

Killingworth Board of Selectmen

July 25, 2011

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1. Call to Order

The Killingworth Board of Selectmen held its regular meeting on Monday, July 25, 2011, at the Killingworth Town Office Building, 323 Route 81, Killingworth, Connecticut. In attendance were First Selectwoman Catherine Iino, Selectman Fred Dudek and Selectman Richard Cabral. First Selectwoman Iino called the meeting to order at 7:00 PM.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Minutes - July 11, 2011

Motion by Cabral, second by Dudek, to approve July 11, 2011 Minutes amended as follows -

- Under 8B. Public Health, 2nd paragraph should read, "Selectman Dudek noted he would like the PHA to go to those on the list of town pumpers..." .
- Under 10. First Selectwoman's Comments, 5th paragraph, 1st sentence, correct the word "rays" to "arrays" .

Voting in favor - Cabral, Dudek, Iino. Opposed - none. Motion Carried.

4. Visitors - Concerning Items on the Agenda

Jerry Irzk noted he was present as follow up to the Outdoor Wood Burning Furnace Ordinance.

5. Tax Abatements & Refunds

Motion by Dudek, second by Cabral, to approve for payment Tax Refunds as follows - Hope P. Hamilton \$5.05, Charles R. Rice \$17.83, \$6.19, \$6.63 and \$33.63, William E. Warren, Jr. \$248.56, Anthony S. Constantinou \$43.05, Patricia F. Altman \$12.60 and \$8.40, DCFS Trust \$378.21 and Patricia F. Smith \$23.80. Voting in favor - Dudek, Cabral, Iino. Opposed - none. Motion Carried.

6. Vacancies

The following vacancies were noted on the Agenda - Energy Task Force - 1, Estuary Council of Seniors - 2, Health & Safety Comm. - 2, Housing Partnership - 5, IWWC - 3, Mun. Land Use - 2, Park & Recreation - 1, Parmelee Steering Comm. - 3, Public Health Agency - 2, TOB Committee - 3. The resignations of Michelle Becker from the Parmelee steering Committee effective July 7, 2011 and Irene P. Desjardins from Health & Safety effective July 12, 2011 were also noted .

7. Appointments - none.

8. Old Business

A. Affordable Housing

First Selectwoman Iino noted this item is being kept on the Agenda in case an offer is received on one of the affordable housing properties.

B. Public Health Agency

First Selectwoman Iino noted at the last meeting Selectman Dudek had asked the PHA to survey some local engineers and contractors who have had dealings with the Chatham Health District. A representative from the PHA noted he contacted two engineers (Roger Nemergut and Brian Curtis) who both said they had favorable contact with the CHD. He noted he also contacted 5 pumpers - two were favorable, one had extremely limited contact with CHD but didn't have any problems, one had no experience with CHD, one had pretty much no problem except for a couple of times had to resubmit paperwork. A 6th pumper indicated he had no problems with CHD but has had problems with CT River Valley Health District. His main concern was that there be somebody here in the Killingworth office so they don't have to go out of town to do paperwork. First Selectwoman Iino noted she also spoke to Roger Nemergut who indicated it was good to have back up available.

It was also noted in order to continue the contract with CHD their Board needs to know the Killingworth Board of Selectmen has set a town meeting to consider the proposal for the Health District. Selectman Dudek noted he thought Mr. King's comment was they were okay with that based on the fact the selectmen were discussing this matter. First Selectwoman Iino noted she thought Mr. King was told the BOS would discuss setting a meeting date at this meeting. It was noted the CHD needs a formal memo from Killingworth indicating that a Town Meeting has been set. Selectman Dudek asked whether this would be a Town Meeting or Public Hearing. Iino noted it was Mr. King's recommendation this be done in two steps - a public hearing first and then a Town Meeting. Dudek and Cabral agreed that was their understanding. First Selectwoman Iino noted the State has approved the extension request.

First Selectwoman Iino noted there would be a \$1600 cost savings for Workers' Compensation if the Town joined the Health District. She felt the costs would just about even out.

Motion by Iino, second by Dudek, to call a Town public hearing to consider whether the Town should join the Chatham Health District as a member or continue with a part time Health Director for the Town on September 15, 2011. Voting in favor - Iino, Dudek, Cabral. Opposed - none. Motion Carried.

C. Outdoor Wood-Burning Furnace Ordinance

First Selectwoman Iino noted this has been discussed several times in the past and suggested this go to Town Meeting as the Planning & Zoning Commission will be having a hearing on August 2nd regarding new regulations, including Outdoor Wood-Burning Furnaces. Iino indicated she didn't think the Board was obligated to hold a public hearing on this Ordinance. There was discussion as to whether or not this makes it retroactive to people who already have them in place. Selectman Dudek felt this Ordinance would be premature and that the Zoning Regulations might take care of any issues. First Selectwoman Iino noted the Statutes state the Towns may make the Zoning Regulations more restrictive. David Gross, Planning & Zoning Commission member, noted, to the best of his recollection, it was the intent of new applications to conform to the regulations and existing units

could remain if they conform to the Zoning Regulations. First Selectwoman Iino will get clarification of this item from the Zoning Enforcement Officer.

Motion by Iino, second by Dudek, to table Agenda Item 8C Outdoor Wood-Burning Furnace Ordinance for further clarification. Voting in favor - Iino, Dudek, Cabral. Opposed - none. Motion Carried.

D. Employee Manual

First Selectwoman Iino will email a final electronic copy of the Employee Manual to the other selectmen and a vote will be taken at the next meeting.

Motion by Dudek, second by Cabral, to table Agenda Item 8D Employee Manual. Voting in favor - Dudek, Cabral, Iino. Opposed - none. Motion Carried.

9. New Business

A. Bid Award, Architectural Services for Town Office Building

First Selectwoman Iino noted Jacunski Humes Architects LLC was the low bidder and the one the Town Office Building Committee likes the best in terms of the contents of the bid. She indicated she would like to award the bid contingent on the final negotiation of terms. It was also noted references have been checked out. There was a brief discussion regarding pre-referendum costs and the amount that has been budgeted so far.

Motion by Dudek, second by Cabral, to award the bid for Town Office Building Architectural Services to Jacunski Humes Architects LLC contingent on final negotiation on terms, not to exceed \$125,000. Voting in favor - Dudek, Cabral, Iino. Opposed - none. Motion Carried.

B. Smoking Ban at Town Parks

First Selectwoman Iino noted the Park & Recreation Commission has passed a motion to include a ban on smoking at town parks in their Ordinance and this could be included in Section 360-7 Other Activities. Selectman Dudek asked how this would be enforced. Selectman Cabral noted enforcement would probably be difficult but if someone did complain and there was someone there such as police or Commission Chairman, they could approach such individual with the backing of the policy. Cabral noted this is Government stepping into people's private lives and regulating it. He didn't think the Government should take away people's right to smoke. People's rights should not be taken away at the virtue of other's rights. Selectman Dudek noted he had a problem taking away smoking if it was outside. Corporations have smoking areas. Whether there is an Ordinance or not, this is going to create a confrontation. Dudek stated he was not in favor of this because it is an outdoor activity. Messrs. Dudek and Cabral were not in favor of sending this to a Town Meeting. They indicated it was parents and grandparents who are watching these games at the Parks. HK Youth and Family Services should do more to educate these people. No

action was taken relative to this item.

C. Affordable Housing Assessment Policy

First Selectwoman Iino drafted a letter relative to the Affordable Housing Assessment Policy which she read into the record. **Motion by Cabral, second by Dudek, to approve sending the drafted letter by First Selectwoman Iino to the 5 families of the affordable housing units in Town along with the attached form. Voting in favor - Cabral, Dudek, Iino. Opposed - none. Motion Carried.**

D. Fire Commissioners' Request for Review of Propane Facility

First Selectwoman Iino reviewed letter from Francis Dooley, Chairman of the Killingworth Board of Fire Commissioners dated July 15, 2011. Mr. Dooley requested the Building and Sanitation Departments verify that the physical footprint of the propane facility at the traffic circle is consistent with applications, permits and inspections over the years. Selectman Dudek noted this facility is pre-existing and they have made a lot of corrections over the years because of complaints. It was noted Don McDougal, Director of Emergency Management, had a concern that the Emergency Management Facility is located next door to the propane facility. Selectman Dudek reiterated the propane facility is there legally and has passed all State and local inspections. The State Fire Marshal's Office has their own expertise for a propane bulk facility and they have done their inspections. Dudek noted the 30,000 gallon tank has been there for many, many years. First Selectwoman Iino asked if anyone has ever considered looking at moving that facility to another available site. Dudek replied he didn't think so. First Selectwoman Iino noted she would investigate this through the Building Department but was not taking any action at this time. Dudek reiterated the State Fire Marshal's Office has very specific expertise in this field.

E. Call to Town Meeting

First Selectwoman Iino discussed several items waiting to be taken to Town Meeting, but noted the Board is not ready to call a Town Meeting just yet.

10. C I Comments

First Selectwoman Iino noted the inside version of the town website will be available in a couple days to be reviewed. Hopefully the Town website will go live next week.

First Selectwoman Iino noted she would like to correct information given at the last meeting in that the RFQ by the Park & Recreation Commission was just for the Wettish Fields and not all the fields in town. It is a one year renewable contract.

11. Selectmen's Comments

Selectman Cabral asked why the Public Works crew is involved with traffic control when town streets are being paved. First Selectwoman Iino noted she would look into this matter but that the highway foreman needs to be present to supervise the project.

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There was a brief discussion regarding town mowing. It was noted First Selectwoman Iino has the final say on who is hired for this position.

12. Visitor Comments - General - none.

13. Adjournment

Motion by Cabral, second by Dudek, to adjourn at 8:05 PM. Voting in favor - Cabral, Dudek, Iino. Opposed - none. Motion Carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Judith R. Brown, Recording Secretary