SUBJECT TO APPROVAL

MEETING DATE: MONDAY, SEPTEMBER 26, 2016
7:00 P.M.

MEETING PLACE: JAMES MADISON ROOM (ROOM A) - TOWN CAMPUS

BOARD OF SELECTMEN MEETING
MINUTES

7:00 p.m. Regular Session

First Selectman Banisch called the Regular Session of Monday, September 26, 2016 to order at 7:00 p.m. Present were First Selectman Banisch, Selectman Goldberg, Selectman Hale, Selectwoman Walker and Selectman Wilson.

1. Pledge of Allegiance

   First Selectman Banisch led the Pledge of Allegiance. First Selectman Banisch asked for the attendees to remain standing for a moment of silence

2. Approval of minutes

   MOVED by Selectman Hale and seconded by Selectman Goldberg to **APPROVE** the minutes of the Board of Selectmen Meetings held on September 12, 2016 (8:00 a.m., 6:00 p.m. and 6:15 p.m.) and September 19, 2016.

   VOTE: This motion to approve the minutes of September 19, 2016 was approved unanimously. The motion to approve the minutes of September 12, 2016 was approved with four votes in favor and one abstention from Selectwoman Walker.

3. First Selectman's Comments:

   First Selectman Banisch stated that the new sound system had been installed in the meeting room. The system should improve sound in the room, and also on camera. There are also new packs with ear buds for the hearing impaired to use and the system can be picked up on blue tooth.

   First Selectman Banisch made the following statement:

   I'd like to talk about a situation that has been developing recently, and it directly relates to an item on our agenda tonight.I am looking for the cooperation of my colleagues on the Board of Selectmen as it relates to requests for information from our town staff, primarily department heads.

As many people in town may not be aware, our department heads are dealing with many major projects and deadlines relating to the business of our town. Some members of the Board of Selectman feel that they require information on town matters on a daily basis.

While it seems easy enough to reach out and contact a department head, the problem is that our department heads are fielding a multitude of requests from various sources, some from both the Town and the School side. Naturally they share the concern that while they don't want to appear unresponsive to any request posed to them, any request may not be the most pressing issue on their plate.
In an effort to provide direction and efficiency, I propose that requests for information be brought to my attention directly. I can then discuss it with the department head and determine the magnitude of the request and a timeframe by which it can reasonably be completed. If a more pressing project is on their work table, I can advise the selectman that a reasonable delay may occur. I think it is important to make clear that I am not trying to limit anyone's access to information. I also want to make it clear that it is natural and appropriate for an elected official to request data in an effort to learn more about a matter in front of the board. Rather I am asking for everyone to be respectful of our staff and the limited time they have to do a tremendous amount of work. By charter, our role as selectman only exists when we have convened in a public meeting. However, it is unfair to ask staff to make this distinction. It falls to us as elected officials to respect the limits of the position.

Many towns use this channeling process and it works well in assisting department heads who clearly do not want to say no to an elected member of a Board or Commission. Requests can certainly be made to me verbally; however, with the amount of work that seems to be present in each department, including the First Selectman's Office, an email would be the preferable means of communication. There is a lot that we will be able to accomplish if we have the cooperation of everyone involved.

4. Citizen Comments:

Gus Horvath of Aylesbury Circle stated that regarding item 6, he would like to put the support behind the purchase of the LeSage property. He also questioned item 9 and asked why Town Meetings were being held earlier than 7:30 p.m. It was discussed that this time was the one convenient for the staff members involved. Also, regarding the Senior Tax Freeze Ordinance, Mr. Horvath provided the State's program on tax forgiveness and the existing Madison Tax Abatement program. He noted that the income thresholds of these two plans is a dollar amount but that the newly proposed Ordinance set up percentage thresholds. Also, at the end of the Ordinance reference is made to limitation of the benefit and coordination with other programs; he stated that the 75% limit that this is based on says that no relief can exceed 75% of the tax fee. However, Madison has a plan in place now that allows for more than 75% reduction in tax fee. He stated that these two paragraphs should be reviewed again to make sure that they are not counteractive to the percentage limit. Also, regarding reporting the usage for the programs and the analysis of the effectiveness of the program, Mr. Horvath was willing to help with this data entry.

Senior Services Director Austin Hall confirmed that the 75% threshold was for a tax freeze and does not take away from the tax deferral program. Tax Collector Alma Carroll

added that the Town Attorney did agree that the language references both programs however it should be clarified in all parts of the Ordinance so that future interpretation wouldn't be open to changing the usage of both programs.

NEW BUSINESS

5. Presentation from the Youth & Family Services Department regarding the success of the Summer Intern Program.

   DISCUSSION: Scott Cochran, Director of Youth & Family Services stated that the program was actually an employment program; not an internship program. There were five students hired to work at various properties throughout the Town. He provided quotations of support from the parents of these students as well. The Town paid the wages of these students and then a grant re-funded the Town for their expenses. There is some money left in the grant and the department was looking at ways to use these funds before the end of the year.

   Selectwoman Walker added that hopefully the success of this pilot year will bring more businesses looking to hire students for the summer.

6. Discuss and take action on a Special Appropriation in the amount of **$800,000** to purchase the LeSage Property at 351 Copse Road.

   DISCUSSION: Selectman Wilson confirmed that the Special Appropriation pulled funds from the General Unassigned Fund Balance. Ms. Nobitz clarified that the funds in the CIP had not originally been marked for this purchase. She stated that the reserves had been built up in the General Fund in recent years and now they could be utilized for this purchase. The $800,000 amount is net of the amount already paid towards to the lease of the property. There was therefore a credit against the purchase with these lease payments. What we are accomplishing now is purchasing the property for the amount less the portion of the lease payments already made. There is roughly $180,000 credit towards the purchase price from these lease payments.

   Selectman Wilson stated that this should not be treated as "found money"; he asked if the money could be set aside in the CIP program. Ms. Nobitz stated that as of right now funds are designated for specific projects (Jeffery Boiler, for instance) and then these other funds, if not used, can replenish the General Fund. Selectman Wilson stated that he was comfortable that the Town was using funds appropriately by going through a Special Appropriation.

   MOVED by Selectman Hale and seconded by Selectman Goldberg to **APPROVE** a Special Appropriation in the amount of **$800,000** to purchase the LeSage Property at 351 Copse Road.

   VOTE: This motion was approved unanimously.

7. Discuss and take action to proclaim Thursday, October 13, 2016 Domestic Violence and Breast Cancer Awareness Day.

DISCUSSION: Selectwoman Walker read aloud the proclamation.

MOVED by Selectwoman Walker and seconded by Selectman Wilson to **APPROVE** a proclamations naming Thursday, October 13, 2016 Domestic Violence and Breast Cancer Awareness Day.

VOTE: This motion was approved unanimously.

8. Discuss and take action to approve the revised Poole Road Easement Agreement.

DISCUSSION: Town Attorney Ira Bloom stated that there was an agreement between the Town, the Regional Water Authority and the private owners to provide usage of roadways to the RWA and the private owners. Since last fall, there has been an ongoing series of meetings to come to an agreement which allows the RWA to use certain portions of the roadways. The Town has one obligation to make a one-time payment of $2,000 to correct the situation and allow all parties rights for the use of these roadways.

Attorney Bloom and Selectman Wilson discussed that Poole Road was part of the Rockland Preserve Trail System and whether it had been considered that the gate may impact those using the trail. They also discussed that Madison Emergency Services would also have access to the roadway as the easement does not change pre-existing access to Town or Emergency vehicles. Attorney Bloom stated that the agreement in 2004 gave exclusive rights to the private owners for a specific portion of Poole Road; the new easement grants rights to the RWA for this portion of Poole Road. Selectwoman Walker reiterated concern from Selectman Wilson that this easement might impact the trail system, especially if the current private owners sell the property. Attorney Bloom added that the RWA has specifically asked the Town to handle this particular issue for the access to the RWA. Selectman Wilson stated that either it should be memorialized that the trail system needs access to this roadway or that the trail should be moved.

MOVED by Selectwoman Walker and seconded by Selectman Hale to **APPROVE** the revised Poole Road Easement Agreement.

VOTE: This motion was approved unanimously.

8a. Selectman Wilson moved and Selectman Hale seconded a motion to open the agenda to add Item 8a. The motion was approved unanimously.

Discuss and take action to approve funding Phase II Utility Work of the Downtown Center Project in the amount of $306,000.

DISCUSSION: During the CIP process, $1million was set aside to fund a portion of the Phase II work for this project. The Town in the meantime applied for a grant to offset and or fully fund this $1million amount. The grant did not cover any portion of the $1million and now the Town needs to start Phase II and to pay $306,000 towards this phase of the project. The funds are available in the CNRE fund and this motion would be to allow for the release of these funds. Mr. Ott confirmed that Phase II of the project comprised the

west side of Henny Penny to Meigs Avenue and from the west of the Fire House to Route 79. The utility work was not considered in phases so these funds are to continue the underground utility work from the firehouse across Route 79 and at the rear of the buildings behind the north side of the road and also for all utility companies to install their apparatus downtown. The decorative street lighting is not part of either phase. These funds are in addition to the $1million Phase II costs. Selectman Hale confirmed that these funds finish Phase I and all utility work for the entire project. The rest of the work for Phase II will need to be funded at a future date.

The Board also confirmed that there was not a cost to the property owners for the resurfacing work. Selectwoman Walker cautioned that the project in the CIP was only for the landscaping portion of the work and she stated that the project should be updated in the CIP to include the utility work and to include the increase in funds. Ms. Nobitz stated that the Phase II portion of this project would be revisited and revised to the CIP.

MOVED by Selectman Hale and seconded by Selectman Wilson to **APPROVE** funding the Utility Work project of the Downtown Center Project in the amount of $306,000. This work is outside of the Phase I and Phase II scopes.

VOTE: This motion was approved unanimously.

9. Discuss and take action to move the Town Meeting on October 13, 2016 from **6:00 p.m. to 6:30 p.m**. in the auditorium of Polson Middle School.

   MOVED by Selectwoman Walker and seconded by Selectman Wilson to **APPROVE** moving the Town Meeting on October 13, 2016 from **6:00 p.m. to 6:30 p.m**. in the auditorium of Polson Middle School.

   VOTE: This motion was approved unanimously.

10. Discuss and take action to authorize First Selectman Banisch to sign an agreement with Triton Environmental, Inc. for the Phase I Environmental Site Assessment of the LeSage property located at 351 Copse Road.

    DISCUSSION: First Selectman Banisch stated that this was preparatory to purchasing the property. Selectman Hale noted that the motion should be contingent upon approval of the Special Appropriation to fund the purchase of the property.

    MOVED by Selectman Hale and seconded by Selectman Wilson to **APPROVE** authorizing First Selectman Banisch to sign an agreement with Triton Environmental, Inc. for the Phase I Environmental Site Assessment of the LeSage property located at 351 Copse Road, contingent upon approval of the Special Appropriation to fund the purchase of the property.

    VOTE: This motion was approved unanimously.

11. Discussion of Board of Selectman Regulations/Policies concerning the approval of claims.

DISCUSSION: Human Resources Director Debra Milardo stated that there had been an issue of clarification of what is defined as the word "settlement" in the Charter. She stated that the Board of Selectmen should set the process moving forward to work with the Attorney to determine what type of settlement needs Board of Selectmen approval. Ms. Milardo stated that settlements over $50,000 and those pertaining to litigation were some that should come before the Board. However other administrative "settlements," for instance for insurance claims, should not need Board of Selectmen approval. First Selectman Banisch added that these types of claims had never come before the Board for approval and that the process had never been an issue in the past. The Board discussed that having a regulation was a good idea but that until a regulation was implemented, the Town should operate under the prior precedent. Ms. Milardo added that she confirmed with the Town Attorney what the Charter implied in the definition of "settlement". The Attorney also has provided a list of Workers Compensation settlements which have occurred in prior years and she confirmed that they had not gone to the Board for approval. Selectman Wilson stated his agreement with Selectman Hale that until the regulation is updated, the prior guidelines should be followed. Ms. Carroll added that another type of "settlements" that would fall into this broad definition are liability claims that are settled on behalf of the Town. Ms. Milardo stated that the Town needs to ensure efficiency of government and that allowing for these types of claims to be handled at an administrative level was the most efficient practice.

First Selectman Banisch stated that the Town Attorney was compiling a regulation for the Board to approve.

12. Discuss the proposed Senior Tax Relief Ordinance.

DISCUSSION: First Selectman Banisch stated that the Board of Finance was responsible for drafting and moving forward an Ordinance for the Board of Selectmen to approve and implement. He added that there were parts of the Ordinance that required the Town staff to implement. Ms. Carroll stated that no one else in the state of the Connecticut allow residents to be in every program; usually a resident can apply for either the tax abatement or the tax freeze program, not both. The tax freeze program is a greater benefit and there would need to be guidelines for those residents in the tax abatement program that would want to transition to the tax freeze program. The Board asked Ms. Carroll to review with other towns and with the Town Attorney to confirm what that transition would need to be; and to bring this information back to the Board. Selectman Wilson stated that the plan was meant to be transitioned over several years. The plan was deliberately designed to allow for the administration of the program; but the staff should confirm how that administration would take place. Selectman Wilson stated that for instance, the baseline should be the unabated tax amount for a particular resident. Ms. Carroll stated that that was fine; however, it was not what other towns have implemented. Also, so she stated that this fact must be included in the Ordinance language so that there were not questions later.

The Board discussed that there was a 7-year process for the switch from the abatement to the tax freeze program. Currently, applications move from the Senior Center to the Tax Collector and the Assessor. Going forward, until the mill rate is known, the applicants'

tax amount would not be calculated. This will then create a time crunch for the process of applications once the mill rate is set. Ms. Carroll stated that the burden would fall onto the Tax Office and Assessor's Office and more staff may be needed. Ms. Carroll reiterated Mr. Horvath's prior comment regarding the threshold figures and changing them to dollar amounts. She cautioned that there would also be taxpayers who qualified for the tax freeze but not for the tax abatement. The most efficient way to handle the tax freeze program going forward would need to be included in the language of the Ordinance.

The Board reviewed that the Ordinance would not need to go back to the Board of Finance for approval so long as they maintained the spirit of the document. They also discussed that there would be a Public Hearing that would bring more comments and suggestions from the public as well.

Selectman Wilson added that there was discussion surrounding the Medical Expenses clause in the Ordinance and it was reviewed that this part should be clarified as well. Ms. Carroll added that language regarding medical expenses was added to the current tax abatement program and that the language could be included in the tax freeze Ordinance.

13. Update from the Town Attorney on the status of the Academy School.

DISCUSSION: Attorney Bloom stated that in 2010 his office looked into the land records for this property and it has been updated now. The question of whether there are restrictions for the Town to do what it would like with the property seems to be "no". There are very old deeds and descriptions to review for this property. In 1884 there was a deed to the Town from Daniel Hand that mandated that the property be called the Hand Academy, that the building be used as a school and that the Town employ at least one teacher for at least 8 months per year. The title search revealed that the conditions could be released and that this release was approved by the American Missionaries Association since the Town was building a new high school and naming it for Daniel Hand. There is however a state statute that mandates that all buildings dedicated for the use as a school must remain so; the Attorney General would then have to see this case. However, it should be noted that the proper authority released the conditions of the original deed and this state statute should not apply. This would therefore allow the Town to use or convey the property for purposes other than a school building. The other point goes to the 2010 title search which states that there were two conveyances by Daniel Hand to the Town, one in 1884 and a second deed in 1890. The descriptions are murky and are not clear as to the status of the second parcel adjacent to the building. There is no way to definitively answer if the release was only for the second parcel; however, the language of the release seems to indicate that the release applies to the entire property (both parcels). If the Town wanted to sell the property it would be done through a Quit Claim Deed not a Warrantee Deed. This is not uncommon.

Selectman Goldberg questioned if the findings would indicate that if someone chose to challenge whether the conditions had been released, the opinion of the Town Attorney would prevail.

14. The following line transfers are designated as routine and appropriate for approval as a single action by the Board of Selectmen, if so desired. A board member may request removal of any line transfer item from the consent agenda for review and discussion.

    MOVED by Selectman Hale and seconded by Selectwoman Walker to **APPROVE** Line Transfers totaling **$745.00**.

    VOTE: This motion was approved unanimously.

15. Appointments:

    John Strong Edwards to the Shellfish Commission for a term to expire on January 1, 2017.

    MOVED by Selectwoman Walker and seconded by Selectman Hale to **APPROVE** the appointment of John Strong Edwards to the Shellfish Commission for a term to expire on January 1, 2017.

    VOTE: This motion was approved unanimously.

16. Discuss and take action to approve the resignation of Joseph Walker from the Shellfish Commission.

    MOVED by Selectwoman Walker and seconded by Selectman Goldberg to **APPROVE** the resignation of Joseph Walker from the Shellfish Commission with thanks from the board.

    VOTE: This motion was approved with four votes in favor and one abstention from Selectwoman Walker.

17. Tax abatements / refunds:

    MOVED by Selectman Hale and seconded by Selectwoman Walker to **APPROVE** the tax abatements / refunds in the amount of **$820.00.**

    VOTE: This motion was approved unanimously.

18. Citizens comments
    Art Wiley thanked the Board for their work this evening and he commended that the Senior Tax Freeze Ordinance should be clarified.

    Gus Horvath stated that there would be three programs going forward; one Ordinance currently in place, one Ordinance suggested to be approved and one Resolution. He stated that the Resolution should be moved to an Ordinance. He stated that the three Ordinances should then be reviewed side-by-side to ensure that the language needing uniformity would be done so correctly. He added that all of these Ordinances be reviewed to confirm the following of state statutes allowing to aggregate relief up to 75% but still allowing for the deferral program to be utilized for that 25% remaining tax.

19. Liaison Reports/Selectmen Comments

Selectwoman Walker Library Board, MIST Soccer,

20. Adjournment

There being no objections, First Selectman Banisch adjourned the meeting at 8:47 p.m.

Respectfully submitted,

Lauren Rhines
Executive Assistant