

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN**

REGULAR MEETING

Thursday

January 5, 2023

7:00 p.m.

John Daly, Jr. Meeting Room

11 Rye Street, Broad Brook, CT 06016

In-person

AND

Meeting also available via ZOOM Teleconference

Meeting ID: 332 683 3563

Passcode: townhall

MEETING MINUTES

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

Board of Selectmen

Jason E. Bowsza, First Selectman

Marie DeSousa, Deputy First Selectman

Alan Baker, Selectman

Sarah Muska, Selectman

Charles Nordell, Selectman

ATTENDANCE: First Selectman Bowsza hosted the in-person meeting. Deputy First Selectman DeSousa, Selectman Baker, Selectman Muska, and Selectman Nordell were present in-person.

ABSENT: All Selectmen were present in-person this evening.

GUESTS/SPEAKERS in-person: Ruth Calabrese, **Director of Planning and Development/Planning Director**; Kenneth Rich, **Building Inspector**; Joseph Sauerhoefer, **Deputy Director, Department of Public Works**; Paul Anderson; Tom Bulkeley; Patricia Shary; Wayne Shary.

GUESTS/SPEAKERS signing in to meeting remotely: Anne; Chris; Heidi; Andrew Pascarelli; iPhone (4); Samsung SM; Peg (Margaret) Hoffman, Recording Secretary.

1. TIME AND PLACE OF MEETING:

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First Selectman Bowsza called the January 5, 2023 Regular Meeting of the East Windsor Board of Selectmen to Order at 7:00 p.m. in the John Daly, Jr. Meeting Room, Town Hall, 11 Rye Street, Broad Brook, Connecticut. The Meeting is being hosted remotely as well.

2. PLEDGE OF ALLEGIANCE:

First Selectman Bowsza requested Selectman Baker lead the group in the Pledge of Allegiance.

3. ATTENDANCE:

First Selectman Bowsza noted the Board has established a quorum as all members of the Board of Selectmen are in attendance in person this evening.

4. APPROVAL OF MEETING MINUTES:

A. December 13, 2022 Special Meeting Minutes:

First Selectman Bowsza noted the availability of the Minutes of the December 13, 2022 Special Meeting; he questioned if anyone had any comments or revisions to the Minutes? Hearing no one request any changes First Selectman Bowsza called for a motion of approval.

MOTION: To APPROVE the Special Meeting Minutes of December 13, 2022.

DeSousa moved/Muska seconded/DISCUSSION: None

**VOTE: In Favor: DeSousa/Baker/Muska/Nordell
(No one opposed/No abstentions)**

B. December 15, 2022 Regular Meeting Minutes:

First Selectman Bowsza then acknowledged receipt of the December 15, 2022 Regular Meeting Minutes. He called for a motion of approval.

MOTION: To ACCEPT the Regular Meeting Minutes of December 15, 2022 as presented.

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DeSousa moved/Muska seconded/DISCUSSION: Selectman Muska would like to note the inclusion of her Selectman's Report as it had not been available at the posting of the Minutes. First Selectman Bowsza noted Selectman Muska's Selectmen's Report has been included in the Meeting packet; the approval should be amended and the Recording Secretary should file them accordingly.

Deputy First Selectman DeSousa AMENDED her motion, Selectman Muska AMENDED her second.

AMENDED MOTION:

To ACCEPT the Regular Meeting Minutes of December 15, 2022 with the addition of the hard copy of Selectman Muska's Report attached.

DeSousa moved/Muska seconded/DISCUSSION: Nothing further

**VOTE: In Favor: DeSousa/Baker/Muska/Nordell
(No one opposed/No abstentions)**

C. December 30, 2022 Special Meeting Minutes:

First Selectman Bowsza then noted the receipt of the Minutes for the Board's Special Meeting held on December 30, 2022; he asked if there were any changes or revisions? Hearing no one requesting any changes First Selectman Bowsza called for a motion of approval.

**MOTION: To ACCEPT the Special Meeting Minutes for
December 30, 2022.**

Muska moved/Baker seconded/DISCUSSION: None

**VOTE: In Favor: DeSousa/Baker/Muska/Nordell
(No one opposed/No abstentions)**

5. PUBLIC PARTICIPATION:

First Selectman Bowsza asked members of the in-person audience for comments or questions.

Paul Anderson, 89 Main Street, Broad Brook: Mr. Anderson cited pending discussion regarding the Blight and Property Maintenance Code/Ordinance.

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Mr. Anderson referenced Section 3-1B (Inspections), “The PMO may inspect any premises in response to a received complaint, or any premises which is believed to be blighted or for which no complaint has been received.” Mr. Anderson suggested his take on the interpretation of this section gives this individual - the Property Maintenance Official (PMO) – more legal power than any other person in the Town of East Windsor. This says this person can go on a property if they so choose. Mr. Anderson suggested he finds that unacceptable. The Police can’t do it, nobody can do it. A property is a person’s rights, and no one can come on a person’s property unless they have just cause in advance. Mr. Anderson felt that wasn’t the case here; he finds that completely unacceptable.

Mr. Anderson also noted that when reviewing this document and the various definitions he can find 16 violations on his own property. As an example, Mr. Anderson reported he has a slate roof, should one of the slates become unattached and fall off the roof you could become beheaded; his suggestion is to stay off of his property. It’s not a health and safety issue if you’re not there, and if you are there Mr. Anderson indicated he wants to know why you’re at his property. If you’re at his property and you get injured then you deal with the insurance people. Mr. Anderson indicated if anyone comes onto his property uninvited, or without a predefined just cause, such as a Police Officer, if you don’t have a purpose something could happen to you by coming onto his property that’s unintended. Mr. Anderson finds that unacceptable. Mr. Anderson suggested he has the right to defend his property in any reasonable fashion; he will never allow anyone to come onto his property uninvited. Mr. Anderson suggested that as soon as the Blight Ordinance passes it becomes law, and once it’s law you can’t change it. Mr. Anderson suggested his opinion is that the 5 member Board of Selectmen should throw this proposed ordinance away. Mr. Anderson felt if this ordinance goes to Town Meeting there will be a huge uproar.

Wayne Shary, Depot Street: Mr. Shary implored the Board to use discretion when considering this Blight Ordinance.

First Selectman Bowsza called for additional comments from the in-person audience; no one requested to speak. First Selectman Bowsza then offered the opportunity to speak to the remote participants; no one requested to be acknowledged.

6. COMMUNICATIONS:

A. Email Regarding Congressionally Directed Spending:

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First Selectman Bowsza acknowledged a recent press release from Senator Chris Murphy, Senator Richard Blumenthal, and Congressman John Larson regarding Congressionally Directed Spending Awards for towns and cities in the First Congressional District. East Windsor will be the receipt of \$4.7 million, which will provide \$2.75 million for the renovation and additions at Scout Hall, \$1.2 million to connect the School Hill Water Association to the Connecticut Water Company, and \$750,000 for project improvements for the Connecticut Trolley Museum.

First Selectman Bowsza noted there were 99 Congressionally Directed Spending Awards in Connecticut; East Windsor received 3 of them.

7. BOARD AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS:

A. Resignations:

First Selectman Bowsza noted Jim Richards has expressed an interest in stepping down from the Economic Development Commission and the Arts and Culture Commission. He requested a motion accepting Mr. Richards resignations.

1. James Richards, Economic Development Commission:

MOTION: To ACCEPT the resignation of James Richards from the Economic Development Commission, with regret.

Muska moved/Nordell seconded/DISCUSSION: Selectman Muska thanked Mr. Richards for serving in his capacity on the Economic Development Commission. Selectman Baker echoed Selectman Muska's comments, noting Mr. Richards has served on the Economic Development Commission for a long time; it's too bad that he's decided to move on.

**VOTE: In Favor: DeSousa/Baker/Muska/Nordell
(No one opposed/No abstentions)**

2. James Richards, Arts and Culture Committee:

MOTION: To ACCEPT the resignation of James Richards from the Arts and Culture Committee.

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VOTE: In Favor: DeSousa/Baker/Muska/Nordell
(No one opposed/No abstentions)**

B. Reappointments:

- 1. Michael Misluk (D), Ethics Commission, regular member for a term expiring January 24, 2027:**

First Selectman Bowsza noted the reappointment of Michael Misluk to the Ethics Commission.

MOTION: To REAPPOINT Michael Misluk (D), to the Ethics Commission as a regular member for a term expiring January 24, 2027.

**Muska moved/Nordell seconded/DISCUSSION: None
VOTE: In Favor: DeSousa/Baker/Muska/Nordell
(No one opposed/No abstentions)**

C. New Appointments: None

8. UNFINISHED BUSINESS:

***A. Discussion of Windbrook Homes Developers Agreement:**

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

***B. Discussion of Permit Link Proposal for Development of Land Use Module:**

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

Noting the discussion of the Blight Ordinance is anticipated to be lengthy, and the Town Meeting is scheduled to begin at 7:30 by Charter, First Selectman Bowsza suggested the Board consider taking some Agenda items out of order for discussion until the Town Meeting begins. The Board concurred with First Selectman Bowsza's suggestion regarding

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discussion of Agenda items. First Selectman Bowsza called for a motion to discuss the following Agenda items: **8. UNFINISHED BUSINESS**, Item D. Discussion of Future Use of Town-Owned Property on Melrose Road, **8. UNFINISHED BUSINESS**, Item E. Discussion of Disposal Policy; and **9. NEW BUSINESS**, Item A, Discussion of Draft of 2023 Update to the Capital Purchases Bid Procedure.

MOTION: To take up Agenda items 8D, 8E, and 9A.

Muska moved/DeSousa seconded/DISCUSSION: None

**VOTE: In Favor: DeSousa/Baker/Muska/Nordell
(No one opposed/No abstentions)**

8. UNFINISHED BUSINESS:

D. Discussion of Future Use of Town-Owned Property on Melrose Road:

First Selectman Bowsza opened discussion by noting that Mr. Neill has expressed an interest in leasing this property from the Town which abuts his property on at least one side. Mr. Neill would keep the parcel for pasture land for their horses and riding trails.

First Selectman Bowsza noted an e-mail communication which has occurred between the Northern Connecticut Land Trust, and he and Planning Director Calabrese, who has researched the possibility of the existence of a Conservation Easement on this parcel. The Northern Connecticut Land Trust feels there is an easement; Planning Director Calabrese has indicated her research has not found evidence of a Conservation Easement. First Selectman Bowsza reviewed the Board's options on behalf of the Town.

Selectman Baker indicated he had visited the property today. He was expecting a flat piece of property with perhaps mature trees and the potential for some timbering value. He found it as the Northern Connecticut Land Trust has described it - as being a great functioning wetlands which is being used as a wildlife corridor and all the agricultural fields surrounding it drain into it. Selectman Baker indicated he can't imagine this parcel ever being farmed, it's wet except for one area where Mr. Neill would like to keep horses. Selectman Baker suggested he's not

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sure he wants to lease it to the Northern Connecticut Land Trust at this point; he like to explore other lease options. First Selectman Bowsza suggested if the Board considers leasing the property it would have to go out to bid. Selectman Baker questioned if the entire parcel would be leased, or could it be part of the property?

Selectman Muska indicated she's open to discussing lease options rather than give the property away for good. Selectman Muska also questioned if the entire parcel would be leased or could it be a portion as Selectman Baker suggested. Selectman Muska questioned if Mr. Neill can access the parcel from his property, or would he be crossing over other parcels? First Selectman Bowsza replied Mr. Neill can access the parcel directly from his property. Selectman Muska indicated she would be open to consider leasing the parcel to Mr. Neill.

Selectman Nordell suggested the only reason he's a bit hesitant is if it goes out to bid and the person who originally came to the Town is outbid and he ends up with something next door to him that he doesn't want is the Board opening up a can of worms? First Selectman Bowsza noted the previous leaseholder couldn't farm it because of the lack of access to the parcel; it's unlikely that anyone else could access the parcel in a more effective way other than Mr. Neill. Selectman Nordell questioned if that opened the Board to controversy if only one person has access to the parcel? First Selectman Bowsza suggested someone else could lease the parcel as it is to not have something happen to it, or perhaps the property owner in Enfield would lease it.

Selectman Baker suggested after seeing the property and realizing you would have difficulty even walking it he doesn't want to see it cut and stumped for farming; he felt that wasn't the way the Board would want to go environmentally. First Selectman Bowsza noted the Department of Agricultural has already indicated they don't want to be involved in farming that property. Selectman Nordell questioned the maturity of the trees. Selectman Baker felt the Northern Connecticut Land Trust is looking for a right-of-way onto the property from Melrose Road, Selectman Baker indicated there is a row of trees on one side and then invasive species and the other side is the native wetlands plants, such as red maple trees. Selectman Baker reiterated he doesn't want to see that ripped out and turned to a farming use because next time it gets neglected it might come back differently.

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Deputy First Selectman DeSousa questioned the existence of a Conservation Easement again. Selectman Baker reiterated Planning Director Calabrese had not found a Conservation Easement on the parcel, but passive recreation is an allowable use. He suggested if the Town keeps the parcel it should acknowledge it as open space and protect it as a wildlife corridor.

Deputy First Selectman DeSousa questioned if people could hunt on the parcel, and what would the Town's liability be associated with that use? Selectman Baker suggested someone could legally bow hunt on the parcel. He questioned if hunting is allowed on other open space parcels owned by the Town. Deputy Director of Public Works Sauerhoefer suggested anyone can hunt on any property with the consent of the owner. Selectman Baker suggested the Board should consider creating a policy for hunting after reviewing DEEP and other State regulations.

Selectman Baker suggested he wanted the Board to continue to consider lease options. First Selectman Bowsza indicated he'll work with the Planning Department and return to the Board with potential lease options for the January 19th Board Meeting.

E. Discussion of Asset Disposal Policy:

Deputy Director Sauerhoefer joined the Board. He noted that everything he had presented has been sold, with the exception of the air conditioners, which he plans to offer again in the Spring. Deputy Director Sauerhoefer indicated that the process worked well. They were able to dispose of 5 old Police vehicles, a loader, a "snake", and several motors for sanders. Everything was marketable; Deputy Director Sauerhoefer reported they made approximately \$68,000.00. Deputy Director Sauerhoefer suggested this process was more economical for the Town than taking the cars to market. Deputy Director Sauerhoefer suggested the pilot project was successful; he felt this is the way to go in the future regarding disposal of excess equipment.

First Selectman Bowsza noted a draft of the proposed policy in the Board's packet for review. He noted that whatever department handles this process they must come before the Board of Selectmen for review prior to marketing the items.

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First Selectman Bowsza queried the Board for comments. Selectman Muska indicated she has no edits to the proposed policy; it's good already. Selectman Nordell, Baker, and Deputy First Selectman DeSousa concurred with Selectman Muska. First Selectman Bowsza called for a motion of approval.

MOTION: To ACCEPT the Town of East Windsor Disposable Policy as presented.

Muska moved/Baker seconded/DISCUSSION: None
VOTE: In Favor: DeSousa/Muska/Nordell/Baker
(No one opposed/No abstentions)

First Selectman Bowsza noted the time was 7:26 p.m. He suggested the Board would continue discussion of the remainder of the Agenda items after the Town Meeting. First Selectman Bowsza called for a motion to RECESS the Board of Selectmen's Meeting.

MOTION: To RECESS the Board of Selectmen's Meeting at 7:26 p.m.

Baker moved/Muska seconded/DISCUSSION: None
VOTE: In Favor: DeSousa/Baker/Muska/Nordell
(No one opposed/No abstentions)

PLEASE SEE SEPARATE MINUTES FOR THE TOWN MEETING.

First Selectman Bowsza RECONVENED the Board of Selectmen's Meeting at 7:46 p.m.

First Selectman Bowsza called for Deputy Director Sauerhoefer to rejoin the Board to discuss **NEW BUSINESS Item 9A.**

9. NEW BUSINESS:

A. Discussion of Draft of 2023 Update to the Capital Purchases Bid Procedure:

Deputy Director Sauerhoefer joined the Board.

First Selectman Bowsza noted this Town policy hasn't been updated in several years. He noted the red-lined copy of a new draft provided in the Board's packets; the Board considered the following policy revisions.

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1. **PURPOSE:** “Sourcewell” has been included as a bid source Deputy Director Sauerhoefer suggested this entity seems to be the cheapest source lately and provides a better value. He noted Sourcewell appears to be a conglomerate of state resources; First Selectman Bowsza suggested Sourcewell is pre-qualified for government bids.
2. **PURCHASE AMOUNTS:** First Selectman Bowsza noted the current policy is any purchase of \$20,000 or over requires performing a sealed bid process; he questioned if the Board wanted to reconsider the threshold amount? Selectman Muska questioned what other towns are doing; is this a standard practice in other towns? First Selectman Bowsza will review how other towns handle this issue.
- 3.3 **PROFESSIONAL SERVICES:** First Selectman Bowsza indicated that the Town has a list of vendors who provide on-call services for various trades, such as plumbing, electrical, tree removal, etc. First Selectman Bowsza suggested there are some situations, such as emergency repairs, where going through the bid process is not feasible; they are proposing to forego the bid process for such situations. He noted the chosen vendor would have to provide a report to the Town summarizing the repairs, cost, etc. subsequent to completion of the services. Deputy Director Sauerhoefer offered as an example that catch basin repair which would be discovered during a road under repair, rather than stop work on the road to go through the bid process for contractors to repair the catch basins an on-call vendor could be called in. Selectman Baker questioned how often the vendors are considered? First Selectman Bowsza noted the vendors are reviewed every 3 years. Discussion continued regarding the vendor approval process. Deputy Director Sauerhoefer noted that when the Board approves the new policy he will be doing a re-bidding process under the new policy.

Section 3.5 – Waiver of the Bid Policy

Selectman Muska questioned the Board’s ability to waive this policy; she questioned who would be considering the waiver of the policy? Selectman Baker felt it would apply to each serving

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Board, noting the next Board may choose to abandon this policy completely.

First Selectman Bowsza indicated he and Deputy Director Sauerhoefer will review the policy proposal and submit it for discussion again at the Board's January 19th Meeting.

C. Discussion of Blight Ordinance:

First Selectman Bowsza welcomed Ruth Calabrese, Director of Planning and Development/Planning Director, and Kenneth Rich, Building Inspector to the table for discussion.

First Selectman Bowsza called for comments from the Board.

Selectman Baker indicated he wants to get rid of "h" (2.2 Definitions of Standards, regarding overgrown grass and weeds), and, he agrees totally with Paul Anderson's comments made earlier.

Selectman Nordell referenced Section 2.2b regarding "missing shutters" as he suggested no one today has shutters for the purpose people had them 100 years ago. Selectman Nordell felt the same way about "awnings". Building Inspector Rich clarified that the language referenced awnings that were falling off. Selectman Nordell indicated he could see how a collapsed awning at a business entrance could be a problem; awnings can stay. First Selectman Bowsza suggested striking shutters but retaining awnings.

Returning discussion to Section 2.2(h) Selectman Baker indicated that if the property owner is a young couple who have purchased their first home and may be in over their heads then mowing the grass may not be a priority for them, he doesn't feel cranky neighbors should have the government power to give them problems. Selectman Muska agreed, she doesn't feel the government should be involved; if it's not affecting the health and safety she felt that was infringing on people. Selectman Baker noted he revisited Gardner Street, which has had a couple of issues going on; that property is mowed now. He feels this grass monoculture that's been going on for the last hundred years is not the best way to do things, and doesn't feel the Board of Selectmen should be codifying any policy

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that continues that philosophy. Selectman Baker suggested he favors the deletion of sub-section “h”.

Building Inspector Rich suggested he feels sub-section “h” is worth negotiating. Selectman Baker suggested he felt they had been negotiating, but philosophically, he is absolutely 100% against giving government the power to let someone – the government as it’s written now – come in and say “mow your lawn”. Building Inspector Rich suggested everyone invests money into their properties, whether its residential or commercial, he felt this language provides them to have a place where they can say “my neighbor isn’t mowing their lawn, I want to sell my home, can we do anything?” Building Inspector Rich suggested he can send them a letter to tell them to mow the lawn, and get them help if they need it. Building Inspector Rich suggested he’s seen it work, for the elderly, the young couples, the single mothers, it isn’t always bad. Selectman Baker recalled that discussion previously, and when he asked if there would be any discretion or wiggle room Building Inspector Rich had told me no. Building Inspector Rich recalled the discussion differently, noting Selectman Baker had opposed the 12 inches for the grass, and subsequently agreed to forgo the 12 inches if given more time, which they accommodated.

Selectman Baker advised the group that he’s spoken with a number of constituents and found zero people are for this ordinance. Building Inspector Rich suggested it’s complaint based, he noted they weren’t Police officers. Selectman Baker reiterated the way this is written you could be driving by and decide you don’t like the way it looks because you don’t like the grass; he felt the way this sub-section is written Building Inspector Rich could start proceedings on someone because you don’t like their grass. Selectman Baker suggested he wanted to avoid that occurrence. First Selectman Bowsza suggested including language that action would be triggered by 2 or more resident complaints? Selectman Baker felt that created a situation of neighbors ganging up on each other. Selectman Baker suggested people have some discretion as to what happens on their property, maybe they don’t care about mowing their lawn. Selectman Baker suggested his property is his sanctuary, he doesn’t want to add another law.

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Selectman Nordell recalled that the time period was increased, noting there are only two times during the season that the grass will grow over 12 inches. Selectman Baker clarified that was correct if someone had the monoculture type grass that's the typical American lawn, he suggested that discussion caused him to reconsider this issue. He reiterated this section doesn't work as it's written; he felt there are other ways to deal with actual blight. Selectman Nordell suggested if this was the only way to get rid of the grass issue he would be agreeable to getting rid of that language. He suggested the ordinance isn't to police people, it's for safety issues. Selectman Nordell suggested there are times that people need to get on someone's property; he noted there are properties in Town that are safety issues for first responders, police, and fire personnel. He suggested they need to be able to address those issues before someone is seriously hurt or dies. He agreed that if someone wanted to let a section of their property return to woods they should be able to do that, he also understands Building Inspector Rich's comment that the unmown grass may be an opening step to something else happening for that person. Selectman Nordell indicated he wants this ordinance to pass. Selectman Baker agreed that something is needed; he feels the enforcement language is fair and graduated, but he felt the need to reduce the ability for government to have a say about your property. Selectman Nordell agreed there's too much government overreach already, but he doesn't want someone responding to a medical or fire call to fall through a porch.

Deputy First Selectman DeSousa suggested she has a problem with a property that has garbage outside and overgrown grass all the time; that's blight that's dangerous. She understands someone wanting to have a sanctuary for the bees. She wants something in the ordinance for residents whose property is falling apart and the trash is out there in the overgrown grass; that's different. First Selectman Bowsza suggested adding language to require an owner, such as a bank with a vacant property in their custody, would have to maintain it; that doesn't infringe on a resident property owner's rights but it does address blighted properties. Selectman Baker recalled previous discussion on that issue, if that can be determined if that's legal he can agree to that.

Building Inspector Rich felt the Board is restructuring the whole ordinance, which breaks it down, just with that one statement. He questioned if people have broken down cars and overgrown grass, is that blight? Selectman Baker felt the Town already has the power under the

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current Zoning Regulations, the Zoning Enforcement Officer could get rid of unregistered vehicles not stored properly. Selectman Baker felt including that in the Blight Ordinance was duplication. First Selectman Bowsza cited the need to enable Building Inspector Rich to have the tools to do his job. Selectman Baker reiterated his reiteration that constituents won't pass this ordinance as written, he cited previous times a Blight Ordinance has come up for consideration that didn't pass because people didn't want it; he's trying to get something that will pass. Building Inspector Rich questioned what would make the ordinance passable? Selectman Baker suggested as little overreach as possible.

First Selectman Bowsza suggested the Board could hold a Public Hearing on the ordinance. Selectman Baker felt that would be more constructive. Selectman Baker noted 2 properties he's recently driven by, just like you talked about, they couldn't mow the grass because there's too much stuff in the grass; the accumulated stuff is the problem. Building Inspector Rich suggested he understands Selectman Baker's comments about the grass, he isn't against forgoing it if it's only grass that grows 12 inches twice a year, but he felt the Board could find problems with this ordinance until the discussion goes on for 5 years. Building Inspector Rich indicated that he's not here to change anyone's mind but he is trying to fix obvious problems. He respects what the Board is saying but he has to enforce life safety. Selectman Baker noted he asked a fire professional about the riskiness of the grass and was told it's not an issue. Discussion continued.

First Selectman Bowsza suggested the Board consider striking/deleting subsection "h"; the Board agreed.

Selectman Muska referenced Section 2.2.3 regarding "a condition attracting illegal activity as documented in Police Department records", she questioned how this contributes to blight? First Selectman Bowsza suggest something that would be an attractive nuisance, like a broken fence, like the Mill property. Selectman Baker questioned if First Selectman Bowsza was referring to a commercial property that's been abandoned. Selectman Muska questioned if the language should reflect that it's a public property? She questioned how someone would know it's attracting to illegal activities? Planning Director Calabrese suggested adding language such as "as reflected by the Police and/or Fire Department records." Selectman Muska and Selectman Baker referenced

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sub-section 5; discussion continued regarding adding sub-section 3 (Police Department) and 4 (Fire Department) to sub-section 5.

Selectman Baker suggested if there was a way to make it a non-owned vacant property then he would be agreeable to the 12 inch grass and the 30 days. Selectman Baker suggested the Board needs to investigate if it's legal to pinpoint bank-owned properties. He reiterated again that he doesn't want this ordinance to affect residents.

Selectman Nordell cited abandoned properties which aren't bank owned but may come back to the Town because of tax delinquencies. Selectman Baker felt that situation already exists; the Town would go in and neaten the property up and put it up for sale.

Selectman Nordell opened discussion on the public comments made earlier about overreach; he agreed something needs to be done to revise the language. Selectman Muska suggested what Mr. Anderson said about someone being able to go on someone's property, it isn't ok. First Selectman Bowsza questioned if there is no inspection provision then how would the Town know a situation existed if a complaint hadn't been made? Planning Director Calabrese suggested someone could drive by a property and you might notice a house is falling down. Selectman Muska indicated it concerns her, someone may not be in a good financial position and may be aware of a problem but can't do anything about it. Selectman Muska suggested she can see both sides of the issue. She cited the previous example mentioned of someone trying to deal with a mortgage, and paying your bills and feeding your family, and something is falling off of your house but you can't fix it, if someone isn't in a good financial place she questioned if the government should be coming in and giving them another headache. Selectman Nordell felt the citation/notice of violation are very accommodating to help people, the letter wasn't being done to target people, it's to get rid of serious safety concerns in Town. Selectman Muska questioned what if the neighbor doesn't like someone?

Building Inspector Rich suggested there's a level of liability with this issue. As a Building Official once a fire official brings him into the situation and he sees that as dangerous Building Official Rich indicated he needs to take immediate action. He noted he's licensed by the State but works for East Windsor, he suggested there's a level of liability for the Town when we become aware of a situation. Building Inspector Rich

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suggested sometimes they can assist before they enforce. Deputy First Selectman DeSousa suggested if a health official gets a complaint they can come onto someone's property without permission. Selectman Baker suggested he understands the need to follow State law, he questioned if maybe rather than the Building Official the PMO could be the entity to make the report. Building Inspector Rich felt he shouldn't have to ask permission to do everything, he felt there's a level of trust that should exist between the Board and himself. Selectman Baker indicated that he respects Building Inspector Rich, and feels he's a professional, and appreciates his experience but he's thinking 10 years down the road. Selectman Baker felt allowing the PMO to go on someone's property without permission would be the biggest problem to get this ordinance passed.

First Selectman Bowsza suggested adding "bonafide complaints" to subsection 5, as he felt that would get it away from neighbors complaining about neighbors. Building Inspector Rich clarified that the initial response from the complaint would be driving by to see, maybe they'll talk to the person who made the complaint without going on the property. If he found something a letter would be written without going on the property. Selectman Baker felt the concern was the language "for which no complaints have been received." Selectman Baker suggested the issue/problem is if there are no complaints. First Selectman Bowsza suggested he felt that clause was there to give the Building Official an entry point to a building because of a public safety concern. Building Inspector Rich referenced an abandoned commercial property on Newberry Road, he suggested he didn't feel that issue should be complaint based. He suggested people can get through the fence and into the building; someone could get hurt. Planning Director Calabrese felt in a situation such as that Building Inspector Rich would send a letter. Selectman Baker referenced "b", suggesting it says the person can go in and inspect where no complaint has been received. Building Inspector Rich suggested if there are life safety issues, and it seems like someone is having a rough time that may be what's meant by that language.

Deputy First Selectman DeSousa felt the language was dual, if people are in the building he mentioned on Newberry Road then that's squatting, like they did at the old movie theater. Deputy First Selectman DeSousa felt if someone saw someone coming in and out of that parcel after dark it might be subject to further investigation. Selectman Baker suggested to him

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that's trespassing and you call the cops, it's not blight. The (theater) building was blight and still is today, while the behavior was trespassing and was dealt with by the Police. Selectman Nordell suggested the Town needs the Blight Ordinance to remedy that situation. Building Inspector Rich suggested a letter would be sent to the owner. Selectman Baker agreed with that scenario but he felt this paragraph says you can just go in. First Selectman Bowsza suggested adding language "for which no complaint has been received but for which life safety circumstances may exist." Selectman Baker felt that was progress but going onto a property can't be carte blanche. He recalled the Town working on a Blight Ordinance for many years, and I was never accepted. The Board needs to develop something that's not only passable but enforceable. The way this is currently written it gives the PMO more power than the Zoning Enforcement Official, the Wetlands Enforcement Official, the Police, the Fire Departments.

Selectman Nordell suggested moving subsection "c" before subsection "b" so the PMO could send the warning letter first. Building Inspector Rich noted that usually when someone makes a complaint they let you come onto their property so you can see what they're seeing. Building Inspector Rich questioned if some of the Building Code language regarding what it says about him being able to go onto someone's property could be used in the Blight Ordinance? Deputy First Selectman DeSousa cited Windsor Locks places stickers on unregistered vehicles; Building Inspector Rich suggested that would be allowing him to go on someone's property without permission.

Selectman Muska felt holding a Public Hearing on the Blight Ordinance was a good idea. Selectman Baker recalled that was how the Wetlands Fee Ordinance was handled, it allowed them to work out the kinks before actually sending an ordinance to Town Meeting. First Selectman Bowsza suggested holding a Public Hearing on February 2nd, which is the same night as the Budget Hearing.

D. Discussion of Future Use of Town-Owned Property on Melrose Road:

See discussion above.

E. Discussion of Asset Disposal Policy:

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See discussion above.

9. NEW BUSINESS:

A. Discussion of Draft of 2023 Update to the Capital Purchases Bid Procedure:

See discussion above.

B. Discussion of 8-24 Referral Regarding Prospect Hill Road:

First Selectman Bowsza advised the Board that awhile back a resident of Prospect Hill Road reached out to the Town to ask if they could purchase a Town-owned property which had been intended to become a Town road, which never happened. To comply with the resident's request the Board would need to do an 8-24 Referral to abandoned the right-of-way which abuts Lincoln Tech.

Planning Director Calabrese suggested the Board needs to amend the subdivision map for Prospect Hill Road because these rights-of-way are currently reflected as roads. Selectman Baker questioned if these rights-of-ways were ever accepted as Town roads? Planning Director Calabrese replied negatively.

The Board reviewed material online which encompassed the Prospect Hill Road Subdivision. During the review it was noted that there are 3 other rights-of-way which could be offered to abutters – between lots #53 and #55, #15 and #17, and lots #93 and #95. Selectman Nordell suggested the right-of-way between #53 and #55 provided access to a lot behind it.

First Selectman Bowsza requested Planning Director Calabrese to continue researching the subdivision.

C. Tax Refunds:

MOTION: To APPROVE the tax refunds in the amount of \$2,020.75.

Muska moved/Baker seconded/DISCUSSION: None

VOTE: In Favor: DeSousa/Baker/Muska/Nordell

(No one opposed/No abstentions)

10. **SELECTMEN COMMENTS AND REPORTS:**

A. **Jason Bowsza:**

(See Attachment)

B. **Marie DeSousa:**

Deputy First Selectman DeSousa indicated she had no report to review this evening as she was unable to attend her liaison meetings due to personal reasons.

C. **Sarah Muska:**

Selectman Muska reported that based on scheduling none of her liaison meetings were held because of the holidays.

Selectman Muska suggested the **Economic Development Commission** is desperate for members, she encouraged the public to consider volunteering.

D. **Charlie Nordell:**

Selectman Nordell suggested he had no formal report for this evening, but he noted he attended the meeting of the **Warehouse Point Fire Department**, which was discontinued as they got a call during the meeting. Selectman Nordell reported the Warehouse Point Fire Department responded to 761 incidents during 2022. They are working on establishing a charter.

E. **Alan Baker:**

Selectman Baker reported that the **Broad Brook Fire Commissioners Budget Meeting** has been cancelled as they feel they've already reviewed their proposed budget.

Selectman Baker noted the **Inland Wetlands Commission Meeting** was cancelled last night due to lack of applications.

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11. PUBLIC PARTICIPATION:

First Selectman Bowsza offered the in-person audience a second opportunity to comment.

Patricia Shary, 119 Depot Street: Mrs. Shary referenced the photos shown during the discussion of the Prospect Hill Road Subdivision, she questioned if that was something the PMO could look at, could someone go online and see what's behind someone else's property?

First Selectman Bowsza suggested that was a land use function; he noted those photos weren't current, the Board was reviewing the layout of the Prospect Hill Road Subdivision. He noted that when Staff was recently reviewing aerials for a zoning violation it was found that the information shown in the photos wasn't current.

Wayne Shary, Depot Street: Mr. Shary suggested that while coming to these meetings and watching the time the Board puts in he wanted to thank the Board; he appreciates what they do, but he didn't want the 5 Board members to decide the fate of the Town on the Blight Ordinance. Mr. Shary questioned what qualifies the Building Inspector to do the Blight Ordinance inspections, or to do anything other than be the Building Inspector? Mr. Shary felt the Building Inspector was responsible to inspect new buildings and make sure they're up to standards for safety and quality. Mr. Shary indicated the Building Inspector will be the PMO for the Blight Ordinance, he questioned how he qualified for that position? Mr. Shary noted he has classic cars in his back yard, he questioned if the Building Inspector knows anything about classic cars? Mr. Shary suggested his classic cars are inoperable, but what does the Building Inspector care if they're registered? If he has the car sitting on a trailer the trailer is registered. Mr. Shary noted he's paid almost \$20,000 in taxes on that. First Selectman Bowsza suggested Mr. Shary made good points which should be discussed in the Public Hearing process.

Mr. Shary noted he had participated in a similar panel previously regarding a Blight Ordinance and it became so confusing that it was abandoned. He suggested if he has a classic car in his back yard, and you have a book in the Assessor's Office that identifies it; you're not going to tell me to get my classic cars out of my back yard. If I cover it up it could be a cord of wood. Mr. Shary felt the Building Inspector was talking about public safety but felt that's not really where he's going. He questioned if the building with the weeds growing up

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around it was hurting anyone. Mr. Shary encouraged the Board to create a panel to review this (Blight Ordinance), he suggested he'll be the first to volunteer. Mr. Shary noted he's seen other hearings, the people who come to talk are here for 10 years and then they're gone. Mr. Shary urged the Board to reconsider the current Blight Ordinance; he felt massaging it won't work. Mr. Shary suggested East Windsor is a farm town, he didn't feel the current Blight Ordinance was written for us.

Tom Bulkeley, King's Court: Mr. Bulkeley questioned the reason for the change of referendum hours at the Town Meeting. First Selectman Bowsza suggested the Connecticut General Statutes sets referendum hours at 12:00 to 8:00 but it also allows towns to extend those hours. The vote at Town Meeting has set our hours as 6:00 a.m. to 8:00 p.m. for the year to increase convenience for the voters.

Paul Anderson, 89 Main Street, Broad Brook: Mr. Anderson suggested some food for thought regarding the Blight Ordinance. One major concern is the involvement of a PMO, which is someone's opinion; they're entitled to it. Theoretically, that person is a professional but he questioned how the Town acquires a professional Blight Ordinance Officer. Mr. Anderson felt the position should be held by someone with a degree, but he questioned if there was a degree for such a position. Mr. Anderson suggested you have that one person, who may discuss it with you but if you don't come to an agreement they'll go through this process. Eventually, you're allowed to have a citation hearing with someone who isn't a Town employee, and that's another opinion. Mr. Anderson suggested if a person doesn't agree with either person's opinion they have no recourse but to go to court, which is expensive and the individual usually loses in the end.

First Selectman Bowsza queried the in-person audience for others wishing to speak; no one requested to be acknowledged. First Selectman Bowsza then offered the same opportunity to the on-line participants; no one requested to speak.

12. **EXECUTIVE SESSION** – Pursuant to C.G.S. 1-200 (6)(b), strategy and negotiations with respect to pending claims or pending litigation, (6)(e) discussion of any matter which would result in the disclosure of public records, or the information contained therein described in subsection (b) of section 1-210. – Discussion of Attorney-Client Privileged matters. Discussion of contract matter. Action possible:

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First Selectman Bowsza called for a motion to go into **EXECUTIVE SESSION**; he noted that the 5 member Board would be attending.

MOTION: To GO INTO EXECUTIVE SESSION at 9:27 p.m. Attending the EXECUTIVE SESSION will be First Selectman Bowsza, Deputy First Selectman DeSousa, Selectman Baker, Selectman Muska, and Selectman Nordell.

Muska moved/Nordell seconded/DISCUSSION: None

**VOTE: In Favor: DeSousa/Baker/Muska/Nordell
(No one opposed/No abstentions)**

LET THE RECORD SHOW the Recording Secretary signed out as a remote participant at 9:27 p.m., while the Board began the **EXECUTIVE SESSION**.

LET THE RECORD SHOW the Board returned from **EXECUTIVE SESSION** at 10:06 p.m.

First Selectman Bowsza announced no further actions will be taken this evening. He asked for a motion to adjourn

13. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 10:06 p.m.

Muska moved/Nordell seconded/DISCUSSION: Non-debatable

**VOTE: In Favor: DeSousa/Baker/Muska/Nordell
(No one opposed/No abstentions)**

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Board of Selectmen

ATTACHMENTS:

A. First Selectman Bowsza's Report

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Selectman Baker and Selectman Nordell's Report are included in the Minutes transcription, while Selectman Muska and Deputy First Selectman DeSousa had no meetings scheduled due to the holidays.

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BOARD OF SELECTMEN – 1/5/2023 – ATTACHMENT A

First Selectmen's Report – January 5, 2023

In April of last year, our representatives in congress (Representative Larson, Senator Murphy and Senator Blumenthal) solicited requests from towns and cities across Connecticut for Congressionally Directed Spending (CDS) projects, direct appropriations to local governments and nonprofits for capital projects. Across Connecticut, there were ninety-nine CDS requests submitted by our senators, and approved in the recently passed federal omnibus budget bill. East Windsor has been designated as the recipient of three of those CDS awards, included in the federal budget that passed Congress on December 23rd and signed by President Biden last week. The federal funds earmarked for the Town of East Windsor include \$2.75 million for the renovation and expansion at Scout Hall, \$1.2 million for the School Hill Water Association to provide potable drinking water to that neighborhood, and \$750,000 for the Connecticut Trolley Museum. Collectively, that equates to \$4.7 million in federal dollars being delivered to East Windsor.

The \$2.75 million for the renovation and expansion of Scout Hall is what is called “last in” funding, meaning local or other funds would need to be available for the project before the federal funding is accessible. Federal funds would also fully reimburse the Town for expenses incurred in the generation of architectural renderings and engineered plans. With no local authorization currently in place for the project, that \$2.75 million is in limbo. Because it is authorized through a literal act of Congress - the federal budget, no less - it is not transferrable to another project.

On December 17th, I was pleased to attend the Town's commemoration of Wreaths Across America. I shared some thoughts that had been expressed to me by a young veteran new to East Windsor named Kyle O'Bara. I wanted to include some of Mr. O'Bara's comments:

Both the soldiers and their families sacrifice in support of our nation. During his deployments, during which he was injured in the line of duty several times, his wife was here at home taking care of their small children effectively as a single parent.

Mr. O'Bara said that when you enlist, you sign a blank check to the government that may include you paying up to and including with your life. But your family is pulled along with you during your time of service, with demands placed on them that are burdensome and difficult to bear. Soldiers in today's military sign up

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know that all will give some, and some may give all. Their families make sacrifices in service to the nation, as well.

As we commemorate today's events and lay wreaths on the gravestones in observance of the day, I'd like to leave one last thought that Mr. O'Bara shared with me: a soldier dies twice – once when they physically die, and again when their names are no longer spoken. So, he asked me to say the names out loud of those we recognize today, so that they may continue to live on.

Later that evening, I was delighted to attend the Torchlight Parade, an annual holiday event sponsored by the Broad Brook Fire Department and East Windsor Community Services Department. This year's event was particularly well attended, and included a visit with Santa, a carol sing, and hot cocoa at the fire department after the parade.

On December 19th, I was happy to join residents of Park Hill for their holiday celebration. They had a packed hall, good food, and great company to gather and celebrate the holiday.

The progress at Calamar (Watermill Landing) has been frustrating for a very long time. I have made a number of complaints to the Department of Consumer Protection about the process, our frustrations, and the negative impacts on potential residents. On December 29th, DCP met with me to discuss our concerns and explain what their role can be moving forward. They've been in touch with the Building Official and have been onsite to review the work product and make sure that all workers on the project are properly licensed.

On December 29th, I was very pleased to attend the swearing in ceremony for Probate Judge Mary Deneen, who was sworn in in front of a packed house of friends and supporters. Judge Deneen comes from a long line of well-respected attorneys, and I was honored to support her as she begins this new chapter in her career.

Yesterday, I had the opportunity to attend opening day of the legislature and the swearing in of statewide officials. Speeches from leaders in both the House and the Senate, as well as from Governor Lamont, revolved around renewal and collaboration. The sense of optimism was everywhere, and a great start to the session

Next week, Finance Director Amy O'Toole and I will begin the budget process. This is the first step in a long process, where Amy and I meet with any department/board/commission submitting funding requests. By the end of the month, I'll make my budget recommendation for the town side of the government and will present it

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to the Board of Selectmen on February 2nd. At that point, after a public hearing, the Board of Selectmen will start their work modifying my recommendations.

On January 14th , an official ribbon cutting ceremony will be held at Two Sisters Nutrition in Kingsway Plaza to welcome them to East Windsor. The ceremony will be at 9 a.m. We wish them much success here in East Windsor.

On February 18th, the Panther Plunge returns to East Windsor! All participating plungers will be “freezin for a reason” at 1pm at East Windsor Park, to benefit the East Windsor Fuel Bank. Anyone interested in plunging can register at www.eastwindsorrec.com. Donations can also be made online or in-person. Awards will be given for largest donation by a team, largest donation by an individual, and best costumes.

Respectfully submitted,

Jason E. Bowsza
First Selectman