BOARD OF SELECTMEN

Clifford J. Hurgin Municipal Center, 1 School Street
Bethel, Connecticut 06801 Telephone: (203) 794-8501

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TOWN OF BETHEL
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Matthew S. Knickerbocker, First Selectman
Richard C. Straiton, Selectman
Paul R. Szatkowski, Selectman

MINUTES OF SPECIAL MEETING

Tuesday, December 2, 2014
6:00 p.m.
Meeting Room "A" – CJH Municipal Center

PRESENT: First Selectman Knickerbocker, Selectman Straiton and Selectman Szatkowski. Also in attendance was Town Counsel Martin Lawlor.

Call to order/Pledge of Allegiance: First Selectman Knickerbocker called the Special Meeting to order at 6:00 p.m.

Public Comments: None

Correspondence: None that was not already on tonight's agenda.

Minutes of November 18, 2014: Selectman Straiton made a motion, which was seconded by Selectman Szatkowski, to approve the minutes as presented. Vote, all in favor, motion unanimously approved.

First Selectman Report: no report this meeting

New Business

1.) **Consideration of Brookside Realty v. Town of Bethel (Assessment Appeal)-** ***Executive Session Anticipated***

Selectman Szatkowski made a motion, which was seconded by Selectman Straiton, to go into Executive Session at 6:01 p.m. for the purpose of Consideration of Brookside Realty v Town of Bethel Assessment Appeal. Town Counsel Martin Lawlor, Assessor Ann Marie Heering and Wendy Smith, Recording Secretary were invited into the Executive Session portion of the meeting.

Executive Session ended at 6:11 p.m.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to approve the recommended stipulated settlement of assessment litigation for Brookside Realty, Inc. Docket No. DBD-CV14-6015297-S in the amount of $2,999,900. Vote, all in favor, motion unanimously approved.

2.) **Consideration of extension to Ameresco Agreement – CL&P Bid Notice**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to authorize the First Selectman to sign the extension to the Ameresco Agreement to prepare contracts and performance assurance to CL&P. Vote, all in favor, motion unanimously approved.

3.) **Consideration of Ordinance - Municipal Liability for Snow Removal on Sidewalks**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to refer to Town Counsel for drafting. Vote, all in favor, motion unanimously approved.

4.) **Consideration of New Train Station Lease Renewal with State of Connecticut**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to approve the lease extension for the New Trail Station effective June 1, 2005 through May 31, 2015 Rail # 097001-MISC958. Vote, all in favor, motion unanimously approved.

5.) **Consideration of Economic Development Commission authorization for Clarke Business Park Expansion**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to appoint the Economic Development Commission as the sole agent for the Town of Bethel for the expansion of Clarke Business Park f/k/a Francis J. Clarke Industrial Park to create additional building lots, the "Expansion Project", over all lands shown on Maps No. 172, 173 and 174 in Map File 18 filed in the Office of the Bethel Town Clerk and over all lands shown on Map No. 156 in Map File 13 filed in the Office of the Town Clerk. This appointment includes the right to act as sole agent of the Town of Bethel for the Expansion Project in front of all Town of Bethel officials, agencies, boards and commissions; and, any federal officials, agencies, boards and commissions. Included is the right to make application for and/or file for financing through borrowing, grants and/or bonding or any other available financing through any municipality, state, federal or private agency/concern for the Expansion Project and to enter into contracts to further the Expansion Project. Vote, all in favor, motion unanimously approved.

6.) Consideration of establishing Special Town Meeting – Economic Development Commission Rules & Regulations

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski, to establish a Special Town Meeting date of Monday, December 29, 2014 at 7:00 p.m. Meeting Room "A" – CJH Municipal Center. Vote, all in favor, motion unanimously approved.

7.) Consideration of Tax Collector's Request for Tax Refund Authorization

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski, to approve the Tax Collector's request, dated December 8, 2014 and authorize Tax Refunds in the amount of $5,324.18. Vote, all in favor, motion unanimously approved.

8.) Consideration of appointments – Public Site & Building Commission and Ad-Hoc Transfer Station Committee

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to appoint James Naddeo (D) to the vacancy on the Public Site & Building Commission. Vote, all in favor, motion unanimously approved.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to appoint Kevin Sheehan (D) to the Ad-Hoc Transfer Station Committee. Vote, all in favor, motion unanimously approved.

Selectman Szatkowski made a motion, which was seconded by First Selectman Knickerbocker, to appoint A.J. Bernard (R) and Nicholas Ellis (R) to the Ad-Hoc Transfer Station Committee. Vote, all in favor, motion unanimously approved.

9.) Consideration of Bid Waiver – New Plow / Trade of unused equipment

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, that:

> **RESOLVED** that the Board of Selectmen, in accordance with the provisions of the Town of Bethel Charter, Section C8-13(C)(4)iv and Section C8-13(C)(4)iii, finds that it is in the public interest and the public economy to waive the bidding requirements for and approve the exchange of the Town of Bethel's used equipment known as Two 6 yard Swenson S/S sanders (Model EV100); One 1 yard gas engine driven Swenson S/S sander (Model PV series); One 1 yard hydraulic driven Swenson S/S sander (Model PV series); and, Two unused S/S sander tails, (all hereinafter collectively referred to "used sanders") for one (1) new 11' trip edge plow (hereinafter referred to as "trip edge plow").

The W.H. Rose Company, dba H.P. Fairfield LLC has agreed to accept the Town of Bethel's used sanders in exchange for a trip edge plow.

The reasons for the bid waiver are as follows:

1. The used sanders are approximately 10 to 14 years old and are no longer used due to the changeover to all season bodies.
2. The used sanders have an approximate trade-in value of $10,000 and the trip edge plow has a value of approximately $10,000.
3. The trip edge plow is interchangeable and can be utilized by the majority of the Town's snow plowing apparatus.
4. The trip edge plow was requested in the Fiscal Year 2014-2015 budget and was removed from the budget.
5. The need and use of the trip edge plow is immediate due to the current winter season.

And it is further **RESOLVED** that the First Selectman, and or his designee(s) on behalf of the Board of Selectmen, is hereby authorized to execute any documents and to take any actions necessary or appropriate to effectuate and finalize the foregoing.

10.) **Consideration of Firemen LOSAP – Length of Service Award Program**

First Selectman Knickerbocker explained that after considerable investigation into this issue, it was discovered that since its initial inception by the Board of Selectmen, the plan owner was improperly changed from the "Town of Bethel" to "BVFD". Amendments had been made to the LOSAP plan by various fire department members without informing the Board of Selectmen or obtaining approval by the Board of Selectmen; this caused a substantial increase to the cost of the plan. Several years back, the former Comptroller discovered this and stopped payment to the company and transferred funds to the town pension management company. The LOSAP plan had been put on hold. The town actuarial firm had prepared several scenarios for the Board of Selectmen to consider. Board of Selectmen members were provided these and will review and discuss at an upcoming meeting. First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to table. Vote, all in favor, motion unanimously approved.

As there was no further business on tonight's agenda, Selectman Straiton made a motion, which was seconded by Selectman Szatkowski, to adjourn the meeting at 7:00 p.m. Vote, all in favor, motion unanimously approved.

Respectfully submitted,

Wendy Smith

Wendy Smith, Recording Secretary