plant on Newberry Road to see the disposal of parking lot waste. There was a discussion of Newberry Village regarding the paving and how the wildlife is thriving in the area.

He attended the East Windsor Historical Society Meeting. At that meeting, discussions of the 250th Anniversary were held and Community Day has been scheduled for September 24, 2015 and a sign for Melrose and Bob was supposed to talk to the person in possession of that sign. He also mentioned he has seen test borings at the property on North Road, which is a good sign that someone is interested in that lot of land

d. Steven Dearborn

No report given.

e. Robert Maynard

Mr. Maynard mentioned a dedication ceremony for the Lady in Red on June 4, 2016 at 11:00 a.m. at East Windsor Park.

XII. Public Participation

Mr. John Rasmussen of Melrose Road addressed the Board. He understands that the audience should not interrupt a meeting and he has been at other meetings where the Chairman of the Board has a gavel and when things get a little out of control, he knocks the gavel a few times and announces the meeting is out of order. He commented about the Melrose sign and indicated that public works is supposed to mow the grass on both sides of Melrose Road and another twenty feet to mow is not a lot to ask. Lastly, in regard to the sign regulations, he does not agree with Mr. Bowsza interpretation of the case Reed vs. Town of Guilford. He believes the case does not address content and he is surprised by his comments. Mr. Bowsza wanted to respond but was told he should not by Mr. Maynard. Mr. Rasmussen went on to say that regulations in regards to locations can be regulated

Mr. Thomas Talamini of 23 Rice Road addressed the Board. He inquired about the other Welcome to East Windsor signs and who takes care of the maintenance of those signs. Mr. Dearborn commented the sign by Harkin's Market is taken care of by Harkins and the other one on Newberry Road is taken care of that landowner. The one on Route 5 by the Enfield town line is on the Balch's property.

Mr. Jim Richards addressed the Board. He wanted to voice his concerns about the panhandling ordinance and sign policy as those concerns about being unconstitutional and who will be enforcing those policies and ordinances. He thanked Mr. Dearborn for his support of the proposed budget.

Ms. Kathleen Pippin addressed the Board. She is concerned that the Board did not listen to Mr. Bowsza when it came to the panhandling ordinance or the sign policy. He is trying to guide the Board so they do not get into legal trouble.

XIII. Executive Session

It was **MOVED** (Pippin) and **SECONDED** (Dearborn) that the Board of Selectmen moves into Executive Session pursuant to Connecticut General Statutes Section 1-200(a) personal, and Section 210, (b)(1) and (b)(4) contracts, legal and pending litigation as to include the Tax Collector, Patti Kratochvil

A vote was taken.

In Favor: R. Pippin, S. Dearborn and J. Bowsza

Opposed: None

Abstain: None

Motion passed and the Board went into executive session at 8:57 p.m.

The Board came out of the executive at 9:37 p.m.

It was **MOVED** (Bowsza) and **SECONDED** (Pippin) and **PASSED** (3-0) (In favor: J. Bowsza, R. Pippin, and S. Dearborn Opposed: None, Abstain: None) that the Board of Selectmen approves the engagement letter between Adam J. Cohen of Pullman and Comley and the Town of East Windsor for tax collection matters dated May 12, 2016 and to authorize signature of the letter.

XIV. Adjournment

It was **MOVED** (Dearborn) and **SECONDED** (Pippin) and **PASSED** (3-0) (In favor: J. Bowsza, R. Pippin, and S. Dearborn Opposed: None, Abstain: None) that the Board of Selectmen adjourns the Board of Selectmen Regular Meeting of May 17, 2016 at 9:42 p.m.

Respectfully Submitted,

Denise M. Piotrowicz
Recording Secretary

SCHEDULE A

Selectmen's Report - May 17, 2016

It's been a quiet few weeks.

The Planning and Zoning Commission did not meet last week.

On Wednesday, 5/11, I attended the Board of Finance workshop after the defeat of Tuesday's referendum. The next referendum, scheduled for next week, will be a 1.82% spending increase. That means that the Board of Finance has now trimmed nearly \$1 million from what was submitted to them by the Boards of Selectmen and Education. Those are not easy decisions to make, and the Board of Finance continues to do the hard work of finding a budget that meets the needs of our town and also meets the town's willingness to pay. I thank them for their good work.

Last night, I attended the East Windsor Housing Authority meeting. They signed the PILOT extension for one more year.

Next Tuesday is the next budget referendum. I encourage everyone to vote.

On June 4, there will be a bench dedication in memory of Nancy Fortin, the Lady in Red, at 11am at the East Windsor Park.

On June 14, the East Windsor AG Commission will be holding a forum pertaining to pollinator health. The event will be at 6pm at Scout Hall and is open to the public.