

BOARD OF SELECTMEN – SEPTEMBER 10, 2019 MEETING MINUTES:

Meeting called to order at 7:02 PM. Present were First Selectman Don Stein and Selectmen Ray Pech and Nick Lukiwsky.

DELEGATIONS: No delegations were present.

PUBLIC COMMENT: No public comments were made.

MOTION: A motion was made by Ray Pech, seconded by Nick Lukiwsky, and passed unanimously to approve the minutes of the August 27, 2019, Meeting.

MOTION: A motion was made by Nick Lukiwsky, seconded by Ray Pech, and passed unanimously to approve the following tax refunds:

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|----------|-------------------|--------|
| \$ 85.24 | John Stadelmann | credit |
| \$ 34.97 | Roxann Lovell | credit |
| \$344.77 | Dean Martel | credit |
| \$226.47 | Paul Whitworth | credit |
| \$ 19.18 | James Gilbert | refund |
| \$344.09 | Honda Lease Trust | refund |
| \$ 28.71 | Judy Knofla | refund |
| \$481.91 | Vault Trust | refund |

DISCUSSION: The Selectmen reviewed the budget expenditures through August 31, 2019 and did not see any significant problems. They did note that the Town Counsel line item was at 78% after only two months and that the Road Improvements line item was at 86%. The Town Counsel expenditures resulted from 4 on-going lawsuits (a property dispute, town action against a resident who refuses to allow the Building Inspector to review home improvements and modifications, and two tax appeal lawsuits). The expectation is that these may result in the need to request additional funds from the Board of Finance, but that request would be premature at this time. The Road Improvements will be rectified by the application of Town Aid Road funds later this year and should not be a problem.

DISCUSSION: Don Stein informed the Selectmen that discussions were continuing with the Winsted Water and Sewer Commission regarding the sewer and water line extensions to the Mallory Brook Plaza, Mallory Brook Farm, and Lombard Ford. He will be going to the Regional 7 Board of Education meeting on September 11 to discuss an easement to connect the lines from Old New Hartford Road to the Regional 7 sewer manhole by going up the hill on the west side of the Farm. A summary of the steps that will be required for the sewer project to be approved is presented below:

Required Actions (assumes positive results on each step)

- Capacity calculation to be performed on the preferred path up the hill to the Regional 7 sewer manhole, reflecting estimated maximum flows from the new sewer line extensions
- Easements required from Regional 7 and Mallory Brook Farm
- Purchase option between the Barkhamsted Housing Trust and the Farm to be updated to reflect that easement
- Expired interlocal sewer agreement to be updated to reflect the final decisions:
 - Path for the sewer line
 - Details of billing and maintenance procedures – Winsted to read Barkhamsted meters, bill the Town in total, but provide details for each user for billing purposes
 - Maximum allowable flow in total
 - Methods for measuring flow from the pump station and from the individual users, providing a way to double check and correlate the readings
- Winsted Water and Sewer Commission must approve agreement
- Barkhamsted's Water and Pollution Control Authority (Inland Wetlands Commission) will need to approve the agreement and the plans
- Barkhamsted's BOS will have to approve the agreement
- A Special Town Meeting will be required to finalize the agreement

DISCUSSION: Don Stein informed the Selectmen that the Barkhamsted Housing Trust was still working with their architect and the consultants to finalize plans for their potential development of affordable/seniors housing at the Mallory Brook Farm. Once the conceptual plan is complete, they will have to look for grants or loans to enable the project to move forward. They currently have enough funds to pay for the option extension (due in December) and the feasibility studies and conceptual designs by the architect, but at this time they are unable to proceed with the purchase or development of the farm. The exact number of apartments for the first phase or the second phase is to be determined, but will be limited to a small number based on the sizing of the sewer and the anticipated demand. Once they have a plan, it will need to be approved by the Inland Wetlands Commission and the Planning and Zoning Commission.

MOTION: A motion was made by Nick Lukiwsky, seconded by Ray Pech, and passed unanimously to withhold payment of the Stanclift Cove funding request until the Authority satisfies the Selectmen that they are taking appropriate steps to correct some of the issues raised by both the Barkhamsted and New Hartford residents and Selectmen concerning fees, customer service, personnel issues, budgeting, and maintenance. Hopefully, these issues can be resolved quickly so that the Authority can move forward with their planning for the next season.

DISCUSSION: Don Stein informed the Selectmen that there were no appointments to be made to the Conservation Commission and that the Town Meeting topics were not yet defined. Therefore, both these items were tabled.

DISCUSSION: Don Stein and the Selectmen discussed possible topics to be discussed at the September 24 meeting with Mike Muszynski, the CCM Town Municipal Liaison. The main subjects that were desired were the State budget including LOCIP and TAR, bear feeding and tolls. Obviously CCM services that are available are also of interest.

OTHER BUSINESS:

- The Selectmen discussed a request from the Riverton Merchants to share the cost with them for adding electrical outlets to two of the light poles near the center of the Village. It was agreed upon that this was a positive improvement to the attractiveness of Riverton and was therefore good for economic development. Don Stein was asked to reach out to Leslie DiMartino to let her know.
- Don Stein told the other Selectmen that the Town would be moving forward with Permit Link as the on-line vendor for building permits. This would allow contractors to fill out and pay for their permits without coming into Town Hall or if they do come into Town Hall, a computer will be set up to allow them to complete the permit in the computer database. They will have the option to pay at Town Hall or electronically on line. The costs of this system will not be the responsibility of the Town; therefore, there will be a requirement to modify the Town's building permit fees to move those additional costs for the Permit Link fees to the users. The big advantage of this system is that the Town's permits will reside in a single data base.

Respectfully submitted,

Donald S. Stein
First Selectman

PURSUANT TO SECTION 7-148(b) OF THE CONNECTICUT GENERAL STATUTES REGARDING THE ORDINANCE POWERS GRANTED TO A MUNICIPALITY;

In recognition that black bears and other wildlife that pose potential risk to humans are wild animals and should be left alone for the welfare and safety of both the animals and our residents and guests, it is hereby enacted by the town of Barkhamsted.

Feeding of bears

1. No person shall:
 - A. Feed, give, place, expose, deposit, distribute or scatter any edible material or other attractant with the intention of feeding, attracting or enticing a bear; or store any pet food, including birdseed, garbage or other bear attractants in a manner that will result in bear feeding or baiting (“attracting”).
 - B. Subsection (A) above shall not apply in the case of unintentional attraction of a bear. “Unintentional attraction” means using or placing any material for a purpose other than to attract or entice bears, but which results in the attraction or enticement of a bear;
 - a. However, if a person is unintentionally attracting bears and is notified by town officials to cease activities that are attracting bears, such unintentional feeding will thereafter be reclassified as intentional attraction.
 - b. Growing of agricultural products, for example, but not limited to **vegetables**, berries and fruit trees, for farming or personal use, shall be considered an exception to this subsection, and shall not be considered to be intentional attracting under this ordinance.
2. Any person who violates the provisions of Section 1.A. of this ordinance shall be liable to a civil penalty of up to \$100 for each offense, which will increase incrementally by \$25 per offense thereafter, if the feeding does not stop. No person shall be assessed a civil penalty pursuant to Section 2 unless the person has first been issued a prior written warning for a violation of Section 1.A.
3. The town of Barkhamsted Board of Selectmen is hereby authorized and empowered to mitigate a claim for a penalty under Section 2 in such amount, which in the sole discretion of the Board of Selectmen, may appear appropriate and equitable after consideration of the circumstances;
4. The provisions of this ordinance shall be enforced by the Barkhamsted Citation Hearing Officer, Barkhamsted Animal Control Officer, the Connecticut State Police Troop “B” (Resident State Trooper), other duly authorized police officers, and enforcement officers with the Department of Energy and Environmental Protection (DEEP), as allowed by State Statute.
5. Nothing in this ordinance shall be construed to restrict in any way the attraction, capture or taking of bears, by or at the direction of DEEP for management, population control or research purposes. As appropriate, or in the event that the State allows bear hunting or bear baiting for hunting or control purposes, the revised State regulations shall override the provisions of this ordinance.
6. The town may institute a civil action in a court of competent jurisdiction to enforce the provisions of this ordinance against any person who violates said provisions, including an action to collect any civil penalties imposed hereunder and an action for injunctive relief to prohibit and prevent a violation of this ordinance.

The provisions of this ordinance shall apply to all persons except those with a valid permit issued by the State of Connecticut, Department of Environ