REGULAR MEETING OF THE LITCHFIELD BOARD OF SELECTMEN
TUESDAY, JULY 19, 2022 ~ 5:30 P.M.
IN-PERSON AT LITCHFIELD FIREHOUSE, 258 WEST ST. AND
REMOTE MEETING BY LIVE INTERNET VIDEO STREAM AND TELEPHONE

Call to Order: First Selectman Denise Raap called the hybrid meeting to order at 5:32 p.m. Present were Jeffrey Zullo, Jonathan Torrant, Christine Harding, Jodiann Tenney and Denise Raap.

Approval of Minutes
a) 6/21/22 Public Hearing: Motion: J. Zullo moved and J. Torrant seconded a motion to approve the special public hearing minutes of 6/21/22. All voted aye except J. Tenney, who abstained because of absence, and the motion carried.

b) 6/21/22 Regular: Motion: C. Harding moved and J. Zullo seconded a motion to approve the regular meeting minutes of 6/21/22. All voted aye except J. Tenney, who abstained because of absence, and the motion carried.

c) 7/12/22 Special: Motion: J. Zullo moved and J. Torrant seconded a motion to approve the special meeting minutes of 7/12/22. All voted aye except J. Tenney, who abstained because of absence, and the motion carried.

Public Requests/Comments: Kate Honan said there should be a correction to the 6/21/22 minutes under the WPCA Liaison Update. “Frustration felt by the WPCA” should be “frustration felt by the public”. The recording will be reviewed for accuracy. When told that the contract has not yet been signed with Woodard and Curran, she expressed frustration with the Commission not meeting. She suggested language be changed as to how to remove them.

Selectmen’s Requests: J. Torrant expressed interest in having the First Selectman order a thorough title search to find the owner of the Town Green. J. Zullo added we need a definitive understanding of the responsibilities between the Town and the Borough and to codify arrangements. There are many gray areas, and understandings seem to be passed down from generation to generation without an MOU or intermunicipal agreement. M. Rybak said this title search will be very difficult. There is not a deed to be found. He surmised that the negative space in the center that was not deeded out to proprietors with surrounding parcels became the Green. Most greens developed this way. It is possible that the Green is simply owned by the original proprietors of Litchfield who did not deed it out to any of the allotments surrounding it. If that is the case, there must be a title somewhere but not necessarily easy to determine. If able to establish the proprietors when they closed up shop and who deeded it over to the Town when it was chartered by the Legislature, and if the Town owns the Green, the issue of what goes on at the Green is determined by ownership, but by control, which is in the special act that created the Borough of Litchfield and is in its charter. He recommended that if the Board wished to pursue this, a historical title searcher would be best to find for this job going back to 1715. J. Torrant wished to pursue, and M. Rybak will give us a letter with his recommendation.

J. Tenney thanked Denise and everyone involved in soliciting resumes and being prepared for the Town Meeting tomorrow night. M. Rybak prepared an agenda for the Moderator to follow as to how to proceed with the election of Board of Education members for Region 20. He also suggested double checking: once at the door and again upon voting.

C. Harding asked how citizens can find a petition to sign. M. Rybak said it is circulated by the citizenry and cannot be found in the Town Clerk’s office for signing.
Motion: J. Torrant moved to add to the agenda under Interviews d), Cathleen Wyse for Sustainable Litchfield, alternate member, and J. Zullo seconded. All voted aye and the motion passed.

Motion: J. Torrant moved to add to the agenda under Interviews e), Ashley Picker Dubin for Litchfield Arts Council, regular member, and J. Zullo seconded. All voted aye and the motion passed.

Motion: J. Torrant moved to add to the agenda under New Business h), Adopt Resolution for STEAP Grant Application, and J. Zullo seconded the motion. All voted aye and the motion carried.

First Selectman’s Update Report: D. Raap announced that Litchfield will receive $5,523.95 this year from the National Opioid Settlement that she suggests goes to the Litchfield Prevention Council. Annual payments will be coming for 18 years. We still have a temporary trooper working evenings. There are 6 applicants for our second Trooper to be interviewed in the next two weeks. The Beautification Commission is getting a new sign for the Community Field. Sandy Beach opened after being closed for three days because of an insurance issue. After researching the problem of no liability insurance, D. Raap found that liability insurance had been removed from the policy by CIRMA in 2015, and no one caught it. CIRMA has added it to the insurance, and asked for more oversight from both Towns’ First Selectmen. The MOU is on the agenda. A draft report has been prepared for the Affordable Housing Plan. It will be reviewed by both the Litchfield and Bantam Borough Planning and Zoning Commissions before being filed with the State in October. D. Raap has been asked by the DEEP Commissioner to co-chair the CCSMM Increased Recycling Work Group with Ben Florsheim, Mayor of Middletown, with first meeting August 1st. She has learned today that Round 1 of the VW settlement for the Zero Emission Infrastructure Program has opened up, and applications will be accepted by Sept. 30th, so we can start applying for the EV car chargers. Moosehorn Road is expected to open August 23rd, three weeks ahead of schedule. D. Raap has met with the S&P Global bond raters this week and is trying to get a triple A bond rating. They said they would consider it. Finally, she announced that Dennis Tobin has submitted his intention to retire as of August 5th. She met with Carol Bramley, P&Z Chair, to work on updating the job description and will reach out to two others who might help in the interim.

Resignations
a) Michael Lyn Cappello from Park & Recreation Commission, alternate member, effective 6/13/22
b) Denise Parker from SandyBeach Commission, effective 7/6/22
c) Danielle Restivo from Milton Historic District Commission, effective 7/5/22
All resignations were received and noted.

Interviews, Appointments & Reappointments
a) Interview Michael Lyn Cappello for Litchfield Housing Authority, term 8/2025: Ms Cappello said her connection with the seniors as Social Services Coordinator and understanding their issues with housing would make her a good fit with the Housing Authority. She is also on the Affordable Housing Steering Committee. Motion: J. Zullo moved to appoint Ms Cappello to the Litchfield Housing Authority with term expiration of 8/2025. J. Torrant seconded, all voted aye and the motion carried.

b) Appoint Michael Lyn Cappello to Park & Recreation Commission, regular member, term 6/2026: Motion: J. Zullo moved and J. Torrant seconded a motion to appoint Ms Cappello to the Park and Recreation Commission as a regular member for a term ending in 6/2026. All voted aye and the motion carried.

c) Interview Patricia Peiffer for Traffic Safety Community Action Group, alternate, term 1/2023: Ms Peiffer said she lives on the corner of East St. and Torrington Rd., and has insight as to what happens in her area. She went to UCONN and RPI and brings some technical expertise to the table. She is the
owner of a company that constructs survey instruments. **Motion:** J. Zullo moved to appoint Ms Peiffer to the Traffic Safety Community Action Group as an alternate for term ending 1/2023. J. Torrant seconded, all voted aye and the motion carried.

d) **Interview Cathleen Wyse for Sustainable Litchfield Committee, alternate, term 3/2024:** Ms Wyse said she is retired and this is an important committee to her. **Motion:** J Zullo moved to appoint Cathleen Wyse to the Sustainable Litchfield Committee as an alternate member, with term ending 3/2024. J. Torrant seconded, all voted aye and the motion passed.

e) **Interview Ashley Picker Dubin for Litchfield Arts Council, term 8/2024:** Ms Dubin said she is an attorney and shared her background in the arts. She would like to help the Arts Council get off the ground. **Motion:** J. Zullo moved to appoint Ashley Picker Dubin to the Litchfield Arts Council as a regular member, with term ending 8/2024. J. Torrant seconded, all voted aye and the motion passed.

**Liaison Reports/Commission-Committee Minutes:** 6/13/22 Board of Finance; 6/8/22 Inland Wetlands; 5/25/22 Traffic Safety Community Action Group; 6/14/22 Litchfield Arts Council; 5/24/22 Conservation Commission; 6/22/22 Sandy Beach Commission

**Fire & EMS Commission Liaison Report:** Liaison J. Torrant reported that the meetings are very professional in assuring the safety of the community and flow quickly. Our new Fire Marshal gave a very complete report this month and will do so at each meeting. He felt we hit a home run in hiring Chris Wilcox. They discussed the merit pension and have a proposed change that accounts for inflation that they will discuss with the Town. They also discussed hiring a grant writer for the Town. Further they thought the Selectmen should not have given police vehicles away to Fire Commission members without checking with the Commission first. They would have liked it if their own members could have applied for the vehicles. J. Torrant said he defended the Board’s actions but said they would consider the whole next time. He felt the Commission is very well run by John Campbell.

**Sustainable Litchfield Update:** J. Zullo reported the intern is with them and they are initiating the review of the climate leadership tasks for the options. They will apply for it in April of 2023.

**Vacancies:** The list of current appointed vacancies with term expirations is as follows:

- Beautification Commission: 1 regular member 2/2025; 2 alternate members 2/2025
- Broadband Commission: 1 alternate member 1/2023
- Cable TV Advisory Council: 1 BOE members 6/2023
- Capital Improvements Committee: 1 Citizen at Large 11/2023
- Conservation Commission: 1 alternate member 12/2024
- Economic Development Commission: 2 regulars and one alternate member 6/2024
- Inland Wetlands Commission: 1 alternate member 6/2023
- Litchfield Arts Council: 1 regular member 8/2024
- Litchfield Prevention Council: 4 alt. members: 2-6/22, 2-6/23
- Milton Historic District Commission: 1 regular 1/2023; 3 alternates; 2-1/2024, 1-1/2025
- Park and Recreation Commission: 1 alternate member 6/2026
- Pension Commission: 1 alternate member 3/2025
- Sandy Beach Commission: 1 regular member 12/2022
- Social Services Board: one regular member 2/2025
- Town Facilities Review Committee: 1 BOF Member 3/2023
- Traffic Safety Community Action Group: 1 alt. member 1/2023
- Veterans’ Advisory Committee: 1 regular member 8/2023; 1 alternate member 8/2024
- Western CT Coalition, CAC #22 (formerly NW Regional Mental Health Board): 1 member 5/2023
Zoning Board of Appeals: 2 regular members 3/2023, 3/2025; 1 alternate member 3/2025

**Tax Refunds:** **Motion:** J. Torrant moved that the Board of Selectmen approve the 4 tax refunds submitted by the Tax Collector in the total amount of $2,169.67. J. Zullo seconded, all voted aye and the motion passed.

**Old Business**

a) **Execute Lease with White Memorial for Land on Route 63 as Approved at 6/22/22 Town Meeting:** **Motion:** J. Zullo moved that the Board of Selectmen approve the lease agreement with White Memorial, and J. Torrant seconded. All voted aye and the motion carried. The lease document was signed by all and witnessed.

b) **Food Truck Ordinance:** D. Raap said there are still questions on the proposed ordinance. She asked if food truck vendors should comply with both boroughs and how long the permit is for. Seven days limit was discussed at a permit cost of $90. The permit would require proof of State license and health and sales tax use permits. J. Tenney asked if a policy was needed in addition to the ordinance, and Mike Jr. said it would all be contained in the Ordinance. Once it is finalized by the Selectmen, it must go to Town Meeting for approval. There is an exception to the permit whereby no permit is needed if on private property (Subsection h). In this case, the Ordinance allows for a maximum of 4 events per year with each event limited to 3 days. The number of food trucks at one event could also be limited. Regarding private commercial property, Zoning defines the uses allowed on commercial property. They do not want to regulate food trucks. C. Harding was concerned that the ordinance must be very clearly defined. J. Zullo said without an ordinance, the sky’s the limit; with an ordinance, we can control how it works. They then discussed changing the number of days on a permit and the number of events per year. C. Harding said there is so much to discuss, and she felt they should table this for more research. J. Torrant suggested changing the reference to Region 6 in Section g) to say “or Region 20”. **Motion:** J. Torrant moved and J. Zullo seconded a motion to table this item for further research. D. Raap said that removing the trash is another consideration that is important. Upon voting all voted aye and the motion carried.

**New Business**

a) **Award Bids for LIS Gymnasium Refurbishing, FY 22/23 Capital Projects:** Len Fasano, School Facilities Manager, explained the refurbishment of the LIS gym to replace backboards, new rims, cabling, motors, padding, painting the gym walls, and removing garage doors in the gym. He would like to get these projects completed before school starts. **Motion:** J. Torrant moved to approve refurbishing the LIS gymnasium as presented by Len Fasano, with vendors J&J Gym Floors, Quality Gym Service, and HLC, for a total of $47,439.00. J. Zullo commended him for being $32,561.00 under budget. D. Raap asked him about projects that were taken out, and Mr. Fasano said they wanted to move a couple more projects in with these, floor sanding/refinishing and bleachers, but they were taken out because they did not qualify for the Capital program. D. Raap asked about bids, and Mr. Fasano said he got these prices from the vendors they have been using through the Town. They are respected and trustworthy, so they did not want to get bids from someone they did not know. M. Rybak said that either they are on the approved bidders list for the services they supply, or they should solicit three competitive quotes. D. Raap asked for a letter from Mr. Fasano showing that they are on the approved bidders list. Upon voting all voted aye and the motion carried.

b) **Adopt Parking Permit Policy:** **Motion:** J. Zullo moved to adopt the Parking Permit Policy for the Town of Litchfield per Ordinance Authorizing the Adoption of a Parking Policy as amended and adopted by the Town Meeting of 6/22/22, and with submittal of an application by August 1st. J. Tenney seconded. M. Rybak said the First Selectman would have to develop the application. J. Torrant asked to change “Selectmen” to “Selectman” in Item (D)(6). Upon voting, all voted aye and the motion carried.
e) Memorandum of Understanding with WPCA: Motion: J. Tenney moved to approve the Memorandum of Understanding with WPCA, and J. Zullo seconded. J. Tenney asked who would do the Superintendent’s evaluation. M. Rybak, Jr. said the superintendent is supervised by the Director of Public Works and will be reviewed per the collective bargaining agreement. This should be reviewed by our Labor Counsel. J. Torrant asked what can be done if the WPCA does not meet. M. Rybak asked where it says in the Statutes that they must meet once a month and said they cannot be replaced by the Selectmen. The WPCA is a separate entity over which the Selectmen do not have authority. However, it is the Town’s expectation that the WPCA will meet once a month. J. Zullo noted that this MOU is only about the operation of the plant and the Superintendent. Motion: J. Zullo moved to table this discussion until we hear back from our Labor Attorney. C. Harding seconded. J. Zullo suggested encouraging the WPCA to meet per its regular meeting schedule. M. Rybak noted the WPCA is not totally without control from the Town, as the Town adopted the Ordinance that created the Sewer Commission, and more recently the WPCA. Therefore it can amend the Ordinances by Town Meeting, as long as they do not contradict State Statute. He advised the group to take a look at them, as they are quite old. This will go on the next agenda. Vote: Upon voting on the motion, all voted aye and the motion carried.

d) Traffic Safety Community Action Group Update - Jodi Tenney: J. Tenney and Ed Fabbri were present. J. Tenney reported progress on the “Slow Down” sign campaign, the four digital speed signs that are collecting data, crosswalk survey, police assistance at Center School, and $100,000 grant money to fund the traffic study. The Federal infrastructure grants have come out and can be applied for. Ed Fabbri noted the largest problem area is the area of North Street and East Street. The Federal grant is for safe streets for all. They need to hold a public informational meeting in order to proceed and need to have an MOU. J. Zullo advised them to get the application in early.

e) Waive Building Permit Fees for New East Litchfield Fire Generator: J. Zullo moved and J. Torrant seconded the motion to waive the building permit fees for the East Litchfield Fire Generator. All voted aye and the motion carried.

f) Draft of Interlocal Agreement for Operation of Sandy Beach: Motion: J. Zullo moved that the Board of Selectmen approve the Interlocal Agreement by and Between the Towns of Litchfield and Morris and the Sandy Beach Commission Concerning the Operation of Sandy Beach as presented. J. Tenney seconded. There is a lease that must be redone, but there is no existing agreement. J. Torrant thought this was a good idea. The liability insurance is covered 1/2 by Litchfield and 1/2 by Morris. Amendment: J. Zullo moved to amend his motion to include “and to cover liability insurance retained by the Towns of Litchfield and Morris.” J. Torrant seconded the amendment. There were questions on the rider and the umbrella policy that must ride on top of the liability. Motions rescinded: J. Zullo rescinded his motions and J. Tenney and J. Torrant the seconds. Motion: J. Zullo moved to table discussion of the IMA between Morris and Litchfield for Sandy Beach to a future meeting. J. Torrant seconded. All voted aye and the motion carried. It was confirmed to M. Rybak that each Town’s commission members are covered by each Town’s public officials liability insurance.

g) Union Savings Bank Accounts: D. Raap said the Prevention Council is retaining its account and will add Fran Carpentier as a signer. They will continue to provide statements to the Town. M. Rybak said he disagreed with the auditor, as under CGS Sec. 7-80 the Town Treasurer is responsible for the investment and disbursement of all Town municipal funds. He felt as long as the Town Treasurer is comfortable with this, it can continue. This practice will happen with the Arts Council as well.

h) Adopt Resolution for STEAP Grant Application: Motion: J. Zullo moved to adopt the resolution for a STEAP Grant application with the State of Connecticut, and J. Torrant seconded. This application is for $500,000 funding for the reconstruction of Marsh Road. All voted aye and the motion carried. The resolution reads as follows:
"RESOLVED, that First Selectman DENISE RAAP be, and hereby is, authorized to accept on behalf of the Town of LITCHFIELD, a 2022 Connecticut STEAP Grant in the amount of $500,000.00 for Reconstruction of Marsh Road (School House Road to Campville Road) including Reder Road; and

FURTHER RESOLVED, that First Selectman DENISE RAAP is hereby authorized to enter into and execute any and all agreements, contracts and documents necessary to obtain said 2022 STEAP Grant with the State of Connecticut."

**Correspondence:** None

**Adjournment:** Motion: J. Torrani moved to adjourn at 7:45 p.m. and J. Zullo seconded. All voted aye and the motion carried.

[Signature]

Denise Raap, First Selectman