

SPECIAL TOWN MEETING

September 8, 2011

The Special Town Meeting was called to order by First Selectwoman Catherine Iino at 7:10 P.M. in the All Purpose Room of the Killingworth Elementary School on September 8, 2011. The Pledge of Allegiance was recited.

Richard Albrecht moved to nominate Richard Cabral to serve as Moderator. Seconded by John McMahon. Richard Albrecht moved that nominations be closed. Seconded by John McMahon. Following a voice vote the motion to close nominations carried unanimously. Following a voice vote Richard Cabral was elected to serve as Moderator.

Town Clerk, Linda M. Dudek read the call of the meeting. Richard Albrecht moved to accept the call of the meeting. Seconded by Walter Adametz. Following a voice vote the motion carried unanimously.

Bruce Dodson moved to vote on agenda items by a show of hands. Seconded by Louis Annino, Jr. Following a voice vote the motion carried unanimously.

Mrs. Iino introduced and made the following motion:

To enact an Outdoor Wood-Burning Furnace Ordinance, recommended by the Planning & Zoning Commission and approved at the Board of Selectmen Meeting on August 8, 2011, a copy of which is on file in the office of the Town Clerk. Seconded by Susan Dean. First Selectwoman Iino requested John Wargo, a Professor of Risk Analysis and Environmental Policy at Yale University's School of Forestry and Environmental Studies, speak regarding air quality and health issues associated with outdoor wood-burning furnaces. A lengthy discussion ensued.

James Fullmer questioned the 200' (A) installation regulation. Planning and Zoning Chair, Thomas Lentz explained that the purpose of this Ordinance is to allow regulation of new installations and not pre-existing furnaces. Mr. Lentz noted that Planning and Zoning is trying to improve the environmental impact outdoor wood-burning furnaces have, especially with neighbors.

Mark Hale asked how many of the furnaces are not in compliance with current regulations. He also questioned how many of the furnaces were in compliance at the time of their installation. There were no answers to these questions. Mr. Hale stated there were not enough facts available to support this Ordinance. Richard Cabral explained that the motion could be defeated by voting against the Ordinance. Lynn Clark noted that Zoning Regulations state you "cannot harm neighbors."

Donald Venuti commented that the state already has regulations in place to deal with these furnaces. Richard Cabral explained that the Town has the right to make an Ordinance as long as it is not in conflict with the Connecticut General Statutes.

Paul Kahn spoke about the air quality problems with the wood-burning furnaces and the effect on children with asthma.

John McMahon noted that regulations also help protect property values.

Walter Adametz spoke as President of Middlesex County Farm Bureau. He noted that the Department of Agriculture is reviewing state regulations on these furnaces and he expects they will be presenting new regulations in the future. Mr. Adametz stated that many of the problems with the outdoor wood-burning furnaces are due to operator error. Walter Adametz moved to amend the Ordinance by changing the dates in paragraph 3 of this Ordinance to be "between September 1 to May 31." Mr. Adametz explained that this would accommodate anyone involved in agriculture to use the furnaces for greenhouse use. Seconded by Scott Papoosha.

Further discussion took place. Steven Plumley asked why changes should be for agriculture only. He thought air quality today was better than years ago.

Cordelia Ewers asked if it could be specified that agriculture and commerce could not use the furnaces within a mile of a residential area.

Mark Hale asked if the Farm Bureau is amenable to the amendment. Walter Adametz stated that the Bureau is willing to find middle ground on the issue rather than have them banned.

Shawn O'Connell asked if building permits were required for installation. He stated that this is a town permit issue and if no permit was issued a cease and desist order should be issued by the Town. Bruce Dodson explained that building codes may not have previously applied and no permit may have been necessary.

Thomas Lentz noted that if outdoor wood-burning furnaces were installed after regulations became effective, a cease and desist order could be issued. This Ordinance will allow the Town to enforce issues with furnaces installed after 2005.

Michael Morrissey, a consultant to the Environment and Human Health, Inc. of Yale University, addressed the audience. He explained that currently the Town can only take action if there is a violation of state statute in regards to the furnaces. He noted that this Ordinance may be premature and not enough information is available at this meeting.

Doug Ewers asked if Running Brook Farms qualified as a commercial/agriculture. Richard Cabral replied "yes."

Jerry Papoosha noted that if the Town does not have regulations, the state statutes apply. Mr. Papoosha noted there are furnaces that give off no emissions, only steam. He explained that Running Brook Farm installed their chimney at 30' high.

Donald Venuti made a motion to table the main motion and the proposed amended motion. Seconded by John Samperi.

Bruce Dodson asked for a point of order: was both the main motion and amendment being tabled?

Richard Cabral replied "yes." He further explained that tabling the motion did not allow discussion.

Following a vote by show of hands the motion to table carried 35 yes to 30 no. Richard Cabral explained that the motion would be presented at the next meeting of the legislative body (the Town Meeting).

Mrs. Iino introduced and made the following motion:

To re-appropriate the remaining \$70,891 in the fiscal year 2010 – 2011 Road Paving Budget to the fiscal year 2011 – 2012. Seconded by Fred Dudek, Jr. Cathy Iino explained that the weather was the reason for the carry-over request. Following a show of hands, the motion carried unanimously.

Mrs. Iino introduced and made the following motion:

To confirm the Selectmen's reappointment of Richard W. Albrecht as Killingworth representative to the South Central Connecticut Regional Water Authority for a term of July 1, 2011 to June 30, 2014. Seconded by Louis Annino, Sr. There was no discussion. Following a show of hands the motion carried unanimously.

Mrs. Iino introduced and made the following motion:

To transfer the balance of \$23,213 from the Pension Exclusion Potential line item in the Reserve Fund for Capital and Nonrecurring Expenditures to the Municipal Employee Pension Plan. Seconded by John McMahon. There was no discussion. Following a show of hands the motion carried unanimously.

Mrs. Iino introduced and made the following motion:

To authorize the Board of Selectmen to enter into a Municipal Solid Waste Management Service Agreement with Connecticut Resources Recovery Authority (CRRA) for solid waste disposal services commencing November 16, 2012 and continuing until June 30, 2027. Seconded by Walter Adametz. Paul Nonnenmacher from CRRA explained that the current contract is due to expire. He further noted that the new contract would have an opt out clause and the fees per ton are lower. Richard Albrecht inquired about deposit recyclables and if they must go to CRRA. Mr. Nonnenmacher reported that the Board of Directors allows charitable organizations to take the deposit recyclables only. Following a show of hands the motion carried unanimously.

Mrs. Iino introduced and made the following motion:

To ratify the action of the Connecticut River Valley Council of Elected Officials to become a council of governments at their meeting of July 27, 2011, toward which end, the Connecticut River Valley Council of Elected Officials formally adopted Sections 4-124i to 4-124p, inclusive, of the Connecticut General Statutes, in accordance with the procedures set forth in Section 4-124j of the Connecticut General Statutes, and designated this newly established council of governments the *Lower Connecticut River Valley Council of Governments*. Seconded by Richard Albrecht. Cathy Iino briefly explained that the state was making larger regions and these 17 towns have much in common. The state has already

approved this consolidation. The towns include: Killingworth, Clinton, Haddam, Lyme, Old Lyme, Westbrook, Old Saybrook, Madison, East Hampton, Chester, Deep River, Guilford, East Haddam, Middletown, Cromwell, Essex and Middlefield. Following a show of hands the motion carried unanimously.

Richard Albrecht moved to adjourn the meeting. Seconded by Louis Annino, Sr. The Moderator declared the meeting adjourned at 8:20 P.M.

Respectfully submitted,

Linda M. Dudek
Town Clerk