

**REGULAR MEETING OF THE LITCHFIELD BOARD OF SELECTMEN  
TUESDAY, APRIL 18, 2023 ~ 5:30 P.M.  
IN-PERSON AT TOWN HALL ANNEX, 80 DOYLE RD., BANTAM, AND  
REMOTE MEETING BY LIVE INTERNET VIDEO STREAM AND TELEPHONE**

**Call to Order:** First Selectman Denise Raap called the regular hybrid meeting to order at 5:32 p.m. with Selectmen Jonathan Tarrant, Jeffrey Zullo, Jodiann Tenney and Christine Harding also present.

**Approval of Minutes:** **Motion:** J. Tarrant moved and J. Tenney seconded a motion to approve the meeting minutes of April 4, 2023. All voted in favor and the motion carried.

**Public Requests/Comments:** Perley Grimes, Attorney for the Concerned Litchfield Citizens (CLC), represented its interests in matters of the Woodridge Lake Sewer District (WLSD). He distributed a memo dated 4/18/23 presenting the argument that WLSD misrepresented the need to transport its effluent to the WPCA, as it did not have the actual all inclusive information. CLC had an independent firm, Critical Path Engineering Solutions (CPES), review the draft and DEEP Final TMDL for Bantam Lake and additional West Branch Bantam River samples performed by others. Upon Freedom of Information Act (FOIA) request by CLC of DEEP to produce its testing showing pollution coming from the WLSD fields and causing pollution off of the WLSD property, of all the information DEEP sent CLC, there was no point source pollution from WLSD or a nonpoint source pollution off of the WLSD property. The four most important conclusions of the CPES reports are: 1) the WLSD discharge is not a point source discharge; 2) there is no proof of impact from WLSD operations to offsite pollution; 3) recent testing confirms no pollution impact on the West Branch of the Bantam River; and 4) the DEEP final TMDL dated 12/2021 endorses a WLSD onsite solution to total phosphorus reduction. All arguments and backup for conclusions are included in Mr. Grimes's memo and the three CPES reports dated 1/18/22, 5/17/22 and 1/18/23.

The Board agreed to entertain questions on Mr. Grimes's report. J. Zullo asked and Mr. Grimes clarified that DEEP's testing was at the outflow pipe from the WLSD before it went through the leaching fields, so there was no data on the effluent after it had been renovated through the fields. If there was any testing at the river, he had not seen the data. He also said the data from DEEP on the monitoring wells show various things that can be fixed on site. The DEEP has concluded in its Final TMDL that the WLSD plant can be upgraded at a reasonable cost to meet the DEEP requirements. This scenario has been addressed by Jennifer Perry of the DEEP, encouraging WLSD to look at that option further. He encouraged Mr. Zullo to ask Mr. Mersfelder at the WLSD why they turned away from that analysis.

D. Raap said the Bantam Lake Task Force identified the pollutants entering Bantam Lake as 60% from WLSD. Mr. Grimes said that is not accurate data and not the case at all. Bantam Lake should not rely on the TMDL to correct its problems, as there may be other pollutants in the six-mile meander to the lake. DEEP testing on the West Branch of the Bantam River at Brooks Road found no pollution. Additional testing done by CLC there and at other locations found no pollution, either. J. Zullo asked why WLSD has not encouraged DEEP to investigate the lower cost solution to upgrade with biofilters on site. Mr. Grimes said Mr. Mersfelder sent a letter to DEEP on August 19, 2021 proposing either one or two of the bioreactor systems. This was a couple months after WLSD decided not to go to Torrington.

D. Raap said she has a meeting Thursday with the DEEP with some of the remedies from the watershed plan and invited the CLC to join the Zoom meeting. She will share the reports from CPES with the DEEP. Per Raz Alexe, none of this new data will be used by Woodard & Curran in its exclusive study of the Litchfield plant and its operation.

Kate Taylor thanked the First Selectman and Board for the quick response to the cleanup of the old Eversource pole and wiring on Stoddard Road. She then asked if there are any plans for future expansion, and D. Raap said there is nothing planned. She then questioned the area in back for the solar array, but J. Zullo said the WPCA said that area of the old septic fields would not be considered for solar.

Laurie Kilburn, 87 West Morris Road, asked if the decision on the solar project will be made at the May 11th Annual Budget Meeting, and D. Raap confirmed. She then asked about screening with trees or a fence, and J. Zullo said there is a planting plan listed on the site plan with rhododendrons, but further discussion could take place at the WPCA meeting.

**Selectmen's Requests:** **Motion:** J. Torrant moved to switch New Business a) with New Business d) below and to add New Business c) Discussion of Site Easement of Litchfield Courthouse Hotel Project. J. Zullo seconded, all voted aye and the motion carried. **Motion:** J. Torrant moved to add to New Business e) Award Bid for Pavement Markings - Center Lines; add f) Award Bid for HVAC Split System at the Bantam Annex; and add g) Discuss DPW Grader Bay Roof Replacement. J. Zullo seconded, all voted aye and the motion carried.

**First Selectman's Update Report:** D. Raap sent a letter to the NW CT Transit District to cancel service for Route 2 that has very little ridership. She then reminded everyone that the public budget hearing will be held on April 27th, 7:00 p.m., at the Intermediate School Auditorium. She is currently working on a Tri-Town Baseball lease renewal that expired in 2016. A grant was submitted through Community Project Funding through Jahana Hayes for the LVA property for \$1.25 million. It has now been moved up to the next threshold. There was vandalism at the Community Field that Public Works was able to clean up quickly. Cameras did not capture the vehicles, so they are planning to add additional cameras. Earth Day cleanup is this Saturday, followed by the Sustainable Litchfield's program at the Community Center, as well as vendors. There will be a Shred-It trailer at Town Hall Wednesday, Thursday and Friday and at the Community Center on Saturday for residents to leave boxes of paper for shredding at \$4/box. The Easter Egg Hunt was successful in partnership with Brandywine, and the residents really enjoyed having the young children there. The Assistant Park and Recreation/Human Services Coordinator position has been filled by Erin Kennedy, who will begin on May 1st. We will now conduct interviews for the part-time assistant. The food waste diversion programs began today for the Center and Intermediate Schools. Public Works is building food waste disposal cabinets for the students to use. J. Torrant asked if Sandy Beach would be able to open on time this year, and D. Raap said the Sandy Beach Interlocal Agreement has been approved in Morris and will be on the agenda for the May 11th Annual Budget Meeting.

**Resignations:** None

**Interviews, Appointments & Reappointments:** None

**Liaison Reports/Commission-Committee Minutes:** 4/10/23 Board of Finance; 3/7/23 Arts Council, 4/12/23 Inland Wetlands Commission

**Sustainable Litchfield Update:** J. Zullo is hoping everything that was submitted for the Climate Leadership designation will be accepted. They are looking forward to Earth Day on Saturday, and the next Sustainable meeting will be May 2nd.

**WPCA Liaison Update:** C. Harding said there is no update, since there was no April meeting. She asked if there was any movement on a new recording secretary for the WPCA, as minutes have not been uploaded to the website. D. Raap said Ted Donoghue submits the motions and votes, and Christian Bratina does the minutes. She will check with the Town Clerk to see how they are handling this. R. Alexe

thought it would be valuable to have minutes from the meeting with Woodard Curran as well, if possible. C. Harding will let the WPCA know that its minutes would like to be seen on the website.

**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 1/2025  
Cable TV Advisory Council: 2 members, 1 BOE rep, both 6/2023  
Capital Improvements Committee: 1 Citizen at Large 11/2023  
Conservation Commission: 2 alternate members 12/2024  
Economic Development Commission: 1 regular 6/2025; 1 alternate 6/2023  
Inland Wetlands Commission: 2 alternate members 6/2024  
Litchfield Arts Council: 1 regular member 8/2024  
Litchfield Housing Authority: 1 member 8/2023  
Litchfield Prevention Council: 1 regular member 6/2024; 2 alternate members 6/2023  
Milton Historic District Commission: 1 regular 1/2023; 3 alternates; 2-1/2024, 1-1/2025  
Pension Commission: 1 alternate member 3/2025  
Sandy Beach Commission: 1 regular member 12/2022  
Social Services Board: 2 regular members 2/2024, 2/2025  
Sustainable Litchfield Committee: 1 alternate 3/2024  
Town Facilities Review Committee: 1 BOF Member 3/2026; 1 BOE Member 3/2026; 3- 3/2026  
Veterans' Advisory Committee: 2 regular members 8/2023, 8/2025  
Western CT Coalition, CAC #22 (formerly NW Regional Mental Health Board): 1 member 5/2023  
Zoning Board of Appeals: 3 alternate members 3/2025

**Tax Refunds:** **Motion:** J. Torrant moved to approve the 5 tax refunds as submitted by the Tax Collector in the total amount of \$1,588.98. C. Harding seconded, all voted aye and the motion carried.

### **Old Business**

**a) Police Activity Update:** D. Raap said she has requested an update every three months. For January through March there are more calls on the evening shift. We more than doubled our ticket revenue so far. J. Tenney felt that 2 speeding tickets and 3 warnings in three months during the day shift is light, considering the speeding concerns. D. Raap will have a conversation with Trooper Holm about this.

### **New Business**

**a) Award Bid for Litchfield Fire Capital Project:** D. Raap said Gary Shuhi and Greg Rein were present from Litchfield Fire. J. Torrant explained that it was discussed at last week's Fire & EMS Commission meeting to recommend the Board of Selectmen consider awarding the bid to Burlington Construction for firehouse upgrades at a pared-down contract of \$254,973, since costs have gone up significantly. The original bid was \$343,614, but the budget was \$266,000 in capital funds. The pared-down bid takes out two items from the bid, leaving it at \$254,973. The question now is if they can apply the overage of \$11,027 to future capital projects including the two excluded items. J. Zullo said the overage goes into Capital-Nonrecurring after this project is done and is available to re-allocate. He would have no issue with that.

**Motion:** J. Zullo moved that the Board of Selectmen approve the Burlington Construction bid in the amount of \$254,973 to complete the three items detailed in the memo from John Campbell, Chairman of the Fire & EMS Commission dated 4/14/23. J. Torrant seconded. J. Zullo said this project is in the current capital year, and they can look at the overage in the next capital round. Upon voting all voted aye and the motion carried.

**b) Opioid Settlement - Regional Opioid Response Fund:** D. Raap said the Northwest Hills Council of Governments is working to create a regional opioid response fund committee. So far we have given \$5,000 to Litchfield Prevention Council and \$6,000 to Greenwoods Counseling, with about \$25,000 left. Each year for the next 20-30 years we will be receiving money, so allocating some to the NHCOG can make a deeper impact in the greater communities. The question is do we want to be part of this. By joining this we will give a portion of our funding to the fund. **Motion:** J. Zullo moved that the Board of Selectmen endorse the Northwest Hills Council of Governments Regional Opioid Response Fund Select Committee Charter as presented in its 3/23/23 draft, with the possibility of including someone from our Prevention Council on the committee. J. Tenney seconded, all voted aye and the motion carried.

**c) Discussion of Site Easement of Litchfield Courthouse Hotel Project:** R. Alexe said the discussion with the Borough went well, and the Borough approved the project to proceed with the sidewalk under construction with a detour in front of the sidewalk and with parking places blocked for the duration of the facade reconstruction. The contractor is seeking a temporary construction easement agreement. D. Raap will check on the need for a Town Meeting for a temporary easement. Parking was discussed at the Town Hall and other areas during this time, about a year. R. Alexe was concerned about plowing on West Street.

**d) WPCA Power Purchase Agreement (tabled from 4/4/23):** J. Zullo spoke to Noel Lafayette today. The review was almost two weeks ago with the attorney. The PPA and the lease were finalized. All points were agreed to, but the attorneys have to complete the work, hopefully in the next couple days. Then it must go to Mike Rybak and to CIRMA for review. We will have to call a special meeting for next week to review and approve the PPA and the lease and then send it to the Board of Finance meeting for its May 8th meeting so it can be ready for the May 11th Annual Budget Meeting. There will be informational handouts for the public. **Motion:** J. Zullo moved to table this approval until a special meeting next week with this one agenda item. J. Tenney seconded the motion. J. Torrant said on page 34, they have misspelled Denise Raap's name. Upon voting all voted aye and the motion carried.

**e) Award Bid for Pavement Markings - Center Lines:** R. Alexe shared that the price has gone up by 50%, with our budget from \$28,000 - \$31,000. The lowest bid was \$53,936.04. He plans to do  $\frac{2}{3}$  of the line painting and would like to recommend both companies. He will use K5 for waterborne and ILine for epoxy. **Motion:** J. Zullo moved that the Board of Selectmen award the bid for pavement markings - center lines for a two-year contract to K5 Corporation, to be used mainly for waterborne applications, and to ILine LLC for the epoxy applications and to manage the expenditures within the budget. J. Torrant seconded, all voted aye and the motion passed.

**f) Award Bid for HVAC Split System at the Bantam Annex:** R. Alexe explained the previous bid could not be awarded because the bids were higher than budget, and the scope of work was not fully understood by one of the bidders. This time low bidder Save-Mor is holding its price and adding electrical for an all-in-one price of \$56,000. Funding will come from ARPA funds and from the Bantam Annex revenue account. **Motion:** J. Torrant moved to award the bid for the Bantam Annex HVAC split system to Save-Mor Cooling & Heating, Inc. in the amount of \$56,000, which includes electrical installation. J. Zullo seconded. J. Tenney asked if we are eligible for further energy grants to recoup the additional \$16,000 from the Bantam Annex Fund, and R. Alexe said it would be an uphill battle for that amount. J. Zullo suggested using excess money from ARPA, and D. Raap said it would have to go to Town Meeting. J. Zullo said that we have to use that money or lose it in 2024. D. Raap will inquire of the Finance Director if we can reimburse the Annex Fund for the overage from remaining ARPA funds. Upon voting, all voted aye and the motion passed.

**g) Discuss DPW Grader Bay Roof Replacement:** R. Alexe said this is not a bid award. He is seeking preliminary approval so he can go out to bid based on the estimated cost before bid of \$65,000 - \$70,000. He suggests the source of funds come from left-over money from the roofing job on the other side

(\$28,393), \$7,000 left over from the Town Hall foundation project, and \$35,000 (ARPA funds) from the Town Hall HVAC project that will not go forward. Since the \$35,000 was already approved for ARPA use, a re-use may have to be approved at Town Meeting. J. Tarrant felt it should be put on the call for the May 11th Annual Budget Meeting. **Motion:** J. Tarrant moved to approve the Public Works grader bay roof replacement project and fund it with \$28,393 from Acct. No. 67-9930-61465, plus \$7,000 (same account number) expected to be left from the Town Hall foundation project, and if approved at Town Meeting 5/11/23, a reapportionment of \$35,000 in ARPA funding earmarked for Town Hall HVAC project, Acct. No. 70-1001-51532. J. Tenney seconded, all voted aye and the motion carried.

**Possible Executive Session**

**a) Executive Session - Real Estate: Motion:** J. Tenney moved to go into executive session at 7:01 p.m. with all Selectmen present to discuss real estate. J. Tarrant seconded, all voted aye and the motion carried. Out of executive session at 7:27 p.m. with the following action. **Motion:** J. Zullo moved that the Board of Selectmen authorize the use of municipal property for a Litchfield Volunteer Ambulance expansion in support of a grant application that LVA is pursuing. J. Tenney seconded, all voted aye and the motion carried.

**b) Executive Session - Litigation: Motion:** J. Tenney moved to go into executive session at 7:27 p.m. on the subject of litigation, with all Selectmen in attendance, and J. Zullo seconded. All voted aye and the motion carried. Out of executive session at 7:53 p.m. with no action taken.

**c) Executive Session - Personnel: Motion:** J. Tenney moved to go into executive session at 7:53 p.m. on the subject of personnel. All Selectmen were in attendance. J. Tarrant seconded, all voted aye and the motion carried. Out of executive session at 8:05 p.m. with no action taken.

**Adjournment: Motion:** J. Zullo moved to adjourn at 8:06 p.m. C. Harding seconded, all voted aye and the motion carried.



Denise Raap, First Selectman