

TOWN OF WILLINGTON

Board of Selectmen
40 Old Farms Road
Willington, CT 06279
(860) 487-3100
(860) 487-3103 Fax
www.willingtonct.org

BOARD OF SELECTMEN

Meeting Minutes
Upper Level (Common) Conference Room

September 3, 2019
6:30 PM

**Minutes are not official until approved at the next regular meeting*

First Selectwoman Wiecenski called the meeting to order at 6:30 PM with the following in attendance:
Selectmen Boritz & Blessington and residents. First Selectwoman Wiecenski then led the Pledge of Allegiance.

Approval of Minutes:

Selectman Blessington moved to approve the minutes of August 19, 2019 with the following correction:
under present to speak last sentence correct the spelling of counsel.

First Selectwoman Wiecenski seconded the motion.

Vote: 3 Yes (Wiecenski, Boritz & Blessington) 0 No.

Present to Speak

James Makuch of 34 Old Farms Road was present. He stated that he has received the draft agreement on the water hook up. He stated that this document is not an agreement in which someone would be able to connect but rather it is written to make it impossible to connect.

Mr. Makuch stated this agreement is very different from the agreement from which was provided by Whitewater for Willington to use, but apparently was not taken into consideration. He noted that the Town of Tolland uses Whitewater and has a much different process.

He then read a portion of the proposed agreement: *Makuch shall allow for annual inspections of the complete interior of all buildings on the property. The first such inspection must occur prior to any action taken by Makuch to access the existing System. Such inspections will be conducted primarily to estimate water usage as well as to address any additional maintenance or access concerns. Should water usage and/or anticipated usage exceed expected norms, the Town reserves the right to impose additional usage charges.*

Mr. Makuch clarified that the current system has three times the capacity of the calculated maximum use that was anticipated at installation; noting that the Fire Department was supposed to connect and there were 300 more students at Center School at the time. He then stated it would be like Eversource knocking on your door asking to inspect your home every year before they provide electricity.

He then read another portion of the agreement; *Failure to abide by any of the terms of this agreement will result in the immediate revocation of Makuch's access to the system.* Mr. Makuch clarified that would mean that the water is cut off and the town also made an earlier requirement that the original well had to be capped off. He then said it would be at the discretion of the town to shut off the water supply if he were thought to violate the system – that gives him no right or appeal process – it is just out of this world. He then noted that all of these inspections and rules will be at his expense. This has been a waste of 8 months and legal fees. Mr. Makuch said there is no sense talking to any of you as First Selectwoman Wiecenski has made up her mind on this and apparently she nor Selectman Boritz have no intention of working through this. He then said that he is disgusted.

Selectwoman Boritz clarified that he references Tolland's agreement versus what we are proposing. She stated that she has reviewed Tolland's water commission rules and regulations – and she noted that what has been proposed to him is very much in line with what Tolland offers to their residents. She then cautioned that we have very different circumstance as Tolland's water line services thousands of people – and we currently have no one on our system. She noted that Tolland's policies (as referenced on their website) piping and plumbing policies require an inspection to ensure that they are up to code prior to connection. – this is one thing that we are asking as well. She then stated that it is state law that the original well be capped – that is beyond our decision. Tolland also has a list of violations in which would cease connection to any residence at any time.

Lastly, Selectwoman Boritz said that Mr. Makuch has said many times that he is required to connect to the system rather than drilling a well, but that is not the case. She stated that there is a large misunderstanding in the early stages of this process. She apologized for whatever was done on our end to cause miscommunication. She then clarified that we cleared it up on our end and he is indeed able to drill a well; but he continues to misinform people that he is obligated to connect to the water line. She then said the fact of the matter is that he is not legally required to connect to the water line – the waiver has been signed (by the town) to allow him to drill a second well on his property.

Selectwoman Boritz then stated that Mr. Makuch is allowed to share his perspective on this, but there is a lot more context than what is being offered. She is happy to share the information with anyone who asks.

Mr. Makuch then stated that he contracted Stavens to drill a well but Eastern Highlands Health District rejected their application. The application for inception that was sent to him had two things wrong with it. He added that the inception for funding (for the installation of the original line) was true at the time, but it is not one of the four exceptions that the state allows. It also says that there was not enough water in the system although the engineering reports say that it is not being used to it's full potential. He clarified that there is misinformation, but it is not his.

Selectwoman Boritz said that we did approve moving forward but right now it is taking a long time. Mr. Makuch then asked first Selectwoman Wiczenski why she is hiding the cost of this to the town? He submitted a Freedom of Information Request – she spent the past 8 months producing a 3 page document that is worthless. The Town attorney is saying that they are going to redact the FOI request so you can't see it. In the 300 years that Willington has been a town – this is a first. Mr. Makuch then said the three Selectmen have set a wall. He has had enough and tomorrow he is filing a formal request to the DPH to take over the water system from the three of them.

Correspondence

A list of Correspondence was available for the Selectmen.

First Selectman's Status Report

First Selectwoman Wiczenski stated she was going to share the agreement that was sent to Mr. Makuch's attorney. Mr. Makuch has retained counsel and that is where the communication lies. She stated that she had anticipated that we would hear back in regards to negotiations. It is still there in the event we end up hearing something different.

Selectman Blessington then asked about the FOI request that Mr. Makuch referenced. First Selectwoman Wiczenski stated that he sent the request in July. It was forwarded to the Town Attorney. Based on the request, there were things that the Attorney felt were client/attorney privileged and protected – that is why it was redacted. She then clarified that the Town Attorney contacted Mr. Makuch's attorney to notify them and they were both working on it. Selectman Blessington stated that he gets nervous when information is redacted on an FOI request. First Selectwoman Wiczenski clarified that there are certain pieces of information that are attorney client privileged. Selectman Blessington said he will be by tomorrow to take a look at it.

First Selectwoman Wiczenski stated that Troy is working on a proposal for concrete testing on municipal owned buildings. He has contacted a CRCOG approved vendor and is preparing the paperwork. We are waiting on a quote to begin testing on the Library and Senior Center.

Stef Summers asked if the foundation of the salt shed considered to be tested? First Selectwoman Wiczenski stated that she plans on discussing that under new business.

Public Works

Public Works' Director Troy Sposato was present. He went over the list of items the crew has been working on:

- Chip sealing of roads is all done and they have begun to sweep those roads
- Crack sealing is still taking place should be finished this week weather depending
- Removed 5 tree's in front of Hall's school
- Tree trimming around town trouble spots
- Trash at River Road Athletic Complex
- Paved Michalec Rd just the hills – they paved 1,500 feet on one side and 800 feet on the other side
- Mowing road side edges around town and the Transfer Station

Troy noted that the new mower has a farther reach than the older mower. Although it looks like the roadsides are being “chewed up”, the cutback was necessary because we were so far behind. He added that the vegetation will grow back.

- Mowed retention ponds around town
- Removed dock at Hall's pond
- Delivered Clay for the baseball fields
- Jeff has been working on maintaining the equipment for the upcoming winter season
- Moved furniture at TOB

Troy added that that we are still looking for one more contractor to plow this winter. We have called other contractors and they either have not responded or have declined. He is not sure where to go with this. The town only has one spare truck and the aging fleet we really can't afford to be without a spare truck. First Selectwoman Wiczenski stated that we have a driver and a plow, but no truck. She then asked if we could rent a truck? She stated that we are really not able to split up the routes up as that could potentially be a safety problem.

New Business

A. Reallocated STEAP funds to Relocate Fuel Island & New Salt Shed

First Selectwoman Wiczenski noted that 2 years ago (prior to this current board taking office) we had money left over from 2 STEAP projects (drainage and paving of Turnpike Road) that we have requested to repurpose for a shovel ready project – a new salt shed and replacing the fuel tank and relocating the fuel island. First Selectwoman Wiczenski is happy to report that OPM has finally answered our request and approved us to use the funds (which totals \$346,965.54). She added that we also have \$100,000 that was approved on the CIP to replace the oil tank. This should be enough to begin the replacement of the fuel tank (and relocation); which is most critical at this point. She added that testing the foundation of the salt shed at this point is a non issue – as we are already aware that it is compromised and we already have a plan in place to replace it.

We looked at doing this project in three phases. First, moving the fuel tank as it needs to be removed from the ground by October 31st (or at least have a signed contract to do so in the near future) Then we will move the new tank to it's new location, which is where the current salt shed is housed (this location will be easier for buses and apparatus to move around the parking lot). The second phase is to get the site work done before the salt shed is built (concrete walls, milling and asphalt, etc.) and lastly, the proposed salt shed (which will be a dome

structure) will be erected. First Selectwoman Wiczenski noted that she is hopeful STEAP funding will once again be available in the spring and she also plans to put in a CIP request for the shed as well. This will finish the project.

First Selectwoman Wiczenski thanked Secretary McCaw and Kathy Taylor of OPM for helping us through this process. The reallocation of money is helping us make this possible. We will work with DOT who will be administering the funds. First Selectwoman Wiczenski stated that she is hopeful to add this to an upcoming Town Meeting to save on costs to the town to hold more than one item to vote on.

B. Proposed Ordinance PA 490 Open Space

First Selectwoman Wiczenski noted this is another item that could be potentially sent to Town Meeting. She recapped back in the spring, the Assessor had asked for specific acreage requirements from the town. The Selectmen had sent a memo to Planning and Zoning to discuss the provisions and they recommended a consideration of a threshold of five acres (as outlined in the POCD) with the recommendation that is based on the fact that the intent of the program was to aid in the preservation of large parcels of land, not to reduce the tax burden. The 5 acre minimum is keeping with the town's definition of a 'farm'.

First Selectwoman Wiczenski added without a formal policy, any land owner who has acreage in excess of 1.83 (minimum lot size) could apply to the Assessor for an exemption; which is not in keeping with the spirit of the public act. She added that most people believe that a person would have to own over 5 acres of land to take advantage of open space, but on the contrary, we do not have any language in effect to support that. First Selectwoman Wiczenski added that she has spent some time researching other towns to see their open space ordinances. Multiple towns have varying degrees; 5 acres above the building lot size; some are under and some have very specific language. She found language that is cut and dry regarding any specific parcel that exceeds 5 acres is eligible for open space designation. This is in keeping with the open space policy per State Statute.

Selectman Blessington stated that he is having a hard time trying to get this in his brain. He then read the proposed ordinance:

Be it ordained by voters of the Town of Willington at Town Meeting:

Resolved: each parcel of record as recorded in the assessment records shall be treated as a separate parcel. No tacking or combination of separately assessed parcels shall be permitted to determine the eligibility of parcels for open Space. Any residentially zoned parcel that exceeds 5 acres is eligible for treatment as open space for assessment purposes. No property for which the assessment is determined pursuant to the terms of Section 12-76 of the Connecticut General Statutes, as it may be amended from time to time, shall be eligible. The property owner must make application for Open Space assessment as provided in the Connecticut General Statute 12-107e, as it may be amended from time to time.

First Selectwoman Wiczenski clarified that this ordinance does not allow anyone to link multiple parcels to add up to 5 acres. Selectman Blessington asked if this was ever a problem before? First Selectwoman Wiczenski clarified right now there is nothing to stop you at all. This says any individual parcel of land that exceeds 5 acres is eligible for treatment as open space for assessment purposes. – going forward. If you have already been given the open space designation, it is grandfathered. It will only change if there is change of ownership in the land. Selectman Blessington said that this does not make sense to him. Is this necessary? That you have to have 5 acres to have open space? First Selectwoman Wiczenski clarified that it has to be over 5 acres with this ordinance.

Robert Shabot, who is the President of the Historical Society was given the Ruby Property; they sold off a portion and were left with 4.47 acres which was assessed by the town as a building lot. The Society, which is a 501c3 has been paying taxes (between \$15,000 and \$18,000) on a building lot. He then stated that he began looking into neighboring properties, who only have 1 or 2 acres and they have been granted open space. He said that the Society was told because they do not have at least 5 acres, it is not possible to get the open space

designation. Selectman Blessington stated that he is trying to understand how people who have 1 acre or 3 acres were granted open space? First Selectwoman Wiecenski stated that it is up to the Assessor to make that determination at the time. She added that our current Assessor stated that he can keep giving the designation to anyone but that does not seem to be in keeping with the POCD.

It was then decided that it be discussed by Planning and Zoning, who is the keeper of the POCD to determine the process. Mr. Shabot stated that he was involved in the past two POCD adoptions and it was always assumed that anyone seeking open space designation would need over 5 acres. He stated that when they were told they were not eligible because they didn't meet the 5 acre minimum requirement, they were fine with that, until they found others were given the designation with only a few acres. He added that it is not a flat playing field; you want to ask why it isn't. There is nothing that regulates it.

First Selectwoman Wiecenski stated that the State Statute does not have a minimum parcel requirement and neither does the town. Selectman Blessington stated that it is confusing because it should just say anything over 5 acres is eligible and anything under is not.

Stef Summers asked if this pertains to properties that also have buildings on it, as long as it is over the 5 acres. First Selectwoman Wiecenski stated that is something we can put in there to clarify that any excess acreage (that does not have a structure on it) can be added into open space. Robert Shabot clarified that the intent of the POCD was to put anything over 5 acres that does not include a house on it into open space. He added that whatever land is put in open space can always be developed (in 10 years) unless you want to pay a penalty before the 10 year period is up.

Selectwoman Boritz stated that since there is no ordinance in existence, we can only make one and figure out which way we are going to go. If this is something that warrants more discussion – no one ever followed up the intent of the POCD until now. First Selectwoman Wiecenski stated that it is more for larger parcels of land. Selectwoman Boritz stated that the designation has been randomly applied.

First Selectwoman Wiecenski noted that she can alter the ordinance adding language that speaks to the building lot size; in the event the lot size changes, the ordinance still refers to 5 acres over the building lot size. She added that the draft ordinance has been passed to the Town Attorney as well as the Assessor. She added that the language was derived from the Town of Warren. When you look over the towns that have the classification, they all give you their requirements and very few have ordinances. In keeping with the POCD, the thought process is 5 acres or more. She added that we are getting close to October 1st, which is the Grand List deadline. We would like this to become effective on October 1st. Even if we brought this to Town Meeting after that date, the language would make it in effect as the October 1st date. Any new applications would be subject to the new ordinance. Selectman Blessington stated that the provision to grandfather older designations should be added into the language as well. First Selectwoman Wiecenski stated that she will add these in and will revisit again.

First Selectwoman Wiecenski stated that she forgot to mention under the Status Report that she had sent draft motions to the Board of Finance for consideration regarding the Fire Department funding request to go to town meeting. She was hoping to call a town meeting sooner, but since we have two other potential items (STEAP reallocation and the PA 490 designation); we might put it off a few weeks. She would like to hold all of the items on the same Town Meeting agenda to save money on the call.

C. Tax refunds

First Selectwoman Wiecenski moved to refund \$53.89 to Annetta Logan on a Certificate of Correction
Selectman Blessington seconded the motion.

Vote: 3 Yes (Wiecenski, Boritz & Blessington) 0 No.

First Selectwoman Wiecenski moved to refund \$21.96 to Joseph Cskik IV on a Certificate of Correction
Selectwoman Boritz seconded the motion.

Vote: 3 Yes (Wiecenski, Boritz & Blessington) 0 No.

First Selectwoman Wiecenski moved to refund \$130.46 to Colleen A. Quinn Caruso for an overpayment. Selectman Blessington seconded the motion.
Vote: 3 Yes (Wiecenski, Boritz & Blessington) 0 No.

First Selectwoman Wiecenski moved to refund \$184.45 to Benjamin Nicholas on a certificate of Correction
Selectwoman Boritz seconded the motion.
Vote: 3 Yes (Wiecenski, Boritz & Blessington) 0 No.

Old Business

A. Memorandum of Understanding between the Town & Library Board of Trustees for Accounting Services

First Selectwoman Wiecenski said she has been working on the agreement language with the Library Board Chairman. She submitted a new draft with the updates and corrections. A copy of the document was also sent to BOF Chairman Bulick as well.

The Library Board of Directors has an upcoming meeting on Tuesday, September 10th to discuss the agreement. It is anticipated that they will vote on it at that meeting. Once it has been approved, we will begin doing the work. First Selectwoman Wiecenski added that she is not aware if they have hired a new Director as of yet – of which she is hopeful they will announce at that meeting as well. Selectman Blessington stated that he was under the impression that they were going to announce that at their last meeting, but it did not happen – he is not sure what is going on there.

Good & Welfare

First Selectwoman Wiecenski reminded everyone that we are still looking for a CIP Recording Secretary. If anyone is interested, please contact the Selectmen's Office or CIP Chairman, Stuart Cobb.

Stef Summers stated that she has a question regarding the water situation, that she missed an opportunity to ask under Present to speak. She received a letter from Mr. Makuch and said that there seems to be some confusion with the proposal. She added that the Makuch's have been great neighbors and she understands his frustration, but questions if town is entering into asking residents to connect to it, what will be the impact on the resident? She also stated that it is confusing because it seems if residents who live along the line would be required to connect to the system if they ever had any issues with their existing wells. She then asked to know how much it would cost to hook up to the system as well as the monthly costs. Lastly, she then asked the Board to take into consideration the impact on other residents that are in the same boat (who live on the road) as well as the town as a whole. First Selectwoman Wiecenski clarified that the homeowners can be allowed to drill a well. They would simply have to apply for an exemption, which is a sign off by the town, the health district and DPH which would allow a second well to be drilled.

The meeting was adjourned at 7:28 P.M.

Respectfully submitted,
Robin Campbell
Administrative Assistant