

TOWN OF EAST WINDSOR BOARD OF SELECTMEN

REGULAR MEETING

Thursday, August 15, 2019

7:00 p.m.

Town Hall Meeting Room
11 Rye Street, Broad Brook, CT. 06016

Meeting Minutes

**** These Minutes are not official until approved at a subsequent meeting****

Board of Selectmen:

Robert Maynard, First Selectman
Steve Dearborn, Deputy First Selectman
Jason Bowsza, Selectman
Andy Hoffman, Selectman
Charles J. Szymanski, Selectman

ATTENDANCE: Board of Selectmen: Robert Maynard, First Selectman; Steve Dearborn, Deputy First Selectman; Jason E. Bowsza, Selectman; Andy Hoffman, Selectman; Charles J. Szymanski, Selectman.

ABSENT: All Selectmen were present this evening.

SPEAKERS/GUESTS: Agricultural Commission: Glenn Reichle; Beautification Committee: Jillian Hubbard; Charter Revision Commission: John Matthews, Chairman; Bill Loos, Member; Police Commission: Bob Leach, Chairman; Warehouse Point Fire District: D. James Barton, Treasurer; Public: Paul Anderson, Marie DeSousa; Dick Pippin, Kathy Pippin, Mike Savelyev.

Press: No one from the Press was present.

TIME AND PLACE OF REGULAR MEETING:

First Selectman Maynard called the Regular Meeting to Order at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

PLEDGE OF ALLEGIANCE:

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Everyone present stood to recite the Pledge of Allegiance.

AGENDA APPROVAL:

MOTION: To UNSTAR item 9C under UNFINISHED BUSINESS – Discussion of Casino.

Maynard moved/Hoffman seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Maynard/Dearborn/Bowsza/Hoffman/Szymanski)
(No one opposed/No abstentions)

MOTION: To ADD to the Agenda as Item 10C under NEW BUSINESS – Discussion of the Warehouse Point Fire District Supplemental Appropriation.

Maynard moved/Bowsza seconded/DISCUSSION: Selectman Bowsza questioned the reason for the addition. First Selectman Maynard indicated the motion made at the previous meeting had not referenced the funding was a supplemental appropriation. Selectman Bowsza suggested adding the Item under UNFINISHED BUSINESS instead.

First Selectman Maynard concurred, and rescinded his motion.

MOTION: To ADD to the Agenda as Item 9F under UNFINISHED BUSINESS – Discussion of the Warehouse Point Fire District Supplemental Appropriation.

Maynard moved/Bowsza seconded/DISCUSSION: Nothing Additional

VOTE: In Favor: Unanimous (Maynard/Dearborn/Bowsza/Hoffman/Szymanski)
(No one opposed/No abstentions)

MOTION: To APPROVE the Agenda as amended.

Maynard moved/Szymanski seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Maynard/Dearborn/Bowsza/Hoffman/Szymanski)
(No one opposed/No abstentions)

ATTENDANCE: See page 1.

APPROVAL OF MEETING MINUTES/Regular Meeting Minutes of August 1, 2019:

MOTION: To APPROVE the Regular Meeting Minutes of the Board of Selectmen Meeting dated August 1, 2019 as presented.

Maynard moved/Hoffman seconded/DISCUSSION: None

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**VOTE: In Favor: Unanimous (Maynard/Dearborn/Bowsza/Hoffman/Szymanski)
(No one opposed/No abstentions)**

COMMUNICATIONS:

Selectman Bowsza noted receipt of an email sent to each of the Selectmen individually from Barbara Sherman. At the request of First Selectman Maynard, Selectman Bowsza read the following:

- Please thank the members of the Charter Revision Commission for their time and efforts in attempting to revise the Town of East Windsor Charter. However, I must ask that you vote against these suggestions. Too much was attempted, yet too much was not addressed. At the least we need to wait until after the elections to start with our new slate.

Thank you for your attention to my request.

Sincerely, Barbara Sherman

First Selectman Maynard noted he had no other communications to acknowledge.

PUBLIC PARTICIPATION:

Paul Anderson, 89 Main Street: Mr. Anderson reported on the following issues:

- He hoped everyone will get to see the Chamber of Commerce insert in the JI (Journal Inquirer). They did a great job on it; it will help to promote businesses in East Windsor.
- Mr. Anderson reported he supports the appointment of James Richards to the Water Pollution Control Authority. Both Mr. Anderson and Art Enderle would like to have Jim on the Board. He has served on the Board previously, he has an understanding, he has a business orientation, which is a positive. He comes highly recommended.

Marie DeSousa, 10 Rice Road: Mrs. DeSousa offered the following:

- She attended a recent Chamber of Commerce event; it was a small gathering but it was enlightening.
- Mrs. DeSousa reported that one of the things that came up after the Chamber of Commerce event was she had mentioned the tv screen in the hallway has a slide for the Sardilli development. Mrs. DeSousa reported she has heard they are going to Windsor; is that accurate? First Selectman Maynard replied affirmatively. Mrs. DeSousa suggested staff should update the tv screen.

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Mike Savelyev, 49 Highland Avenue: Mr. Savelyev's recently seen in the paper that Ned Lamont is offering to move the casino to Hartford. Mr. Savelyev doesn't know where you guys stand as a Board but he thought this is really something we should reconsider. Mr. Savelyev has been opposed to the casino in this town since the beginning; he doesn't feel it's an appropriate fit. Mr. Savelyev feels there will be some short term gains but in the long term it will be an eyesore. Mr. Savelyev thinks Hartford would be a much more appropriate place for the casino. Mr. Savelyev understands we all want the money; we all support the Town. But Mr. Savelyev feels it will bring short term gains and long term headaches.

BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/A.

Resignations:

1. Erica Giroux (D), Beautification Committee.

MOTION: Move, with regret, to APPROVE the resignation of Erica Giroux from the Beautification Committee.

Maynard moved/Bowsza seconded/**DISCUSSION:** None.

VOTE: In Favor: Unanimous (Maynard/Dearborn/Bowsza/
Hoffman/Szymanski)
(No one opposed/No abstentions)

BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/B

Reappointments:

No Reappointments this evening.

BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/C. New Appointments:

1. Francine R. Lowell (U), Beautification Committee, regular member for a term expiring May 1, 2020:
2. Jaimie McBride (D), Beautification Committee, regular member for a term expiring May 1, 2020:
3. Tim Moore (U), Beautification Committee, regular member for a term expiring May 1, 2020:

MOTION: To APPOINT Francine R. Lowell (U), Jaimie McBride (D), and Tim Moore (U), to the Beautification Committee as regular members for terms expiring May 1, 2020.

Bowsza moved/Szymanski seconded/DISCUSSION: Selectman Hoffman felt the Board should provide an explanation to the Committee of what's expected of them and what restrictions might be involved in their projects; Selectman Hoffman felt the Board should give the Committee direction. He noted he had provided Selectman Szymanski,

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as the Board member who initiated the request for this committee, a draft of guidelines. First Selectman Maynard suggested perhaps some of Board could attend the committee's meetings; maybe the Committee could work with businesses on their properties. Selectman Bowsza suggested the Committee gave the Board a list of questions; he met with Jillian Hubbard personally to discuss his comments. First Selectman Maynard recalled the Board gave the Committee a charge; he didn't want the Board to be overbearing. Selectman Szymanski concurred with Selectman Hoffman, noting this is a brand new committee. He recalled that when the Board had agreed to create this committee the intent was for them to improve Town properties, like the Town Hall and the Annex, and the entrances to Town; he didn't feel the Town should get involved with local businesses. Selectman Szymanski suggested meeting with the committee and perhaps the Garden Club to get some clarity to identify what properties should be handled by which group.

**VOTE: In Favor: Unanimous (Maynard/Dearborn/Bowsza/
Hoffman/Szymanski)
(No one opposed/No abstentions)**

4. James Richards (R), Water Pollution Control Authority, regular member for a term expiring October 1, 2023:

MOTION: To APPOINT James Richards (R) to the Water Pollution Control Authority for a term expiring October 1, 2023.

Maynard moved/Bowsza seconded/DISCUSSION: None

**VOTE: In Favor: Unanimous (Maynard/Dearborn/Hoffman/Szymanski)
(No one opposed/No abstentions)**

UNFINISHED BUSINESS/*A. Broad Brook Mill Discussion:

* Any starred items will not be discussed but will remain on the agenda pending receipt of additional information.

UNFINISHED BUSINESS/B. Discussion of Charter Revision:

First Selectman Maynard provided the Board with a document entitled "TOWN OF EAST WINDSOR BOARD OF SELECTMEN – RESOLUTION – PROPOSED CHARTER AMENDMENTS AND REVISED CHARTER". He reported the Board would be voting on the Legal Notice and the Resolution; the Board would also be voting on the order of the questions.

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First Selectman Maynard noted the Charter questions are on page 2 and page 3 of the Legal Notice; he began by asking if anyone wanted to change the order in which the questions have been proposed?

MOTION: Move to thank the Charter Revision Commission and to dismiss their recommendations.

Bowsza moved – no seconded the motion, *the motion failed.*

MOTION: Move to ACCEPT the order of the ballot questions as they appear in the document entitled “Resolution”.

Maynard moved/Szymanski seconded/DISCUSSION: Selectman Bowsza suggested the questions are no clearer than they were Monday night (August 12, 2019). Selectman Bowsza suggested switching ballot question #6 – “Shall Charter Sections 8-5, entitled Submission of Budgets to Referendum, be amended to require separate votes for the Town Government Budget and Board of Education Budget at the Budget Referendum? YES/NO” and ballot question #9 – “Shall Charter Section 10-5, entitled Town Meeting by Petition, be amended to increase the minimum number of days to fourteen (14) to collect signatures to adjourn a special Town meeting to a Referendum? YES/NO?” Deputy First Selectman Dearborn questioned the purpose for the switch? Selectman Bowsza suggested he preferred keeping the substantive questions together. Deputy First Selectman Dearborn suggested he would like to see ballot question #11 – “Shall Proposed new Charter Section 6-6(I), entitled Police Department, be added to the Charter to establish the Town of East Windsor Police Department as a Town Department? YES/NO” moved up within the top six (6) questions. Selectman Bowsza noted that would then move the order of the prior questions. Selectman Szymanski and Selectman Hoffman opposed moving the order of ballot questions #6 and #9. Discussion continued regarding question order (see additional discussion below).

First Selectman Maynard CALLED FOR A VOTE on the Resolution as presented.

Selectman Bowsza requested the motion be read; the recording secretary indicated the motion was to APPROVE/ACCEPT the order of the ballot questions as presented.

ADDITIONAL DISCUSSION: Deputy First Selectman Dearborn suggested the ballot question changing the title of the Treasurer to Finance Director is a minor change; he suggested putting the more important questions at the front of the order as people may tire as they work through the questions. Deputy First Selectman Dearborn noted ballot question #11 regarding the Police Department is an important question but he agreed to go with the order of the ballot questions as presented.

VOTE:

In Favor:	Hoffman/Szymanski/Dearborn/Maynard
Opposed:	Bowsza
Abstained:	No one

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MOTION: Move to ACCEPT the wording of ballot question #2 be accepted as presented – “Shall the Charter Section 6-6(D) be amended to change the title of the Town Treasurer to Finance Director and throughout the Charter? YES/NO?”

Maynard moved/Szymanski seconded/DISCUSSION: First Selectman Maynard suggested the Board is doing this is when reviewing the Minutes of the August 1st, 2019 Board of Selectmen’s Meeting when Treasurer O’Toole noted there were four instances of discrepancies which would need to be changed.

VOTE: In Favor: Hoffman/Szymanski/Dearborn/Maynard
Opposed: Bowsza
Abstained: No one

MOTION: Move to APPROVE the wording of ballot question #4 as presented, including the effective date – “Shall Proposed New Charter Section 6-6(H), entitled Administrative Officer, be added to the Town Charter to establish a professional Administrative Officer position, effective July 1, 2020? YES/NO”?

Maynard moved/Szymanski seconded/DISCUSSION: First Selectman Maynard noted the change is the effective date, as the Board wouldn’t want to have the position be effective prior to the new budget.

VOTE: In Favor: Hoffman/Szymanski/Dearborn/Maynard
Opposed: Bowsza
Abstained: No one

MOTION: Move to APPROVE the wording of ballot question #7 as presented – “Shall Charter Section 8-9, entitled Annual Audit, be amended to require operational audits of the three (3) largest Town operating departments every four (4) years? YES/NO”?

Maynard moved/Hoffman seconded/DISCUSSION: Selectman Bowsza questioned the change? First Selectman Maynard clarified that “the 3 largest” Town operating departments had been added to the question.

VOTE: In Favor: Hoffman/Szymanski/Dearborn/Maynard
Opposed: Bowsza
Abstained: No one

MOTION: Move to APPROVE ballot question #12 as presented – “Shall Proposed New Charter Section 10-10, entitled Power of Overrule, be added to the Charter stating a referendum receiving a 55% vote overrides a Town Meeting or certain actions of the Board of Selectmen and the Board of Finance? YES/NO?”

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Maynard moved/Szymanski seconded/DISCUSSION: Selectman Bowsza questioned what was changed in this question? First Selectman Maynard indicated the wording “certain actions of the Board of Selectmen and the Board of Finance” had been added to coordinate the documents.

VOTE: **In Favor:** Hoffman/Szymanski/Dearborn/Maynard
 Opposed: Bowsza
 Abstained: No one

MOTION: Move to ADOPT and APPROVE the LEGAL NOTICE – WARNING:
 ELECTORS OF THE TOWN OF EAST WINDSOR

 The Electors of the Town of East Windsor, Connecticut are hereby warned of a Referendum to be held on Tuesday, November 5, 2019, pursuant to Chapter 99 of the Connecticut General Statutes.

 The purpose of the Referendum is to consider adoption of amendments to the East Windsor Town Charter, as proposed by the East Windsor Charter Revision Commission and as approved in part by the East Windsor Board of Selectmen.

 The following Resolution was introduced and discussed at the Board of Selectman’s meeting held on August 15, 2019:

 WHEREAS, The East Windsor Charter Revision Commission (“the Commission”) was impaneled by Resolution of the East Windsor Board of Selectmen May 17, 2018, and

 WHEREAS, The Commission was charged with the responsibility of reviewing the East Windsor Town Charter (“the Charter”), and making recommendations for charter amendments; and

 WHEREAS, The Commission conducted public hearings on June 11, 2018 and April 22, 2019 and held meetings through 2018 and 2019, and

 WHEREAS, after conferring with the Board of Selectmen concerning the Commission’s draft proposed changes to the Town Charter, the Commission published its Final Report and its proposed Revised Town Charter with recommended Charter Amendments dated August 5, 2019 and forwarded the Final Report and Proposed Revised Charter to the Town Clerk for transmittal to the Board of Selectmen for its consideration.

Maynard moved/Szymanski seconded/DISCUSSION: Selectman Bowsza questioned if the ballot questions on this (RESOLUTION) conform to the changes just discussed? First Selectman Maynard replied affirmatively. Jillian Hubbard, 40 Mill Street, speaking from the

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audience, cited she hadn't seen Public Participation on this item; she questioned when she would be able to ask questions about the understanding of the ballot questions? First Selectman Maynard noted Ms. Hubbard arrived at this Meeting after Public Participation had been taken; he noted all of the documents being considered this evening will be available within a week, and the written documents will be attached.

VOTE: **In Favor:** **Hoffman/Szymanski/Dearborn/Maynard**
 Opposed: **Bowsza**
 Abstained: **No one**

MOTION: **Move to ADOPT and APPROVE the TOWN OF EAST WINDSOR BOARD OF SELECTMEN – RESOLUTION as presented.**

NOW, THEREFORE, BE IT RESOLVED:

1. **That a referendum on the proposed charter amendments as approved by the Board of Selectmen on August 12, 2019 shall be held on the Proposed Revised Charter on Tuesday, November 5, 2019 between the hours of 6:00 a.m. and 8:00 p.m., East Windsor, CT.**
2. **That the following ballot questions shall appear on the voting machine of the referendum in the following form:**

A "Yes" vote on a Referendum question is a vote to amend the East Windsor Town Charter as proposed by the East Windsor Charter Revision Commission in the August 5, 2019 Final Report, proposed Charter Amendments and Proposed Revised Charter and approved in part by the Board of Selectmen. A "No" vote on a Referendum question rejects the Charter amendment.

1. **Shall the Charter be amended to include specific Connecticut General Statute numbers when referencing a Connecticut Statute?**

YES/NO?

2. **Shall Charter Section 6-6(D) be amended to change the title of the Town Treasurer to Finance Director and throughout the Charter?**

YES/NO?

3. **Shall Charter Section 8-3, entitled General Provisions, be amended to add a subsection that establishes sealed bid**

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procedures requiring bids to be submitted to the Town Clerk and opened publicly?

YES/NO?

- 4. Shall Proposed New Charter Section 6-6(I), entitled Administrative Officer, be added to the Town Charter to establish a professional Administrative Officer position, effective July 1, 2020?**

YES/NO?

- 5. Shall Charter Section 8-6 be amended to require a narrative supporting the need and cost of supplementary appropriations be filed with the Town Clerk?**

YES/NO?

- 6. Shall Charter Sections 8-5, entitled Submission of Budgets to Referendum, be amended to require separate votes for the Town Government Budget and Board of Education Budget at the Budget Referendum Ballot?**

YES/NO?

- 7. Shall Charter Section 8-9, entitled Annual Audit, be amended to require operational audits of the three (3) largest Town operating departments every four (4) years?**

YES/NO?

- 8. Shall Charter Section 6-6(B), entitled Town Counsel, be amended to make the appointment of Town Counsel by the Board of Selectmen subject to the recommendation of the First Selectman?**

YES/NO?

- 9. Shall Charter Section 10-5, entitled Town Meeting by Petition, be amended to increase the minimum number of days to fourteen (14) to collect signatures to adjourn a special Town Meeting to a Referendum?**

YES/NO?

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10. Shall Proposed New Charter Section 10-9, entitled Automatic Referendum, be added to the Charter requiring a referendum for all Town Meeting actions involving expenditures in excess of \$200,000 in the aggregate?

YES/NO?

11. Shall Proposed New Charter Section 6-6(I), entitled Police Department, be added to the Charter to establish the Town of East Windsor Police Department as a Town Department?

YES/NO?

12. Shall Proposed new Charter Section 10-10, entitled Power of overrule, be added to the Charter stating a referendum receiving a 55% vote overrides a Town Meeting or certain actions of the Board of Selectman and the Board of Finance?

YES/NO?

3. That during regular business hours the full text of the Proposed Revised Charter is available for public inspection in the Town Clerk's Office, 11 Rye Street, East Windsor, Connecticut.
4. That the locations of the polling places for the referendum will be as follows: Town Hall, 11 Rye Street, Broad Brook, Connecticut and Town Hall Annex, 25 School Street, East Windsor, Connecticut. Voting machines will be used. The polling place will be open between the hours of 6:00 a.m. and 8:00 p.m.

Any person who is an Elector of the Town of East Windsor is eligible to vote.

Maynard moved/Dearborn seconded/DISCUSSION: Nothing further
VOTE: In Favor: Maynard/Dearborn/Hoffman/Szymanski
Opposed: Bowsza
Abstained: No one

NOTE: Please see Attachment A for a version of the Legal Notice and the Resolution that may be easier to read than the above motion.

UNFINISHED BUSINESS/C. Casino:

First Selectman Maynard recalled that on Monday, August 12, 2019, the Board of Selectmen voted to approve a Resolution supporting the CJRA (Connecticut Jobs and Revenue Act) which

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supports the Mashantucket Pequot and Mohegan Tribes in their development of the Tribal Winds Casino. The Resolution was sent to State Senator Saud Anwar, with copies to State Representative Carol Hall, State Representative Chris Davis, and State Senator Cathy Osten. A press release was also sent to the Hartford Courant, and the Journal Inquirer, explaining the reason for the Resolution. First Selectman Maynard provided a copy of the letter sent for the Selectmen. Selectman Szymanski suggested adding U. S. Representative John Larson as well.

First Selectman Maynard also recalled the Board had considered writing a letter to Governor Lamont regarding the significance of the Tribal Winds Casino to local jobs; he offered the Board a draft of this second letter for review. The Board requested the draft which eliminated reference to the Bridgeport casino and its impact on East Windsor and the Tribal Winds Casino be sent to Governor Lamont.

MOTION: Move to APPROVE the letter to Governor Lamont as presented.

Maynard moved/Szymanski seconded/DISCUSSION: Selectman Bowsza suggested revising the date to the date of this meeting.

**VOTE: In Favor: Unanimous (Maynard/Dearborn/Bowsza/Hoffman/Szymanski)
(No one opposed/No abstentions)**

Selectman Hoffman questioned if First Selectman Maynard could invite David Cappiello to a future Board of Selectmen's Meeting; First Selectman Maynard indicated he will invite Mr. Cappiello to the Board's second meeting in September.

UNFINISHED BUSINESS/*D. Discussion of Hartford Foundation's Greater Together Community Funds:

* Any starred items will not be discussed but will remain on the agenda pending receipt of additional information.

UNFINISHED BUSINESS/e. Tyler Regional Animal Care Shelter (TRACS):

First Selectman Maynard reported he has sent a letter to Police Commission Chairman Leach regarding two issues, one was to propose a visit to the Tyler Regional Animal Care Shelter at 124 Sullivan Avenue in South Windsor, and the East Windsor facility on Mill Street along with the current East Windsor Animal Control Officer, Cathy, and anyone else who would like to join them. First Selectman Maynard noted that he had offered to speak with Cathy to make the arrangements but in follow up discussion, Police Commission Chairman Leach had wanted to discuss the visit with Cathy first. First Selectman Maynard indicated his second item noted in the letter was his request to add discussion of the transition to the Tyler Animal Care Shelter to the agenda for the Police Commission's August 14th Meeting.

First Selectman Maynard reported the August 14, 2019 Police Commission Meeting was cancelled. Chairman Leach responded that he polled the Police Commission Membership, who

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made a unanimous decision to deny First Selectmen Maynard's request; the Commissioners believe that undue influence and using words and opinions of a public employee should never be used in the political decision making of the Board of Selectmen.

First Selectman Maynard noted the Board is trying to save the Town \$61,000 to bring the Mill Street facility up to a sub-standards – not the standards that would be required for a new facility - and the Board is trying to give our animals better care and, it turns out we can do it for about the same price.

First Selectman Maynard disagreed that this proposal is political. He suggested this proposal is part of the job of the Board of Selectmen; they are trying to save the Town of East Windsor money and taking care of Town property.

Selectman Szymanski concurred with First Selectman Maynard; he didn't see this proposal as a political issue. The Board is trying to provide a better facility for the animals that require shelter in town. Selectman Szymanski noted it's the Town's responsibility to provide that shelter and where that shelter can be, based on what the Board thinks. There's been a push by the State and the Governor to have regional animal care shelters and regional animal control officers. Selectman Szymanski indicated he didn't see the regional animal control officer here but the Town has an opportunity to provide a better facility than what we currently have and we don't have to spend \$61,000.

Selectman Szymanski made a recommendation that First Selectman Maynard and Selectman Hoffman meet with the Town Attorney to discuss the Board's options for securing a place to have our animals cared for at the Tyler Regional Center.

First Selectman Maynard agreed to the meeting with the Town Attorney to review the document used by TRACS and solidify that agreement; Selectman Szymanski suggested the Board should also get the Town Attorney's opinion regarding the Board of Selectmen's authority to make the move to TRACS. Selectman Szymanski suggested First Selectman Maynard and Selectman Hoffman meet with the Town Attorney, as one on one meetings often result in better communication. First Selectman Maynard agreed to contact the Town Attorney.

Deputy First Selectman Dearborn questioned why the agreement has to be changed; he noted East Hartford and Manchester have signed the agreement. He questioned the Police Commission's ability to deny the First Selectmen's request; he would like the Selectmen to meet with the Town Attorney to move this along.

First Selectman Maynard cited he's the First Selectman of East Windsor. If he wants to know something about something that's structurally unsound he can talk to the Building Official, if he has questions regarding a tax issue or tax problem he talks to the Tax Collector, if he has a question about the Mill Pond fire he can talk to Social Services or the Captain of the Fire Department. First Selectman Maynard cited to run the Town and to make those decisions he must be able talk to people. If the Commission is denying the CEO of the Town the ability to

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talk to someone to gather information to decide if it's a good idea to transfer the care of our animals from East Windsor to TRACS - that discussion should be allowed. First Selectman Maynard cited when he spoke with the Chief about the problems with the ATVs and the motorcycles in the gravel pits the Chief took First Selectman Maynard and another police officer and toured the pits. He questioned why can't the Board transfer the animal care facility from East Windsor to South Windsor? First Selectman Maynard indicated he should be able to talk to anyone. As long as a Commission can stifle communication between the CEO and prevent him from gathering information he should have that isn't a good thing.

Selectman Hoffman suggested it's as simple as it being the obligation of the Town, and therefore the Board, to provide a facility, and it's up to the Police Commission to use it. And by doing this the Board of Selectmen is providing a facility; they have made a judgement based on facts, such as the cost and future costs we're going to have to expend on our current facility here in Town. It's a bad financial deal for East Windsor to keep the current facility; partnering with South Windsor is a better financial deal, and it's an excellent facility - clearly orders of magnitudes better than the one we have in East Windsor. Selectman Hoffman felt the Board of Selectmen should get a copy of the agreement with the Town of South Windsor so the attorney can review it, and the Board of Selectmen should move forward, sign the agreement, and become part of that consortium. South Windsor is a better deal.

Selectman Hoffman reported that the Police Commission and the Deputy Chief gave him a list of questions to be answered; he returned those answered questions to the Police Commission on July 23rd. Selectman Hoffman felt the answers were satisfactory, as the Police Commission did not object. Selectman Hoffman felt the Board should move forward.

Selectman Szymanski agreed with Selectman Hoffman; action on this decision has gone on for months. Selectman Szymanski cited the expenditure is going to cost us \$2,670 a year to partner with South Windsor, and we've spent countless hours putting together all the data for this and countless hours talking about it and now we're going to talk to the Town Attorney about moving forward with it – for the life of him he can't figure out why the Police Commission is against this. It makes no logic at all.

First Selectman Maynard recalled that someone at the last meeting said it was a safety issue, they didn't want Police officers, if the animal control officer wasn't there, leaving town to go to another town. First Selectman Maynard indicated he started at the door of the Police Station and drove to the Tyler Regional Animal Care facility – it took 9 minutes to get from the door of our Police Station to the door of the Tyler Animal Care Shelter; it was 5.3 miles. He then went from the door of the Police Station to the East Windsor facility on Mill Street and it was 9 minutes and 5.4 miles. So, it didn't take any longer to get to either animal care facility. First Selectman Maynard reported he clocked it from the Dairy Queen, which is the (town) line, to the animal care shelter in South Windsor and it took 1 ½ minutes – so the argument about safety sounds good but when you actually do the work it falls apart. And it was interesting that when we started this discussion with the Police Commission they were considering going to Suffield, which isn't a minute and a half away.

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Deputy First Selectman Dearborn recalled a discussion during the budget workshops when a figure of \$50,000 had come up; he questioned what that item had been about. First Selectman Maynard indicated he would talk to the Treasurer about it.

An unidentified audience member raised her hand to speak; First Selectman Maynard recognized the audience member. The audience member said it was her understanding that East Hartford and Manchester have been in conversations about pulling out (of the agreement with South Windsor). The audience member questioned if that happens, the numbers we're discussing, is that going to remain constant, or is there going to be ... First Selectman Maynard apologized for recognizing the audience member, as it has now opened a new line of discussion which may be misinformation. He cited the need to use caution when discussing rumors and factual information.

Selectman Bowsza offered his assistance, as he had been Chief of Staff at the Department of Agriculture when regulations pertaining to municipal animal care facilities were rewritten; he knows what they said. Selectman Bowsza suggested if East Windsor pulls out of our current circumstance we are no longer grandfathered under the Statutes, we would have to go beyond renovations for that facility and we would need to reconstruct one up to current regulations which are substantially different than those that were in place when the current animal care facility was constructed. That cost would be considerably more than the \$60,000 savings. Selectman Bowsza felt that's the root of the concerns that people have because if that 3 town, potentially 4 town agreement, dissolves we gave a huge problem

Discussion continued regarding mixing rumored information vs. concrete information. Selectman Bowsza suggested a concrete thing to put into the discussion is if we vacate the current facility that's no longer grandfathered and the cost to reinstate that is substantial; First Selectman Maynard agreed. First Selectman Maynard questioned that the rumor was a red herring; he didn't feel the Board should base their decision on that.

Selectman Szymanski suggested based on what Selectman Bowsza just said about East Windsor no longer being grandfathered, if we go with South Windsor and we have to come back, then you've just exactly stated why we need to make this change. Because that facility we have down the street here is not proper for the animals. We have to do it because the facility on Mill Street it's not a proper facility for the animals; it's bad for those animals when they have to be at the Mill Street facility when they could be over at South Windsor at a lower cost. Selectman Szymanski couldn't understand the Police Commission continuing to fight the transfer to a superior facility at a lower cost.

Discussion continued regarding the Police Commission's opposition to the Board of Selectmen's decision to transition to the Tyler Regional Animal Care Shelter. First Selectman Maynard clarified the Board isn't being political regarding this decision; the Board is doing their job trying to help the Town in the most efficient manner with regard to this Town property while providing the best care for the animals.

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Selectman Hoffman requested to offer one final comment. He suggested there was a rumor about Manchester pulling out – he reported he called the people in South Windsor and he was told that rumor is not true. Selectman Hoffman indicated he called East Hartford as he wanted to be able to cover the rumor tonight just in case it came up, but he did not receive a call back from the people in East Hartford. Selectman Hoffman reiterated that according to 2 people in South Windsor the Manchester rumor is a rumor and is not a fact.

First Selectman Maynard suggested moving on to the discussion of the Supplemental Appropriation to the Warehouse Point Fire District. **Jillian Hubbard, 40 Mill Street**, speaking from the audience, questioned if there would be discussion of Agenda item **UNFINISHED BUSINESS/*D. Discussion of Hartford Foundation's Greater Together Community Funds?** First Selectman Maynard noted the item was starred; as the Agenda indicates when referencing the "starred" items there will be no discussion this evening.

UNFINISHED BUSINESS/F. Discussion of Warehouse Point Fire District Supplemental Appropriation:

First Selectman Maynard reported that the Board had made a motion at the previous Meeting to return \$232,000 to the Warehouse Point Fire District budget line item. However, that motion hadn't included a reference that the funding was a supplemental appropriation, so the motion must be amended and moved again.

MOTION: I MOVE to AMEND the motion previously adopted at the August 1, 2019 Board of Selectmen Meeting to restore the \$232,000 line item for the Warehouse Point Fire District, to now read: "I move to request the Board of Finance to approve a supplementary appropriation of \$232,000 to be put aside for the Warehouse Point Fire District, and if the Warehouse Point Fire District signs a Memo of Understanding by November 1, 2019 stating that the \$232,000 will be used to reduce their Fiscal Year 2020 – 2021 Budgeted Mill Rate, make the \$232,000 available to the Warehouse Point Fire District on July 1, 2020".

Szymanski moved/Maynard seconded/DISCUSSION: Selectman Bowsza recalled he was opposed to the previous motion last time, and he'll vote against this motion, but not because he doesn't want this to happen or because he doesn't recognize that there's a problem, but he feels this isn't the solution. He feels this just extends the issue, and makes it a perennial issue that we need to tackle every year instead of fixing it once and getting it right. Selectman Bowsza also noted Treasurer O'Toole's comments about not having enough money to cover the transfer; he's interested in finding a resolution to that problem; he just doesn't think this is it. First Selectman Maynard clarified that Treasurer O'Toole had said the Fund Balance only has \$100,000 above the recommended maximum 20% retention rate for the Fund Balance, and if you make this motion to take the \$232,000 out of the Fund Balance then that would reduce the Fund Balance below the recommended maximum 20% retention rate, so we do have the money if you get precise; Selectman Hoffman concurred with First Selectman Maynard's recollection of Treasurer

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O'Toole's comments. Selectman Bowsza cited his past service on the Board when the Town had significantly lower Fund Balances; he was here when the Town was in terrible FISCAL shape; Selectman Bowsza suggested the policy and the guidelines were put in place for a reason, and the GASB recommendations are what they are so...tapping the savings account is not the solution to this.

VOTE: **In Favor:** **Maynard/Dearborn/Hoffman/Szymanski**
 Opposed: **Bowsza**
 Abstained: **No one**

NEW BUSINESS/A. Discussion of Farm Leases:

First Selectman Maynard referenced a memo dated August 8, 2019 from Albert Grant, Chairman of the Agricultural Commission regarding renewal of pending farm leases; First Selectman Maynard read Mr. Grant's memo (See Attachment B). Chairman Grant noted the Agricultural Commission would like to see preference be given to East Windsor farmers as the properties being rented were purchased with Town funds.

First Selectman Maynard noted the Agricultural Commission has submitted an RFP to be put out on the 4 parcels owned by the Town; the packet will be given to the Town Attorney for review and referral back to the Board of Selectmen. Deputy First Selectman Dearborn noted usually when something goes out to bid the Towns give a 10% advantage to local farmers. Deputy First Selectman Dearborn suggested adding that clause to the bid documents; First Selectman Maynard agreed. First Selectman Maynard indicated he would be returning the packets to the Agricultural Commission for feedback as well.

Selectman Szymanski referenced the RFP (Request for Proposals) (See Attachment C) for leasing farmland as noted; he questioned that Parcel 2, citing 53 acres located on Chamberlain Road, contained only the 53 acres? First Selectman Maynard didn't know personally. Selectman Szymanski then questioned if the Rye Street property (Parcel 1) contained any buildings or barns? Selectman Bowsza felt the Town properties didn't include barns, although he was aware of barns on adjacent properties.

Deputy First Selectman Dearborn noted the Kogut property contains a barn on Reservoir Avenue, which is falling apart. He questioned if the Town would do anything in the way of preservation of the barn? Selectman Bowsza suggested grants would be available through the Department of Agriculture in November; he referenced the Farm Viability Grant which is eligible for municipalities and non-profits, the Farm Preservation Grant, and the Farm Restoration Grant is for hard infrastructure and carries different thresholds for municipalities, non-profits, or private enterprises. Selectman Bowsza suggested the Farm Restoration Grant may not be appropriate for a barn but would be appropriate for clearing or fencing. Deputy First Selectman Dearborn also noted there have been other barns which required repair of roofs; he suggested the Town should consider allowing farmers to undertake the roof repair for consideration of a multi-year (5 years) lease.

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First Selectman Maynard requested the Selectmen read the material provided by Agricultural Commissioner Chairman Grant and give him First Selectman Maynard feedback.

NEW BUSINESS/B. Tax Refunds:

MOTION: To APPROVE Tax Refunds in the amount of \$4,270.50 as identified under Tax Refund Report dated August 12, 2019.

Szymanski moved/Hoffman seconded/DISCUSSION: None

VOTE: In Favor: Maynard/Dearborn/Bowsza/Hoffman/Szymanski

SELECTMEN COMMENTS AND REPORTS/A. Jason E. Bowsza:

See Attachment D for Selectman Bowsza's report.

SELECTMEN COMMENTS AND REPORTS/B. Charles J. Szymanski:

Selectman Szymanski indicated he had nothing to report this evening.

SELECTMEN COMMENTS AND REPORTS/C. Steve Dearborn:

Deputy First Selectman Dearborn indicated he had nothing to report this evening.

SELECTMEN COMMENTS AND REPORTS/D. Andy Hoffman:

Selectman Hoffman reported the Economic Development Commission has not met in July, and will not meet in August, as they take that month off.

Selectman Hoffman reported he spoke with Town Planner Ruben Flores-Marzan regarding items of interest for economic development and/or the Planning Office. Town Planner Flores-Marzan reported on the following 3 issues:

- Someone is growing 17 ½ acres of hemp on Harrington Road.
- The Electrical Brotherhood has started construction on their buildings across from Sustainable Building Systems; they look like they're ready to start pouring footings.
- The Planning Department has received a number of inquiries for solar companies who would like to put solar farms in old gravel pits. Selectman Bowsza suggested the reference to solar farms should be solar developments; they don't grow anything.

Selectman Hoffman indicated Town Planner Flores-Marzan didn't mention that Sardilli will not be coming to East Windsor. Selectman Hoffman questioned First Selectman Maynard if that's a new situation?

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First Selectman Maynard replied affirmatively, noting Mr. Ussery, of J. R. Russo & Associates, suggested that one of the reasons that Sardilli isn't coming to town is that the DOT delayed them too much. Sardilli had hoped to start building in the Spring and even now the DOT has not approved the intersection of Route 5. Sardilli now plans to refurbish a building in Windsor on Day Hill Road.

Selectman Bowsza questioned if the building Sardilli is pursuing in Windsor is already DOT approved; it doesn't make a lot of sense to start at the back of the line with DOT again.

Selectman Hoffman questioned if the Town could have done something to make it easier for Sardilli to develop here? First Selectman Maynard felt the only thing the Town could have done is to get the State involved, which brings him to another issue.

Today, Senator Anwar stopped into First Selectman Maynard's office, and they did discuss economic development. They discussed Sardilli specifically; First Selectman Maynard told Senator Anwar that it was DOT causing the problem, and Senator Anwar suggested the Town should advise him in the future. First Selectman Maynard indicated we did all we could as a municipality.

Selectman Szymanski questioned if at any time Sardilli gave First Selectman Maynard updates regarding the delays? First Selectman Maynard indicated they had said they were ready to go; it was the DOT, so we've lost them. Selectman Hoffman suggested the loss is a big hit to the community.

First Selectman Maynard reported he and Senator Anwar talked about economic development and Senator Anwar questioned how the State can help East Windsor and the region? First Selectman Maynard suggested it seems we have someone who will listen to that answer.

Selectman Hoffman questioned if the Board should ask Town Planner Flores-Marzan to put something together as to how the State can help East Windsor? First Selectman Maynard agreed.

Selectman Szymanski questioned Selectman Hoffman how the Economic Development Commission is doing? Selectman Hoffman indicated they don't meet very often, and are currently down to 3 members; discussion followed regarding pursuing additional membership.

Selectman Szymanski suggested another thing we could do is to get 4 or 5 of the larger business people in town together and get their input. Selectman Szymanski recalled that Mr. Tribble had been forthcoming about insight into Route 5. Selectman Hoffman indicated he had met with 20 or more business people a few years ago, including Mr. Tribble. Mr. Tribble had indicated Route 5 was his biggest problem, and getting onto I-91 North was more difficult than going down to the Bissel Bridge in South Windsor and going either north or south. Selectman Hoffman suggested that's a big issue for East Windsor to get Route 5 widened to what it is in South Windsor. Selectman Hoffman indicated the other businesses had other issues, which he

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documented in reports 6 years ago. Selectman Hoffman agreed; it's always a good thing to meet with the business people. Selectman Szymanski requested First Selectman Maynard get some business people together to meet with the Board in September.

First Selectman Maynard reported on the following additional items:

- He attended the Historical Society Ice Cream Social as well; he noted the events was well attended.
- He also attended the American Legion Pig Roast, which was well attended; the hall was full and they had tents outside. First Selectman Maynard suggested the event is growing.

SELECTMEN COMMENTS AND REPORTS/E. Robert Maynard:

See comments above.

SIGNATURES FOR APPROVAL OF CHECK REGISTERS:

The Selectmen reviewed the registers presented and took appropriate action.

EXECUTIVE SESSION/Pursuant to C.G.S. Sec. 1-200 (6-a) (6b) Employment, Litigation and Negotiations - Action is possible:

No Executive Session this evening.

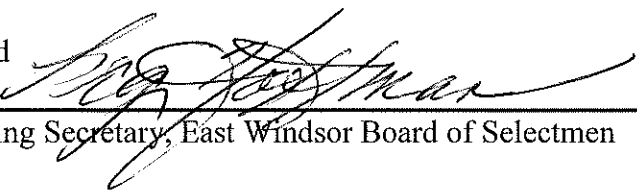
ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:30 p.m.

Szymanski moved/Hoffman seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (Maynard/Bowsza/Hoffman/Szymanski)

Respectfully submitted


Peg Hoffman, Recording Secretary, East Windsor Board of Selectmen

Attachments: A - Legal Notice/Resolution – Charter Revision Changes
B - Agricultural Commission Chairman Grant's memo dated 8/8/2019
C - Request for Proposals for Leasing Town-owned Farm properties
D - Selectman Bowsza's Report

BOW- 8/15/2019 Meeting - Attachment A

TOWN OF EAST WINDSOR BOARD OF SELECTMEN

LEGAL NOTICE

WARNING: ELECTORS OF THE TOWN OF EAST WINDSOR

The Electors of the Town of East Windsor, Connecticut are hereby warned of a Referendum to be held on Tuesday, November 5, 2019, pursuant to Chapter 99 of the Connecticut General Statutes.

The purpose of the Referendum is to consider adoption of amendments to the East Windsor Town Charter, as proposed by the East Windsor Charter Revision Commission and as approved in part by the East Windsor Board of Selectmen.

The following Resolution was introduced and discussed at the Board of Selectman's meeting held on August 15, 2019:

WHEREAS, The East Windsor Charter Revision Commission ("the Commission") was impaneled by Resolution of the East Windsor Board of Selectmen May 17, 2018, and

WHEREAS, The Commission was charged with the responsibility of reviewing the East Windsor Town Charter ("the Charter"), and making recommendations for charter amendments; and

WHEREAS, the Board of Selectmen requested that the Commission review the specific issues outlined in a memo dated May 17, 2018 which contained the Board of Selectman's Charge to the Commission, and

WHEREAS, The Commission conducted public hearings on June 11, 2018 and April 22, 2019 and held meetings throughout 2018 and 2019, and

WHEREAS, after conferring with the Board of Selectmen concerning the Commission's draft proposed changes to the Town Charter, the Commission published its Final Report and its proposed Revised Town Charter with recommended Charter Amendments dated August 5, 2019 and forwarded the Final Report and Proposed Revised Charter to the Town Clerk for transmittal to the Board of Selectmen for its consideration.

NOW, THEREFORE, BE IT RESOLVED:

1. That a referendum on the proposed charter amendments as approved by the Board of Selectmen on August 12, 2019 shall be held on the Proposed Revised Charter on Tuesday, November 5, 2019 between the hours of 6:00 a.m. and 8:00 p.m. East Windsor, Connecticut.

2. That the following ballot questions shall appear on the voting machine of the referendum in the following form:

A "Yes" vote on a Referendum question is a vote to amend the East Windsor Town Charter as proposed by the East Windsor Charter Revision Commission in the August 5, 2019 Final Report, proposed Charter Amendments and Proposed Revised Charter and approved in part by the Board of Selectmen. A "No" vote on a Referendum question rejects the Charter amendment.

1. Shall the Charter be amended to include specific Connecticut General Statute numbers when referencing a Connecticut Statute?
YES _____ NO _____
2. Shall Charter Section 6-6(D) be amended to change the title of the Town Treasurer to Finance Director and throughout the Charter?
YES _____ NO _____
3. Shall Charter Section 8-3, entitled General Provisions, be amended to add a subsection that establishes sealed bid procedures requiring bids to be submitted to the Town Clerk and opened publicly?
YES _____ NO _____
4. Shall Proposed New Charter Section 6-6(H), entitled Administrative Officer, be added to the Town Charter to establish a professional Administrative Officer position, effective July 1, 2020?
YES _____ NO _____
5. Shall Charter Section 8-6 be amended to require a narrative supporting the need and cost of supplementary appropriations be filed with the Town Clerk?
YES _____ NO _____
6. Shall Charter Sections 8-5, entitled Submission of Budgets to Referendum, be amended to require separate votes for the Town Government Budget and Board of Education Budget at the Budget Referendum Ballot?
YES _____ NO _____
7. Shall Charter Section 8-9, entitled Annual Audit, be amended to require operational audits of the three (3) largest Town operating departments every four (4) years?

YES _____ NO _____

8. Shall Charter Section 6-6(B) entitled Town Counsel, be amended to make the appointment of Town Counsel by the Board of Selectmen subject to the recommendation of the First Selectman.

YES _____ NO _____

9. Shall Charter Section 10-5, entitled Town Meeting by Petition, be amended to increase the minimum number of days to fourteen (14) to collect signatures to adjourn a special Town Meeting to a Referendum?

YES _____ NO _____

10. Shall Proposed New Charter Section 10-9, entitled Automatic Referendum, be added to the Charter requiring a referendum for all Town Meeting actions involving expenditures in excess of \$200,000 in the aggregate?

YES _____ NO _____

11. Shall Proposed New Charter Section 6-6(I), entitled Police Department, be added to the Charter to establish the Town of East Windsor Police Department as a Town Department?

YES _____ NO _____

12. Shall Proposed New Charter Section 10-10, entitled Power of Overrule, be added to the Charter stating a referendum receiving a 55% vote overrides a Town Meeting or certain actions of the Board of Selectman and the Board of Finance?

YES _____ NO _____

3. That during regular business hours the full text of the Proposed Revised Charter is available for public inspection in the Town Clerk's office, 11 Rye Street, East Windsor, Connecticut.

4. That the locations of the polling places for the referendum will be as follows: Town Hall, 11 Rye Street, Broad Brook, Connecticut and Town Hall Annex, 25 School Street, East Windsor, Connecticut. Voting machines will be used. The polling place will be open between the hours of 6:00 a.m. and 8:00 p.m.

Any person who is an Elector of the Town of East Windsor is eligible to vote.

ADOPTED AND APPROVED on this 15 day of August 2019

Robert Maynard, First Selectman

Steve Dearborn, Deputy First
Selectman

Jason E. Bowsza

Andrew Hoffman

Charles J. Szymanski

Attest:

Town Clerk

BOS- 8/15/2019 Meeting - Attachment B 10A

East Windsor Board of Selectmen

August 8, 2019

Correspondence From Agricultural Commission for
August 15, 2019 BOS meeting

**We would like to add the following to our letter of
May 16, 2019.**

We feel that preference should be given to East Windsor farmers.
Since the properties were purchased with Town funds, they should
benefit Town residents.

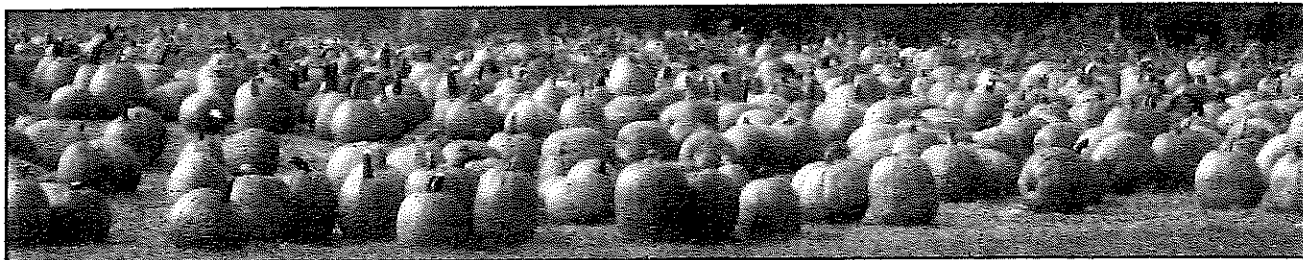
Some of these farmers who will most likely bid have already been
renting the land and it is a part of their livelihood. We don't want to
make them vulnerable to hardship.

We also strongly suggest 5 year terms. Farmers are continually
building up the quality of the soil and should be able to make use of
that.

We would also like to bring your attention to the guidelines in the
PA 490 publication. This is a guide and overview for Landowners,
Assessors and Government Officials. The farmland values are made
available to municipalities. "Towns are strongly urged to use these
values." Towns must use an "approved methodology", "supported
by data", and "justified", for rent values if they choose not to follow
these guidelines. The values are updated every 5 years and are due
in 2020. They could go up or down.
Copies attached.

Albert Grant

RECOMMENDED PA 490 LAND VALUES



PA
490

SECTION 4: RECOMMENDED PA 490 LAND VALUES

CGS Section 12-63 Rule of Valuation states that: *The present true and actual value of land classified as farmland pursuant to Section 12-107c, as forest land pursuant to Section 12-107d, as open space pursuant to Section 12-107e or as maritime heritage land pursuant to Section 12-107g, shall be based upon its current use without regard to neighborhood land use of a more intensive nature.*

What this means is that classified land will not be assessed at the higher fair market value but at a lower land use value. This has been affirmed by the courts: *Rustici v. Town of Stonington* 1977 and *Bussa v. Town of Glastonbury* 1968.

CGS Chapter 201 Section 12-2b provides that the Office of Policy and Management in consultation with the Commissioner of Agriculture shall develop a recommended schedule of land use values for PA 490 valuation. These values are required to be updated every five years. These recommended values are made available to each municipality and to the general public.

It is strongly urged that towns use these values. However, a municipality may choose not to use these recommended values. If this occurs, the values used by that town for each classified property must be supported by data and an approved methodology. Values other than those recommended by the Office of Policy and Management must be justified in the context of CGS Chapter 203 Section 12-63: Rule of valuation.

METHODOLOGY USED TO OBTAIN RECOMMENDED PA 490 FARMLAND USE VALUES

The development of the Public Act 490 2015 Land Use Values based on the capitalization of rent, was started in June of 2015 by the Connecticut Farm Bureau Association with the cooperation of the Connecticut Department of Agriculture, and the PA 490 Guide Advisory Committee that redesigned the Net Rental

Land Use Value Survey (See Appendix C). More than 5,000 surveys were distributed via a mailing list compiled by Connecticut Farm Bureau Association and the Connecticut Department of Agriculture. The survey was also available electronically. Communication emphasized the urgent need for farmers and farmland owners to participate and return surveys promptly. The survey was received from 279 individual farmers and property owners submitting a total of 736 individual rents, of which 91% were used. (In the 2010 survey there were 361 rents with 322 being usable or 89%). Thanks to farmer participation, the quality of the information and the number of individual rents submitted doubled from the 2010 survey.

An overview of the data indicates a significant decrease in the dollar per acre rents for all Class A and Class B farmland by 15% to 18%. There are at least three reasons for this decrease. One, the number of rents submitted was similar for Class A, but more than twice the Class B rents submitted in 2010. Two, the move away from shade tobacco and nursery crops has accelerated the last five years. The large land holders of shade land have sold it for agriculture and non-agriculture purposes. The land that has stayed in agriculture is now growing broadleaf tobacco, vegetables and sweet corn. Strong evidence from nearly the same sample size of Class A land from 2010 had seven rents over \$500 per acre. In 2015 there were none and only two rents over \$225 per acre. The third reason is the change in demand for fresh vegetables. The Farm to Table movement has helped increase this demand as a result there is more competition than just the large farmers for crop land.

For the less productive Class C & D land, the competition has also increased especially for Class D. Statewide Class C value went up by 68%, Class D by 96% and Class F by 89%. In the River Valley Class C was up by 15% and Class D by 55%. The other significant factor is the decrease, or at least the percentage decrease, in the amount of land that is being rented for no cash consideration. In 2000, the total percentage of rents submitted as zero was 15% and in 2010 it was 37%. In the current survey it was 26%. This also indicates there is more Class C, D and F pasture land reported to be in hay, corn and vegetables. There are still many non-farmers wishing just to keep their land open, therefore

PA 490 Land Classes

Type	Description	Soils and Limitations
Tillable A	Excellent. Shade tobacco, nursery, some cropland.	Light, well-drained, sandy loams, typically flat or level, no stones
Tillable B	Very Good. Binder tobacco, vegetables, potatoes, some cropland.	Light, well-drained, sandy loams, typically level to slightly rolling, may have some stones
Tillable C	Very Good to Good. Quite level. Corn silage, hay, vegetables, potatoes, cropland.	Moderate heavier soils, level to rolling, may have stones.
Tillable D	Good to Fair. Moderate to considerable slope. Hay and rotation pasture.	Heavier soils, may be sloped and hilly, stones and seasonal wetness may be limiting factors. Christmas trees.
Orchard	Fruit orchard.	May include grapes and berries.
Pasture	Permanent pasture, unmanaged pasture, not tilled, grazing.	May be heavier soils too wet or stony to till for crops, may be wooded area. Christmas trees.
Swamp, Ledge, Scrub	Wetlands, ledge outcroppings.	Non-farmable areas that also make up the farm unit.
Woodland, Forest	Forest land associated with the farm unit.	Non-farmable areas that also make up the farm unit.

allowing farmers to use their land for no fee. A few land owners were receiving non-cash consideration such as overseeing dwellings of absentee owners, maintenance of fence rows, snow plowing, or a portion of the crop. Whenever possible, these were all converted to a cash equivalency, so these are not counted as zero rents.

The purpose of the collection of the rents is to capitalize them into a value. The Capitalized Value is the income divided by rate to equal the value per acre of each land class for its use for agriculture based assessment. Four capitalization rates were developed. The first

method was the traditional PA 490 formula, which was the Connecticut region Federal Land Bank five year average rate of new loans. This rate no longer exists and has been replaced. The current rate used is the Farm Credit East average borrower interest rate for all loans in its chartered lending area for the last five years 2010 through 2014. This rate is 4.2%. The capitalization rate is developed by adding the Farm Credit East average rate of 4.2% to the statewide effective tax rate which is 1.9%. This results in a capitalization rate of 6.1%.

A second set of rates was developed by a Mortgage Equity Band of Investment. Mortgage equity band of investment includes the Farm Credit East five year average of 4.2%, a 75% loan to value ratio and a 10% return on equity with a ten year holding period, plus the 1.9% effective tax rate. The rate is 8.14%. This is the method used in Massachusetts.

The buildup method of rate determination includes the mortgage rate and a risk rate. A buildup rate can be used taking the mortgage rate and adding it to a risk rate. The 5 year AAA bonds range from 1.69% to 1.89%. Johnson and Johnson is at the bottom of that range at 1.69% and Microsoft Corp. at the top at 1.89%. The capitalization rate range is 7.83% to 8.03% when the effective tax rate is added.

The alternative risk factor for the buildup rate on the buildup methods of investment is to use the ten year Treasury Bill, which is currently at 2.22%. When added to the Farm Credit East five year average rate of 4.2% and the effective tax rate, the capitalization rate becomes 8.36%.

All of the rates considered provide a basis for a range of capitalization rate for the rents ranging from 6.1% to 8.36%. The lower rates, represent lower risks which are not necessarily associated with land. The higher rate is more risk, which is more associated with land as it is a less liquid commodity, and larger parcels take longer to sell and have fewer buyers because of their size and overall price. The middle of this range of 7% is the best representation of value for the PA 490 program between the developed rates.



PA 490 2015 Summary Grid — Land Values per Acre

State Wide	# RENTS	Mean	7.00%	2015	2010	2005	2000	1995	1990	1982	1977	1972
Tillable A	20	\$137	\$1,957	\$1,960	\$2,400	\$1,220	\$1,210	\$1,210	\$1,180	\$910	\$750	\$500
Tillable B	69	\$97	\$1,386	\$1,390	\$1,600	\$720	\$700	\$400	\$560	\$490	\$325	\$250
Tillable C	261	\$47	\$671	\$670	\$400	\$445	\$400	\$270	\$530	\$410	\$150	\$125
Tillable D	234	\$32	\$457	\$460	\$225	\$335	\$320	\$270	\$310	\$220	\$150	\$0
Orchard E	10	\$97	\$1,386	\$1,390	\$750	\$1,100	\$1,000	\$810	\$1,010	\$640	\$325	\$200
Pasture F	66	\$10	\$143	\$140	\$90	\$165	\$240	\$150	\$170	\$130	\$100	\$50
Swamp, Ledge Scrub G	11	\$0	\$0	\$40	\$40	\$40	\$40	\$40	\$0	\$20	\$10	\$10
Woodland/Forest Land				\$240	\$130	\$190	\$160					
River Valley												
Tillable A	16	\$146	\$2,086	\$2,090	\$2,800	\$1,665	\$1,450	\$1,210	\$1,180	\$920	\$1,000	
Tillable B	43	\$130	\$1,857	\$1,860	\$2,000	\$1,110	\$1,000	\$420	\$580	\$640	\$475	
Tillable C	77	\$89	\$1,271	\$1,270	\$1,100	\$665	\$630	\$400	\$530	\$450	\$275	
Tillable D	53	\$65	\$929	\$930	\$600	\$445	\$490	\$400	\$380	\$275	\$275	
Orchard E	5	\$167	\$2,386	\$2,390	\$750	\$1,300	\$1,200	\$1,170	\$1,180	\$640	\$325	
Pasture F	20	\$16	\$229	\$230	\$90	\$220	\$300	\$180	\$170	\$140	\$100	
Swamp, Ledge Scrub G	1	\$0	\$0	\$40	\$40	\$40	\$40	\$40	\$0	\$20	\$10	
Woodland/Forest Land				\$240	\$130	\$190	\$160					



The PA 490 2015 Summary Grid above shows the mean or average of each land class organized by statewide and by River Valley rent per acre by land class. The average of each individual rent category is capitalized by the range of suggested capitalization rates and a value per acre has been determined based on these rates, most of which fall within the range created by the 7% capitalization rates. For Class A land, the 2010 Statewide Tillable A value was \$2,400. In 2015 there was a significant decrease to \$1,960 based on the changing agricultural uses for Class A land. This is more consistent with the long term trend. These trends can also be found to be consistent and have more dramatic changes with the increases in values with the Tillable Class C and D because this demand for this land has increased, as evidenced by a lower percentage of it being rented for no consideration.

The final PA 490 value per acre by land class recommendations were made based on the capitalization rate of 7%. In addition, a comparison between each land class was made to maintain consistency with a comparison of the previous seven recommendations going back to 1972. The grid above displays the recommendations.

METHOD USED TO OBTAIN PA 490 FOREST LAND VALUES

Historically, the state Department of Energy and Environmental Protection, Division of Forestry has calculated the "use value" of forest land for purposes of CGS Section 12-107. The same value is also generally used as the "woodland" value in a farm unit for PA 490 farmland.

Statistics are from the USDA Forest Service *Forest Inventory and Analysis National Program* which is found online: <http://www.fia.fs.fed.us/>. The following data was used to calculate the Use Value for Forest Land for October 1, 2015:

- Land area by land class, Connecticut, 2009-2014
- Number of growing stock trees, 5.0+ inches diameter breast height (d.b.h.) on timberland by species and diameter class, Connecticut, 2009-2014.
- Net volume of sawtimber trees on timberland by species and diameter class, Connecticut, 2009-2014.
- Average annual net growth and average annual removals of growing-stock volume on timberland by species, Connecticut, 2009-2014 (Cubic feet).

BW- 8/15/2019 Meeting - Attachment C

LEGAL NOTICE

TOWN OF EAST WINDSOR, CONNECTICUT

REQUEST FOR PROPOSALS FOR LEASING OF FARMLAND

The Town of East Windsor will receive sealed proposals for LEASING OF FARMLAND. Leases will be for a five (5) year term. Proposal will be accepted until ____ AM on _____, at that time proposals will be opened in public and read aloud.

The documents comprising the Request for Proposals may be obtained on the Town of East Windsor website at www.eastwindsor-ct.gov and at the East Windsor Town Hall in the First Selectman's Office during Town Hall business hours, Monday-Wednesday 8:30 a.m. – 4:30 p.m., Thursday 8:30 a.m. – 7:00 p.m. and Friday 8:30 a.m. to 1:00 p.m.

Parcel 1: Twenty-two (22) acres, more or less, located on Rye Street further described in Volume _____, Page _____ of the East Windsor Land Records.

Parcel 2: Fifty-three (53) acres, more or less, located on Chamberlain Road further described in Volume _____, Page _____ of the East Windsor Land Records.

Parcel 3: Ten (10) acres, more or less located on Winton Road and South Main Street, further described in Volume _____, Page _____ of the East Windsor Land Records.

Parcel 4: Five (5) acres, more or less, located at Woolam Road further described in Volume _____, Page _____ of the East Windsor Land Records.

The Town of East Windsor reserves the rights to amend or terminate this Request for Proposals, accept all or any part of a proposal, reject all proposals, waive any informalities or non-material deficiencies in a proposal, and award the proposal to the lowest responsible proposer.

Robert L. Maynard, First Selectman

TOWN OF EAST WINDSOR, CONNECTICUT

REQUEST FOR PROPOSALS FOR LEASING OF FARMLAND

Proposal Opening Date:

Proposal Opening Time:

Proposed Opening Place: East Windsor Town Hall

LEASING OF FARMLAND

One (1) original and one (1) copy of sealed proposals must be received in the East Windsor Town Hall, First Selectman's Office, 11 Rye Street, Broad Brook, CT 06016 by the date and time noted above. The Town will not accept submissions by e-mail or fax. The Town will reject proposals received after the date and time noted above.

The documents comprising this Request for Proposals may be obtained on the Town of East Windsor website at www.eastwindsor-ct.gov or at the East Windsor Town Hall in the First Selectman's Office during Town Hall business hours, Monday-Wednesday 8:30 a.m. – 4:30 p.m., Thursday 8:30 a.m. – 7:00 p.m. and Friday 8:30 a.m. to 1:00 p.m. **Each proposer is responsible for checking the Town's website to determine if the Town has issued any addenda and, if so, to complete its proposal in accordance with the Request for Proposals as modified by the addenda.**

Proposals must be held firm and cannot be withdrawn for sixty (60) calendar days after the opening date.

The Town reserves the rights to amend or terminate this Request for Proposals, accept all or any part of a proposal, reject all proposals, waive any informalities or non-material deficiencies in a proposal, and award the proposal to the lowest responsible proposer.

This Request for Proposals ("RFP") includes:

Standard Instructions to Proposers
Insurance Requirements
Proposal Form
Proposer's Legal Status Disclosure Form
Proposer's Non-Collusion Affidavit Form
Addenda, if any

**TOWN OF EAST WINDSOR, CONNECTICUT
STANDARD INSTRUCTIONS TO PROPOSERS**

1. INTRODUCTION

The Town of East Windsor (the "Town") is soliciting proposals for **Leasing of farmland**. Leases will be for a five (5) year term. This RFP is not a contract offer, and no contract will exist unless and until a written contract is signed by the Town and the successful proposer.

Interested parties should submit a proposal in accordance with the requirements and directions contained in this RFP. **Proposers are prohibited from contacting any Town employee, officer or official concerning this RFP, except as set forth in Section 6, below. A proposer's failure to comply with this requirement may result in disqualification.**

If there are any conflicts between the provisions of these Standard Instructions to Proposers and any other documents comprising this RFP, these Standard Instructions to Proposers shall prevail.

2. RIGHT TO AMEND OR TERMINATE THE RFP OR CONTRACT

The Town may, before or after proposal opening and in its sole discretion, clarify, modify, amend or terminate this RFP if the Town determines it is in the Town's best interest. Any such action shall be affected by a posting on the Town's website, www.eastwindsor-ct.gov, Invitations to Bid/RFPs. **Each proposer is responsible for checking the Town's website to determine if the Town has issued any addenda and, if so, to complete its proposal in accordance with the RFP as modified by the addenda.**

3. KEY DATES

Pre-Proposal Conference or Site Visit:

THIS ITEM IS NOT APPLICABLE TO THIS RFP.

Proposal Opening: _____

Interviews:

THIS ITEM IS NOT APPLICABLE TO THIS RFP.

Preliminary Notice of Award: _____
Contract Execution: _____

The Preliminary Notice of Award and Contract Execution dates are anticipated, not certain, dates.

4. OBTAINING THE RFP

All documents that are a part of this RFP may be obtained at Town Hall during business hours, Monday-Wednesday 8:30 a.m. – 4:30 p.m., Thursday 8:30 a.m. – 7:00 p.m. and Friday 8:30 a.m. to 1:00 OR on the Town's website, www.eastwindsor-ct.gov, under "Invitations to Bid/RFPs."

5. PROPOSAL SUBMISSION INSTRUCTIONS

Proposals must be received in the East Windsor Town Hall, First Selectman's Office, 11 Rye Street, Broad Brook, CT 06016 prior to the date and time the proposals are scheduled to be opened publicly. Postmarks prior to the opening date and time do **NOT** satisfy this condition. The Town will not accept submissions by e-mail or fax. Proposers are solely responsible for ensuring timely delivery. The Town will **NOT** accept late proposals.

One (1) original and one (1) copy of all proposal documents must be submitted in sealed, opaque envelopes clearly labeled with the proposer's name, the proposer's address, the words "**PROPOSAL DOCUMENTS,**" and the **Proposal Title, Proposal Number and Proposal Opening Date**. The Town may decline to accept proposals submitted in unmarked envelopes that the Town opens in its normal course of business. The Town may, but shall not be required to, return such proposal documents and inform the proposer that the proposal documents may be resubmitted in a sealed envelope properly marked as described above.

Proposal prices must be submitted on the Proposal Form included in this RFP: All blank spaces for proposal prices must be completed in ink or be typewritten; proposal prices must be stated in both words and figures. The person signing the Proposal Form must initial any errors, alterations or corrections on that form. Ditto marks or words such as "SAME" shall not be used in the Proposal Form.

An authorized person representing the legal entity of the proposer must sign the Proposal Form and all other forms included in this RFP.

6. QUESTIONS AND AMENDMENTS

Questions concerning the process and procedures applicable to this RFP are to be submitted **only in writing** (including by e-mail) and directed **only to:**

Name: _____
Department: _____
E-mail: _____@eastwindsorct.com

Proposers are prohibited from contacting any other Town employee, officer or official concerning this RFP. A proposer's failure to comply with this requirement may result in disqualification.

The appropriate Town representative listed above must receive any questions from proposers no later than seven (7) business days before the proposal opening date. That representative will confirm receipt of a proposer's questions by e-mail.

The Town will answer all relevant written questions by issuing one or more addenda, which shall be a part of this RFP and the resulting Contract, containing all questions received as provided for above and decisions regarding same.

At least four (4) calendar days prior to proposal opening, the Town will post any addenda on the Town's website, www.eastwindsor-ct.gov, under "Invitations to Bid/RFPs." **Each proposer is responsible for checking the website to determine if the Town has issued any addenda and if so, to complete its proposal in accordance with the RFP as modified by the addenda.**

No oral statement of the Town, including oral statements by the Town representatives listed above, shall be effective to waive, change or otherwise modify any of the provisions of this RFP, and no proposer shall rely on any alleged oral statement.

7. ADDITIONAL INFORMATION

The Town reserves the right, either before or after the opening of proposals, to ask any proposer to clarify its proposal or to submit additional information that the Town in its sole discretion deems desirable. The successfully accepted proposal will be referred to as the "Lessee".

The Lessee does hereby further agree to comply with, and conform to, all the laws of the State of Connecticut, and the bylaws, rules and regulations of the Town of South Windsor relating to health, nuisance, fire, highways, and sidewalks, so far as the Lessor harmless from all fines, penalties, and costs for violation of or non-compliance with the same.

The Lessee does agree to comply with and conform to, all Federal, State and Town laws pertaining to the use and application of any chemicals to be used and the Lessee further agrees to supply the Town of East Windsor with a list of chemicals to be used.

The Lessee does agree to pay for all water and utilities supplied to any sheds, buildings, or for other purposes, on the demised premises, if any.

The Lessee agrees to make no structural repairs or alterations without the written consent of the First Selectman.

If this lease is to be renewed, or extended, the parties agree to renegotiate the rental of these premises no less than 120 days prior to lease period.

8. COSTS FOR PREPARING PROPOSAL

Each proposer's costs incurred in developing its proposal are its sole responsibility, and the Town shall have no liability for such costs.

OWNERSHIP OF PROPOSALS

All proposals submitted become the Town's property and will not be returned to proposers.

9. FREEDOM OF INFORMATION ACT

All information submitted in a proposal or in response to a request for additional information is subject to disclosure under the Connecticut Freedom of Information Act as amended and judicially interpreted. A proposer's responses may contain financial, trade secret or other data that it claims should not be public (the "Confidential Information"). A proposer must identify specifically the pages and portions of its proposal or additional information that contain the claimed Confidential Information by visibly marking all such pages and portions. Provided that the proposer cooperates with the Town as described in this section, the Town shall, to the extent permitted by law, protect from unauthorized disclosure such Confidential Information.

If the Town receives a request for a proposer's Confidential Information, it will promptly notify the proposer in writing of such request and provide the proposer with a copy of any written disclosure request. The proposer may provide written consent to the disclosure or may object to the disclosure by notifying the Town in writing to withhold disclosure of the information, identifying in the notice the basis for its objection, including the statutory exemption(s) from disclosure. The proposer shall be responsible for defending any complaint brought in connection with the nondisclosure, including but not only appearing before the Freedom of Information Commission; and providing witnesses and documents as appropriate.

10. REQUIRED DISCLOSURES

Each proposer must, in its Proposal Form, make the disclosures set forth in that form. A proposer's acceptability based on those disclosures lies solely in the Town's discretion.

11. REFERENCES

THIS ITEM IS NOT APPLICABLE TO THIS RFP

12. LEGAL STATUS

If a proposer is a corporation, limited liability company, or other business entity that is required to register with the Connecticut Secretary of the State's Office, it must have a current registration on file with that office. The Town may, in its sole discretion, request acceptable evidence of any proposer's legal status. Each proposer must complete the Proposer's Legal Status Disclosure Form included in this RFP.

13. PROPOSAL (BID) SECURITY

All Proposals must be accompanied by a Certified Check, Bid Bond, Letter of Credit, Bank Pass Book, or Cash which shall be not less than ten (10%) percent of the amount of the first year Proposal for each parcel Proposal. Certified Checks will be returned to all except the three highest bidders within five days; Saturdays, Sundays, and Legal Holidays excluded, after opening of Proposals, and the remaining securities of the bidders will be returned promptly after the Owner and the accepted bidder have executed the Contract, or if all Bids are rejected.

Upon the successful proposer's delivery of all documents required by this RFP and its execution of a contract with the Town, the Town shall return the proposal security to the successful proposer and to all other proposers.

14. PRESUMPTION OF PROPOSER'S FULL KNOWLEDGE

Each proposer is responsible for having read and understood each document in this RFP and any addenda issued by the Town. A proposer's failure to have reviewed all information that is part of or applicable to this RFP, including but not only any addenda posted on the Town's website, shall in no way relieve it from any aspect of its proposal or the obligations related thereto.

Each proposer is deemed to be familiar with and is required to comply with all federal, state and local laws, regulations, ordinances, codes and orders that in any manner relate to this RFP or the provision of goods or performance of the work described herein.

By submitting a proposal, each proposer represents that it has thoroughly examined and become familiar with the scope of work outlined/the goods described in this RFP, and it is capable of performing the work/delivering/installing the goods to achieve the Town's objectives. If applicable, each proposer shall visit the site, examine the areas and thoroughly familiarize itself with all conditions of the property before preparing its proposal.

15. **SUBSTITUTION FOR NAME BRANDS**

THIS ITEM IS NOT APPLICABLE TO THIS RFP

16. **INSURANCE**

The successful proposer shall, at its own expense and cost, obtain and keep in force at least the insurance listed in the Insurance Requirements that are a part of this RFP. The Town reserves the right to request from the successful proposer a complete, certified copy of each required insurance policy.

17. **PERFORMANCE SECURITY**

THIS ITEM IS NOT APPLICABLE TO THIS RFP

18. **DELIVERY ARRANGEMENTS**

THIS ITEM IS NOT APPLICABLE TO THIS RFP

19. **AWARD CRITERIA: PRELIMINARY SELECTION CONTRACT EXECUTION**

All proposals will be publicly opened and read aloud as received on the date, at the time, and at the place identified in this RFP. Proposers may be present at the opening.

The Town reserves the right to correct, after proposer verification, any mistake in a proposal that is a clerical error, such as a price extension, decimal point error or FOB terms. If an error exists in an extension of prices, the unit price shall prevail. In the event of a discrepancy between the price quoted in words and in figures, the words shall control.

The Town reserves the rights to accept all or any part of a proposal, reject all proposals, and waive any informalities or non-material deficiencies in a proposal. The Town also reserves the right, if applicable, to award the purchase of individual items under this RFP to any combination of separate proposals or proposers.

The Town will not award the proposal to any business that or person who is in **arrears** or in default to the Town with regard to any tax, debt, contract, security or any other obligation.

The Town will issue a Preliminary Notice of Award. The preliminary notice of award may be subject to further negotiations with the proposer. **The making of a preliminary award to a proposer does not provide the proposer with any rights and does not impose upon the Town any obligations. The Town is free to withdraw a preliminary award at any time and for any reason. A proposer has rights, and the Town has obligations, only if and when a Contract is executed**

by the Town and the proposer.

If the proposer does not provide all required documents and execute the Contract within ten (10) business days of the date of the Preliminary Notice of Award, unless extended by the Town, the Town may call any proposal security provided by the proposer and may enter into discussions with another proposer:

The Preliminary Notice of Award and Contract Execution dates in Section 3's Key Dates are anticipated, not certain, dates.

20. NONRESIDENT REAL PROPERTY CONTRACTORS

THIS ITEM IS NOT APPLICABLE TO THIS RFP

21. COMPLIANCE WITH IMMIGRATION LAWS

By submitting a proposal, each proposer confirms that it has complied, and during the term of the Contract will comply, with the Immigration Reform and Control Act ("IRCA") and that each person it provides under the Contract will at all times be authorized for employment in the United States of America. Each proposer confirms that it has a properly completed Employment Eligibility Verification, Form I-9, for each person who will be assigned under the Contract and that it will require each subcontractor, if any, to confirm that it has a properly completed Form I-9 for each person who will be assigned under the Contract.

The successful proposer shall defend, indemnify, and hold harmless the Town, its employees, officers, officials, agents, volunteers and independent contractors, including any of the foregoing sued as individuals (collectively, the "Town Indemnified Parties"), against any and all proceedings, suits, actions, claims, damages, injuries, awards, judgments, losses or expenses, including fines, penalties, punitive damages, attorney's fees and costs, brought or assessed against, or incurred by, the Town Indemnified Parties related to or arising from the obligations under IRCA imposed upon the successful proposer or its subcontractor. The successful proposer shall also be required to pay any and all attorney's fees and costs incurred by the Town Indemnified Parties in enforcing any of the successful proposer's obligations under this provision, whether or not a lawsuit or other proceeding is commenced. The successful proposer's obligations under this section shall survive the termination or expiration of the Contract.

22. NON-COLLUSION AFFIDAVIT

Each proposer shall submit a completed Proposer's Non-Collusion Affidavit Form that is part of this RFP.

23. CONTRACT TERMS

The following provisions will be mandatory terms of the Town's Contract with the

successful proposer. If a proposer is unwilling or unable to meet or seeks to clarify or modify, any of these Contract Terms, the proposer must disclose that inability, unwillingness, clarification and/or modification in its Proposal Form (see Section 11 of these Standard Instructions to Proposers).

a. DEFENSE, HOLD HARMLESS AND INDEMNIFICATION

The successful proposer agrees, to the fullest extent permitted by law, to defend, indemnify, and hold harmless the Town, its employees, officers, officials, agents, volunteers and independent contractor, including any of the foregoing sued as individuals (collectively, the "Town Indemnified Parties"), from and against all proceedings, suits, actions, claims, damages, injuries, awards, judgments, losses or expenses, including attorney's fees, arising out of or relating, directly or indirectly, to the successful proposer's malfeasance, misconduct, negligence or failure to meet its obligations under the RFP or the Contract. The successful proposer's obligations under this section shall not be limited in any way by any limitation on the amount or type of the successful proposer's insurance. Nothing in this section shall obligate the successful proposer to indemnify the Town Indemnified Parties against liability for damage arising out of bodily injury to persons or damage to property caused by or resulting from the negligence of the Town Indemnified Parties.

In any and all claims against the Town Indemnified Parties made or brought by any employee of the successful proposer, or anyone directly or indirectly employed or contracted with by the successful proposer, or anyone for whose acts or omissions the successful proposer is or may be liable, the successful proposer's obligations under this section shall not be limited by any limitation on the amount or type of damages, compensation or benefits payable by the successful proposer under workers' compensation acts, disability benefit acts, or other employee benefits acts.

The successful proposer shall also be required to pay any and all attorney's fees incurred by the Town Indemnified Parties in enforcing any of the successful proposer's obligations under this section. The successful proposer's obligations under this section shall survive the termination or expiration of the Contract.

As a municipal agency of the State of Connecticut, the Town will NOT defend, indemnify, or hold harmless the successful proposer.

b. ADVERTISING

The successful proposer shall not name the Town in its advertising, news releases, or promotional efforts without the Town's prior written approval.

If it chooses, the successful proposer may list the Town in a Statement of References or similar document required as part of its response to a public procurement. The Town's permission to the successful proposer to do so is not a statement about the quality of the successful proposer's work or the Town's endorsement of the successful proposer.

c. W-9 FORM

THIS ITEM IS NOT APPLICABLE TO THIS RFP

d. PAYMENTS

THIS ITEM IS NOT APPLICABLE TO THIS RFP

e. TOWN INSPECTION OF WORK

THIS ITEM IS NOT APPLICABLE TO THIS RFP

f. REJECTED WORK OR MATERIALS

THIS ITEM IS NOT APPLICABLE TO THIS RFP

g. MAINTENANCE AND AVAILABILITY OF RECORDS

The successful proposer, at its sole cost and expense, shall remove from the Town's property rejected items, commodities and/or work within 48 hours of the Town's notice of rejection, Immediate removal may be required when safety or health issues are present.

h. MAINTENANCE AND AVAILABILITY OF RECORDS

THIS ITEM IS NOT APPLICABLE TO THIS RFP

i. SUBCONTRACTING

THIS ITEM IS NOT APPLICABLE TO THIS RFP

j. PREVAILING WAGES

THIS ITEM IS NOT APPLICABLE TO THIS RFP

k. PREFERENCES

THIS ITEM IS NOT APPLICABLE TO THIS RFP

l. WORKERS COMPENSATION

Prior to Contract execution, the Town will require the tentative successful proposer to provide **1)** evidence of compliance with the workers' compensation insurance and self-insurance requirements of subsection (b) of Connecticut General Statutes section 31-284, and **2)** a current statement from the State Treasurer that, to the best of her knowledge and belief, as of the date of the statement, the tentative successful proposer was not liable to the State for any workers' compensation payments made pursuant to Conn. Gen. Stat. § 31-355.

m. SAFETY

THIS ITEM IS NOT APPLICABLE TO THIS RFP

n. COMPLIANCE WITH LAWS

The successful proposer shall comply with all applicable laws, regulations, ordinances, codes and orders of the United States, the State of Connecticut and the Town related to its proposal and the performance of the Contract.

o. NONDISCRIMINATION AND AFFIRMATIVE ACTION

In the performance of the Contract, the successful proposer will not discriminate or permit discrimination in any manner prohibited by the laws of the United States or of the State of Connecticut against any person or group of persons on the grounds of race, color, religious creed, age (except minimum age), marital status or civil union status, national origin, ancestry, sex, sexual orientation, mental retardation, mental disability or physical disability, including but not limited to blindness, unless the successful proposer shows that such disability prevents performance of the work involved.

In the performance of the Contract, the successful proposer will take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age (except minimum age), marital status or civil union status, national origin, ancestry, sex, sexual orientation, mental retardation, mental disability or physical disability, including but not limited to blindness, unless the successful proposer shows that such disability prevents performance of the work involved.

Any violation of these provisions shall be considered a material violation of the Contract and shall be grounds for the Town's cancellation, termination or suspension, in whole or in part, of the Contract and may result in ineligibility for further Town contracts.

p. LICENSES AND PERMITS

The successful proposer certifies that, throughout the Contract term, it shall have and provide proof of all approvals, permits and licenses required by the Town and/or any state or federal authority. The successful proposer shall immediately and in writing notify the Town of the loss or suspension of any such approval, permit or license.

q. CESSATION OF BUSINESS/BANKRUPTCY/RECEIVERSHIP

If the successful proposer ceases to exist, dissolves as a business entity, ceases to operate, files a petition or proceeding under any bankruptcy or insolvency laws or has such a petition or proceeding filed against it, the Town has the right to terminate the Contract effective immediately. In that event, the Town reserves the right, in its sole discretion as it deems appropriate and without prior notice to the successful proposer, to make arrangements with another person or business entity to provide the services described in the Contract and to exercise any or all of its rights at Law, in equity, and/or under the Contract.

r. AMENDMENTS

The Contract may not be altered or amended except by the written agreement of both parties.

s. ENTIRE AGREEMENT

It is expressly understood and agreed that the Contract contains the entire agreement between the parties, and that the parties are not, and shall not be, bound by any stipulations, representations, agreements or promises, oral or otherwise, not printed or inserted in the Contract or its attached exhibits.

t. VALIDITY

The invalidity of one or more of the phrases, sentences or clauses contained in the Contract shall not affect the remaining portions so long as the material purposes of the Contract can be determined and effectuated.

u. CONNECTICUT LAW AND COURTS

The Contract shall be governed by and construed in accordance with the internal laws (as opposed to the conflicts of law provisions) of the State of Connecticut, and the parties irrevocably submit in any suit, action or proceeding arising out of the Contract to the jurisdiction of the United States District Court for the District of Connecticut or of any court of the State of

Connecticut, as applicable.

v. NON-EMPLOYMENT RELATIONSHIP

The Town and the successful proposer are independent parties. Nothing contained in the Contract shall create, or be construed or deemed as creating, the relationships of principal and agent, partnership, joint venture, employer and employee, and/or any relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the terms and conditions of the Contract. The successful proposer understands and agrees that it is not entitled to employee benefits, including but not limited to workers compensation and employment insurance coverage, and disability. The successful proposer shall be solely responsible for any applicable taxes.

END OF STANDARD INSTRUCTIONS TO PROPOSERS

TOWN OF EAST WINDSOR, CONNECTICUT

INSURANCE REQUIREMENTS FOR LEASING OF FARMLAND

General Liability & Automobile Coverage Requirements:

- a. Liability Insurance coverage shall be provided and maintained in the amount of three hundred thousand dollars (\$300,000) together with a farm/personal umbrella policy with a minimum limit of two million dollars (\$2,000,000) while in possession of the property.
- b. The "Town of East Windsor" is to appear as an additional insured on the contractor's general liability and automobile liability Certificates of insurance.
- c. All insurance is to be provided by a company authorized to issue such insurance in the State of Connecticut with a Best rating of no less than **A:VII**.
- d. All insurance may not be canceled or modified without thirty (30) days written notice be registered U.S. Mail to: First Selectman's Office, Town of East Windsor, 11 Rye Street, Broad Brook, CT 06016.
- e. The limits of insurance may either be met as stated above, or in combination with an umbrella or excess liability policy.

All insurance policies required above shall be primary and non-contributory with any insurance or self-insurance programs carried or administered by the Town.

The successful bidder shall direct its insurance carrier(s) to provide the Town with a Certificate of Insurance PRIOR TO commencing work and yearly thereafter through the end of the lease agreement. The Certificate shall specifically state that the Town shall receive thirty (30) days advance written notice of cancellation or non-renewal, via registered U.S. mail, addressed to First Selectman's Office, Town of East Windsor, East Windsor Town Hall, 11 Rye Street, Broad Brook, CT 06016. The Certificate shall evidence all required coverage. **All requirements of this section shall be clearly stated in the remarks section of the successful bidder's Certificate of Insurance.**

These insurance requirements are the Town's general requirements. The successful bidder's insurance requirements are subject to final negotiations. The Town reserves the right to request from the successful bidder a complete, certified copy of any insurance policy.

END OF INSURANCE REQUIREMENTS

TOWN OF EAST WINDSOR, CONNECTICUT

**PROPOSAL FORM
Farmland Lease**

PROPOSERS FULL LEGAL NAME: _____

PRICE PROPOSAL

Pursuant to and in full compliance with the RFP, the undersigned proposer, having visited the site or property if applicable, and having thoroughly examined each and every document comprising the RFP, including any addenda, hereby offers and agrees as follows:

PARCEL 1: TWENTY-TWO (22) ACRES, RYE STREET

Twenty-two (22) acres of land, more or less, located on Rye Street further described in Volume _____, Page _____ of the East Windsor Land Records.

October 1, 2019 – October 31, 2020 = \$ _____

October 1, 2020 – October 31, 2021 = \$ _____

October 1, 2021 – October 31, 2022 = \$ _____

October 1, 2022 – October 31, 2023 = \$ _____

October 1, 2023 – October 31, 2024 = \$ _____

The total sum: _____/100.

Dollars (write out in words) (\$ _____).

PARCEL 2: FIFTY-THREE (53) ACRES, CHAMBERLAIN ROAD

Fifty-three (53) acres more or less, located on Chamberlain Road further described in Volume _____, Page _____ of the East Windsor Land Records.

October 1, 2019 – October 31, 2020 = \$ _____

October 1, 2020 – October 31, 2021 = \$ _____

October 1, 2021 – October 31, 2022 = \$ _____

October 1, 2022 – October 31, 2023 = \$ _____

October 1, 2023 – October 31, 2024 = \$ _____

The total sum: _____/100

Dollars (write out in words) (\$_____).

PARCEL 3: TEN (10) ACRES, WINTON ROAD AND SOUTH MAIN STREET

Ten (10) acres more or less located on Winton Road and South Main Street, further described in Volume _____, Page _____ of the East Windsor Land Records.

October 1, 2019 – October 31, 2020 = \$_____

October 1, 2020 – October 31, 2021 = \$_____

October 1, 2021 – October 31, 2022 = \$_____

October 1, 2022 – October 31, 2023 = \$_____

October 1, 2023 – October 31, 2024 = \$_____

The total sum: _____/100

Dollars (write out in words) (\$_____).

PARCEL 4: FIVE (5) ACRES, WOOLAM ROAD

Five (5) acres more or less, located at Woolam Road further described in Volume _____, Page _____ of the East Windsor Land Records.

October 1, 2019 – October 31, 2020 = \$_____

October 1, 2020 – October 31, 2021 = \$_____

October 1, 2021 – October 31, 2022 = \$_____

October 1, 2022 – October 31, 2023 = \$_____

October 1, 2023 – October 31, 2024 = \$_____

The total sum: _____/100

Dollars (write out in words) (\$_____).

TOWN OF EAST WINDSOR, CONNECTICUT

PROPOSER'S LEGAL STATUS DISCLOSURE

Please fully complete the applicable section below, attaching a separate sheet if you need additional space.

For purposes of this disclosure, "permanent place of business" means an office continuously maintained, occupied and used by the proposer's regular employees regularly in attendance to carry on the proper's business in the proposer's own name. An office maintained, occupied and used by a proposer only for the duration of a contract will not be considered a permanent place of business. AN office maintained, occupied and used by a person affiliated with a proposer will not be considered a permanent place of business of the proposer.

IF A SOLELY OWNED BUSINESS:

Proposer's Full Legal Name: _____

Street Address: _____

Mailing Address (if different from street address): _____

Owner's Full Legal Name: _____

Number of years engaged in business under sole proprietor or trade name: _____

Does the proposer have a "permanent place of business" in Connecticut, as defined above?

_____ Yes _____ No

If yes, please state the full street address (not a post office box) of that "permanent place of business".

IF A CORPORATION:

Proposer's Full Legal Name: _____

Street Address: _____

Mailing Address (if different from Street Address):

Owner's Full Legal Name: _____

Number of years engaged in business: _____

Names of Current Officers: _____

President

Secretary

Chief Financial Officer

IF A LIMITED LIABILITY COMPANY:

Proposer's Full Legal Name: _____

Street Address: _____

Mailing Address (if different from Street Address): _____

Owner's Full Legal Name: _____

Number of Years engaged in business: _____

Names of Current Manager(s) and Member(s):

Name & Title (if any)

Residential Address (street only)

Name & Title (if any)

Residential Address (street only)

Name & Title (if any)

Residential Address (street only)

Name & Title (if any)

Residential Address (street only)

Name & Title (if any)

Residential Address (street only)

Does the proposer have a "permanent place of business" in Connecticut, as defined above?

_____ Yes

_____ No

If yes, please state the full street address (not a post office box) of that
"permanent place of business."

IF A PARTNERSHIP:

Proposer's Full Legal Name: _____

Street Address: _____

Mailing Address (if different from Street Address): _____

Owner's Full Legal Name: _____

Number of Years engaged in business: _____

Names of Current Partners:

Name & Title (if any)

Residential Address (street only)

Name & Title (if any)

Residential Address (street only)

Name & Title (if any)

Residential Address (street only)

Name & Title (if any)

Residential Address (street only)

Name & Title (if any)

Residential Address (street only)

Does the proposer have a "permanent place of business" in Connecticut, as defined
above?

_____ Yes _____ No

If yes, please state the full street address (not a post office box) of that
"permanent place of business."

Proposer's Full Legal Name

Name and Title of Proposer's Authorized Representative
(print)

Proposer's Representative, Duly Authorized
(signature)

Date

END OF LEGAL STATUS DISCLOSURE FORM

TOWN OF EAST WINDSOR, CONNECTICUT

PROPOSER'S NON-COLLUSION AFFIDAVIT FORM

PROPOSAL FOR:

The undersigned proposer, having fully informed himself/herself/itself regarding the accuracy of the statements made herein, certifies that:

- (1) The proposal is genuine; it is not a collusive or sham proposal:
- (2) the proposer developed the proposal independently and submitted it without collusion with, and without any agreement, understanding, communication or planned common course of action with, any other person or entity designed to limit independent competition;
- (3) the proposer, its employees and agents have not communicated the contents of the proposal to any person not an employee or agent of the proposer and will not communicate the proposal to any such person prior to the official opening of the proposal; and
- (4) no elected or appointed official or other officer or employee of the Town of East Windsor is director or indirectly interested in the proposer's proposal, or in the supplies, materials, equipment, work or labor to which it relates, or in any of the profits thereof.

The undersigned proposer further certifies that this affidavit is executed for the purpose of inducing the Town of East Windsor to consider its proposal and make an award in accordance therewith.

Legal Name of Proposer

Proposer's Representative, Duly Authorized
(signature)

Name of Proposer's Authorized Representative

Title of Proposer's Authorized Representative

Date

Subscribed and sworn before me this ____ day of _____, 201__.

Notary Public
My Commission Expires:

END OF NON-COLLUSION AFFIDAVIT FORM

SOV 8/15/2019 Meeting Attachment D

Selectman's Report - August 15, 2019

On August 10, I got to participate in the East Windsor Historical Society's Ice Cream Social, held at the Historical Society. The event has grown into a great opportunity that brings our community together. It has become so much more than the name suggests: hundreds and hundreds of people attended, participating in hay rides, pony rides, an antique and craft fair, a tractor display, haircuts at the barber shop, tours of the society, the Osborne House and the newly relocated Barber Hill Schoolhouse, and so much more. And yes, there was Connecticut Grown ice cream! It has become an absolutely "can't miss" summer event in our community, and I can't wait to see how they build on it next year!

Less focused on bringing the community together was the special meeting of the Board of Selectmen on Monday night. At that meeting, the board decided to send twelve (!) questions to the ballot this November.

To be clear: no one has any idea what the cost of any of these proposals will be, if we can afford them, or what will not get funded because of them (we still haven't found a permanent solution to the Warehouse Point Fire District issue, and we are literally passing the hat to provide basic opportunities in our schools). The perspectives of professional staff to these dozen proposals have been mostly ignored. The objections of literally everyone who has spoken about these questions at previous selectmen's meetings have been outright discarded.

However, every grievance that Team CREW has ever had is addressed in the charter proposals. All of the scores that need to be settled are included in this "Grievance Charter." The proposals drastically change institutions that are not broken (concerning the Police Department), and ensure that divisions within the community never heal (by dividing the school budget during referenda). The first selectman is given extra votes to ensure that his perspective carries the day, democratic process be damned. Even the questions that aren't harmful have become so entwined with the harmful majority of questions that I won't be voting yes on any of them. I strongly encourage others to join me in rejecting this mess.

I wish I had something better to report.

Respectfully submitted,

Jason E. Bowsza
Selectman

