

BOARD OF SELECTMEN
Tuesday, September 21, 2021
Zoom Teleconference

SELECTMEN PRESENT: J. Christopher Kervick, Paul Harrington and Scott Storms

ALSO ATTENDING REMOTELY: Scott Nolan (Town Clerk), Peter Juszczynski (Tax Collector), Amanda Moore (Finance Director), Pat King (Board of Education), Ann Marie Claffey (Senior Center Director), Drew Lines (Valuation Advisor, Cohn Reznick), Eric Marsh, Doug Glazier, Jon Savino, Patty Murphy, Kurt Brace, and members of the Public.

CALL TO ORDER:

First Selectman J. Christopher Kervick called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was observed.

Selectman Kervick moved that Agenda item 7b be discussed before Item 5. Selectman Harrington seconded the motion. All in favor. Motion carried.

PUBLIC INPUT:

Michael Bracken – commented that he didn't see the Sidewalk Ordinance on the Town website.

Selectman Kervick responded that he would check the website and post it if it doesn't presently appear there.

APPROVAL OF THE REVISED AUGUST 3, 2021 REGULAR MEETING MINUTES, AUGUST 17, 2021 REGULAR MEETING MINUTES and SEPTEMBER 14, 2021 SPECIAL MEETING MINUTES:

Selectman Harrington moved to approve the Revised Minutes from the August 3, 2021 Regular Meeting, Minutes from the August 17, 2021 Regular Meeting and Minutes from the September 14, 2021 Special Meeting. Selectman Storms seconded the motion. All in favor. Motion carried.

CORRESPONDENCE: None

NEW BUSINESS:

b. *Sale of Cell Phone Tower Lease:*

Selectman Kervick provided information regarding the Town's ownership and tenancy of the cell phone tower on the Public Safety Complex. He explained the options available of assigning the lease rights to a third party or selling the tower. The Board of Finance has requested that the Board of Selectman continue to examine the issue and Town counsel was contacted to help secure parties who have expertise in this area.

A proposal for that purpose was received from Andrew Lines, Valuation Advisor and Partner of Cohn Reznik, a national accounting firm. Mr. Lines reviewed the terms and costs for consulting work and an appraisal report, if necessary.

Selectman Kervick stated he was asking whether the Board of Selectmen wanted to proceed and request the allocation of funds from the Board of Finance.

Selectman Storms made a motion to request the allocation of funds from the Board of Finance. Seconded by Selectman Harrington.

Selectman Harrington then requested further clarification of the costs before proceeding with the motion. Drew Lines clarified that the cost for consulting work will not exceed \$6,500; if an appraisal is then requested, the total fee (total of consulting work and the appraisal) will not exceed \$8,500.

Selectman Harrington thereafter suggested the motion be corrected to recommend to the Board of Finance an expenditure of \$6,500 to begin the process of analyzing the cell phone tower.

Selectman Storms then suggested increasing the recommendation to up to \$8,500.

Selectman Storms amended the original motion to recommend to the Board of Finance an expenditure of up to \$8,500 for the purpose of analyzing the cell phone tower. Selectman Harrington seconded the motion. No discussion. All in favor. Motion carried.

OLD BUSINESS:

a. Coronavirus Update:

Selectman Kervick advised that the town is still in the orange range and, based on the number of calls received from the schools, it appears that a high number of new cases is coming from the school system. He urged people to get vaccinated.

Selectman Storms asked if there is an estimation of the Town's vaccination rate. Selectman Kervick responded that, as of two weeks ago, it had just crossed the line of 60% of eligible persons.

b. *Update on TOD Grant:*

Selectman Kervick explained that the first grant for engineering was received, expended, and reimbursed. Now in the second phase of \$1.8 million, the purpose is to stabilize the hillside on Chestnut Street and to provide parking on the hillside behind the anticipated buildings on Main Street. The grant has been modified several times.

Approximately 6 weeks ago, the project to move the home at 45 Chestnut Street went out to bid for which there were 3 bidders at the meeting of bidders. A defect in advertising was found, the project was readvertised and there were two bidders at the second meeting of bidders. No one bid on the bid date. The prospective bidders stated that the 2021 timetable for completion of the project was too short. The Grant Administrator has been contacted requesting an extension for completion.

Selectman Kervick further explained the history of the Town purchase of the home, the process after the move has been completed, and that the occupant is paying all the expenses in the meantime.

Selectman Harrington expressed his hope that the State agrees to extend the deadline.

c. *Acquisition of 255 Main Street Discussion:*

Selectman Kervick stated that there have been meetings and discussion with the Town, the developers, and the consultants. A three-month extension of the option was negotiated for which about two months remain. We are still waiting to hear from DOT regarding the taking of the property for the roundabout.

d. *Blight Ordinance Revisions, Sidewalk Maintenance Ordinance Revisions, and Littering Ordinance Adoption:*

Litter Ordinance: Town Meeting needs to be scheduled to present to voters.

Blight Ordinance Revisions: Proposed changes have been incorporated. Selectman Kervick stated that he thought it would be appropriate that the new Blight Officer review and provide suggestions prior to a Town Meeting.

Sidewalk Maintenance Ordinance Revisions: Selectman Kervick stated there are existing Sidewalk Maintenance Ordinance which involves responsibility of residents regarding clearing of snow from paved areas of the sidewalk. The Public Works Director has requested a proposal regarding maintenance of residential areas between the sidewalk and paved portion of the road that is not the landowner's property. There are some state regulations that address that area, but town ordinances are not clear. The proposal is an objective standard of 50 feet; if the distance between the property line and the paved road edge is no wider than 50 feet, then the maintenance of that area would be the responsibility of the homeowner.

Selectman Storms questioned where there is a strip that's 50 feet wide. Selectman Kervick responded that there are none that he is aware of.

The proposal is to add two sections to Section 313-11. Selectman Storms asked what in that ordinance protects the Town when the problem is on his property line but it's impeding progress on the sidewalk. Selectman Kervick stated that case would be a Blight Ordinance issue. Violation of the present ordinance is subject to a fine of \$100.

Selectman Storms asked Selectman Kervick to read the two present ordinance which he did.

Selectman Storms asked whether there is a Housing Code Appeals Board. Selectman Kervick stated that there is no one currently serving on the board but if an appeal came up, someone would have to be appointed.

Selectman Storms suggested changing the fines for violations of the present ordinance. He also suggested changing appeals from the Housing Code Appeals Board to the Board of Selectman which he further amended to Hearing Officer.

Selectman Kervick suggested a motion to submit the proposed changes to Section 313 with the changes suggested by the BOS to Town Meeting for discussion and action.

Selectman Storms questioned whether a Public Hearing was necessary. Selectman Kervick stated that a Public Hearing was already held for the Blight and Littering Ordinances and didn't think it was necessary.

Selectman Harrington stated that each ordinance would have to be voted on separately and he agreed with the suggestion to refer the Blight Ordinance proposals to the new Blight Officer.

Selectman Harrington moved that the Blight Ordinance, Sidewalk Maintenance Ordinance with all items that were discussed at this Board of Selectman meeting and Litter Ordinance be set for a Town Meeting on October 12, 2021 at 7:30 p.m. Selectman Storms seconded the motion. No discussion. All in favor. Motion carried.

e. *Proposal for Procedure to Approve American Rescue Plan Act Spending:*

Selectman Kervick reviewed the policy recommended by the Board of Selectman at the August 17th regular meeting. The policy was forwarded to the Town Attorney for his opinion which was that the policy is consistent with State Statute and Town Charter.

The policy was then forwarded to the Board of Finance which has recommended that the Board of Selectman consider adding that approval of both the Board of Selectman and the Board of Finance be mandatory for project recommendations presented by the ARPA group in excess of \$10,000.

Selectman Harrington suggested the Board of Selectmen have a workshop with the Board of Finance regarding the approval process to come to an agreement. Selectman Storms agreed.

Selectman Kervick expressed concerns about the timing; ARPA funds are for Covid relief and to be used now. He then asked Finance Director Mandi Moore when the Board of Finance was next meeting. She responded that the meeting was scheduled for September 28th, the same date as the Town Meeting.

Selectman Kervick stated that they could adjourn the Board of Finance meeting, conduct the Town Meeting and once the Town Meeting is completed go back to the Board of Finance meeting.

He will request the Board of Finance Chairman place a discussion of this topic on the agenda for their next meeting on September 28th.

f. *Spring Street Acquisition Update:*

Selectman Kervick provided an update of the progress of the Phase I environmental assessment. A Phase II Limited study has been recommended by O'Reilly, Talbot and Okum and the proposal to conduct that is \$13,200.

At the September 7th Special Meeting of the Board of Finance, Transfer T22-4 for the Phase II Limited study, as presented by Finance Director Amanda Moore, in the amount of \$13,200 from the Contingency account to the Professional & Technical Services-Consultant account was approved.

Also approved at the meeting was transfer T22-5 for the Phase I environmental site assessment, as presented by Finance Director Amanda Moore, in the amount of \$29,000 as follows: \$9,000 from the Professional & Technical Services (BOF)-Consultant account, \$10,000 from the Professional & Technical Service-Engineering account and \$10,000 from the Public Safety Building Study account all in to the Professional & Technical Services (SEL)-Consultant account.

Selectman Harrington moved to approve T22-4 and all information in that transfer and T22-5 and all information in that transfer and to set a Town Meeting date for September 28, 2021 at 7:30 p.m. Selectman Storms seconded the motion. No discussion. All in favor. Motion carried.

NEW BUSINESS:

a. New Ambulance Facility Proposal:

Selectman Kervick gave a power point presentation on the ambulance facility proposal.

Selectman Harrington provided an overview of the conditions of the current facility and presented the cost savings and financial proposal.

Selectman Harrington suggested putting the matter on the Agenda for the October 5th Board of Selectman meeting for any feedback received.

c. Noise Control Ordinance Draft:

Selectman Storms explained that the Noise Control Ordinance will complement the Noise Ordinance already in place. While researching noise ordinances, he found a noise disturbance provision which was forwarded to Selectmen Kervick and Harrington today for review. The provision does not require or rely on decibel levels, but rather gives the police authority to issue a cease-and-desist order, which could lead to an infraction if violated.

Selectman Kervick inquired whether this version of the ordinance provided that there would be 2 ways to define a violation: measuring using a device and the noise disturbance provision. He asked whether it would make sense to just use the noise disturbance approach since the Police Chief and Police Commission are not comfortable with the decibel approach.

Selectman Storms stated that he didn't think that would pass because the ordinance would have to go to DEEP and the decibel levels are what DEEP is recommending in other regulations.

Selectman Kervick presented that there's a cost to purchase and an ongoing cost for training. He inquired whether that has been researched. Selectman Storms stated that he has not done that.

Selectman Kervick then stated that that would be an expenditure and would have to go to the Board of Finance for approval before it could go to a Town Meeting. He suggested addressing this further at the next meeting and, in the meantime, he would send it to the Chief and Commission to provide their opinions, if they choose, and in the interim try to quantify a cost associated with the equipment and training.

Selectman Harrington stated that if an ordinance is going to be presented to the Town, and there is a cost for equipment and training, and if the Board of Finance isn't on board with the ordinance, what does that do to the ordinance. He suggested going forward with the document at the October 5th meeting, then sending it to a Town Meeting and let the voters decide.

APPOINTMENTS, RE-APPOINTMENTS, RESIGNATIONS: None

TAX REFUNDS:

Tax Collector Peter Juszczynski provided explanation for the two high tax refunds, one for the prior year and one for the current year.

Selectman Harrington moved to approve the prior year refund in the amount of \$54,318.25 and the current year refund in the amount of \$96,119.23 for a total of \$150,437.48. Selectman Storms seconded the motion. No discussion. All in favor. Motion carried.

PUBLIC INPUT:

Michael Bracken – commented on the status of 45 Chestnut Street, the roundabout on Main Street, Amtrak station potential use and the Sidewalk ordinance, the lack of meetings of the Police Commission.

Erik Marsh – commented on the Sidewalk Ordinance proposal/snow shelf, status of the Phase I study, ambulance facility proposal, cell tower lease and roundabout.

Doug Glazier – commented on scheduling the Town Meeting date for October 12th and the ambulance facility proposal.

Jon Savino – commented on the ambulance plan.

Patty Murphy – commented on the ambulance plan.

Kurt Brace – commented on the Noise ordinance, Sidewalk Ordinance 50' proposal and ARPA funds.

SELECTMEN'S COMMENTS:

Selectman Kervick stated that he has been in contact with CT Transit and DOT and Windsor Locks now has a local bus route that connects the train station to the airport. Service started August 22nd.

Selectman Harrington advised everyone to stay safe.

EXECUTIVE SESSION:

- a. Potential Acquisition of 52 Church Street

Selectman Kervick moved to enter Executive Session at 8:45 p.m. to discuss the potential acquisition of 52 Church Street with the Board of Selectmen. Selectman Storms seconded the motion. All in favor. Motion carried.

The Selectmen re-entered Regular Session at 8:54 p.m.

POSSIBLE VOTE ON EXECUTIVE SESSION ITEMS:

- b. Potential Acquisition of 52 Church Street

No action was taken

ADJOURNMENT:

There being no further discussion or information to come before the Board of Selectmen,

A motion to adjourn the meeting at 8:55 p.m. was made by Selectman Harrington and seconded by Selectman Storms. All in favor. Motion carried.

Respectfully submitted

Cathy Ziemian

Recording Secretary

Schedule A

Refund Request for September 21, 2021

NAME	BILL NUMBER	REASON FOR REFUND-SOLD DATE	REFUND AMOUNT
PRIOR YEAR REFUNDS:			
AUTO AND TRANSPORT LLC PO BOX 340649 HARTFORD, CT 06134	2019-03-0050615	SOLD 01/20	\$121.82
NANCY QUILES 155 ROGER STREET HARTFORD, CT 06106	2019-03-0069022	OVERPAID	\$441.70
TOYOTA LEASE TRUST 20 COMMERCE WAY STE 800 WOBURN, MA 01801-1057	2019-04-0083985 2019-04-0083988	SOLD01/20 SOLD 01/20	\$312.28 \$339.25
SPENCER MONROE 1 HOSKINS RD APT 7B6 SIMSBURY, CT 06070	2019-04-0082574	WRONG TOWN PD	\$501.66
INSPIRED BY OPPORTUNITY LLC 45 OTTAWA AVE SW STE 600 GRAND RAPIDS, MI 49503-4011	2019-03-0061919 2019-03-0061920	OVERPAYMENT OVERPAYMENT	\$41.75 \$172.03
EAN HOLDINGS 8 ELLA GRASSO TURNPIKE WINDSOR LOCKS, CT 06096	2019-VARIOUS	SOLD/ADJUSTED	\$52387.76
PRIOR YEAR REFUND TOTAL:			\$54318.25
CURRENT YEAR REFUNDS:			
KIRK BOLIN 12 DALE STREET WINDSOR LOCKS, CT 06096	2020-03-0051198	SOLD 08/21	\$33.87
MIKE ALBERT LTD 10340 EVENDALE DR CINCINNATI, OH 45241	2020-03-0060876	SOLD 05/21	\$109.58
AVIS BUDGET 300 CENTRE POINTE DR VIRGINIA BEACH, VA23462	2020-03-0050614	DUPLICATE PAYMENT	\$7511.12
COMPUTER SCIENCES CORP C/O DXC TECHNOLOGY PROPERTY TAX 6901 WINDCREST DR, MS D5-1E-37 PLANO, TX 75024	2020-02-0040205	DUPLICATE PAYEMENT	\$86293.43
VAULT TRUST ALLY FINANCIAL PO BOX 9001951 LOUISVILLE, KY 40290	2020-03-0066991	SOLD 03/21	\$154.85
WILLIAM C SADOWSKI 7 HUGHES LANE WINDSOR LOCKS, CT 06096	2020-03-0065241	JUNK 08/21	\$5.06

ALAN MICHAUD 203 ELM STREET APT B WINDSOR LOCKS, CT 06096	2020-03-0060835	SOLD08/21	\$10.44
MOUSSA DIENE 5 VILLAGE LANE WINDSOR LOCKS CT 06096	2020-03-0053237	SOLD08/21	\$7.70
SPENCER MONROE 1 HOSKINS RD APT 7B6 SIMSBURY, CT 06070	2020-03-0061003	WRONG TOWN PD	\$307.12
TYLER JAMES LYSAK 7 DIBBLE HOLLOW WINDSOR LOCKS, CT 06096	2020-01-0002137	DUPLICATE PAYMENT	\$1686.06
CURRENT YEAR REFUND TOTAL:			\$96119.23
Prior Year Refunds			\$54318.25
Current Year Refunds			\$96119.23
TOTAL REFUNDS			\$150437.48

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