

**REGULAR MEETING OF THE LITCHFIELD BOARD OF SELECTMEN
TUESDAY, SEPTEMBER 5, 2023 ~ 5:30 P.M.
IN-PERSON AT BANTAM ANNEX GYM, 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 5:33 p.m. Selectmen in attendance were Jodiann Tenney, Jonathan Torrant and Jeffrey Zullo, and Christine Harding was present via Zoom.

Approval of Minutes: **Motion:** J. Zullo moved to approve the revised 8/15/23 minutes that have the complete Small Cities Resolution as part of the minutes and other minor typos. J. Tenney seconded, and J. Torrant pointed out the misspelling of Steve Eisenhaure's name. **Amended Motion:** J. Zullo amended his motion to correct the name misspelling, and J. Tenney seconded. Upon voting on the original motion as amended, all voted aye and the motion carried.

Public Requests/Comments: Burke Gibney supported the appointment of Diane Field to the Town Facilities Review Committee, but wondered why he was not given the courtesy of an offer to move from alternate to regular member. The Board assured him there was no slight, and it was the Chairman's recommendation. There are other vacancies to be filled, so J. Zullo asked him if he wanted to move into a regular vacancy and said the Selectmen could add it to this agenda. Mr. Gibney replied that he is not sure at this point. He also spoke about his membership on the Board of Ethics, saying they have not held one single meeting or sent one single communication since he was appointed over a year ago. He did receive two ethics complaints in the mail but no call for a meeting or communication from the Board. He asked for Board of Selectmen oversight of its boards and committees. D. Raap said she would reach out to the Chairman of the TFRC to discuss that appointment, but regarding Ethics, she said she is never privy to Ethics Board issues. Ethics Board member Francesca Kracht volunteered to take the Chairmanship and said they need to review the policies and make changes. She noted she had asked the Chairman for responses that were sent to the complainants and was told it was none of her business. J. Zullo said the Committee appoints its Chair. The First Selectman, as ex-officio, can call a meeting to elect a Chairman.

Selectmen's Requests: J. Torrant asked if the Board of Selectmen ever approved the speed hump to be put in on West Street. D. Raap said that she, as the Local Traffic Authority for the Town, can give approval. J. Torrant thought the Board of Selectmen was the LTA, but she said no. She has signed off on many documents as LTA and said this is a pilot program upon recommendation from the Public Works Director, who has been a traffic engineer for six years.

C. Harding said she received a letter from Ingrid at Aquarion via D. Raap regarding the water shortage problem on Torrington Road. She asked for clarification on the PURA rules. She was also referred to the Litchfield Housing Trust for information on well testing in Gagarin Place.

J. Zullo said word was received today from Silicon Ranch that the DEEP has issued cleanup comments for the solar project on Wilson and Town Farm Roads. We are now in the final stages of the DEEP permit that would have us in the field by early November.

J. Tenney said the parking in front of Union Savings Bank was never approved by the State and is illegal. They have contacted the bank about this after doing work in the area and noticing it. D. Raap added that the Borough, in doing engineering for sidewalks there, told the State that the property there and in front of the jail was owned by the State with no legal lease.

First Selectman's Update Report: D. Raap reported back on speaking with USA Hauling about Litchfield Ponds Condos. USA Hauling will pick up dumpsters in residential areas and charge the tipping fee back to the Town. This will apply to Westleigh, Tapping Reeve, Hunters Chase and Litchfield Ponds. Jamie Vicenzi, Building Official's Assistant, will be taking a job in Watertown to become the Assistant Assessor, with the intention of becoming the Assessor. We will need to address money, as we have lost a lot of people because of it. Someone hired today in the LMEA Union, for example, is paid the exact amount as someone who has been here for eight or ten years. We will continue to lose good people unless we improve on how we pay them. It is coming to light now that our pensioners are retiring and we are hiring new people. Finally, D. Raap reported that Liz Callahan, her assistant, is leaving employment to work in the private or public sector, and she wished her good luck and said she will be missed.

Interviews, Appointments & Reappointments

a) Appoint Diane Field for Town Facilities Review Committee, regular member, term 3/2026:

Motion: J. Torrant moved to table this appointment until the next meeting on 9/19/23 in order to look into public comment concerns. J. Tenney seconded, four voted aye, J. Zullo voted nay, and the motion carried.

Liaison Reports/Commission-Committee Minutes: 8/14/23 Board of Finance; 8/9/23 Inland Wetlands Commission; 6/27/23 Conservation Commission

Sustainable Litchfield Update: J. Zullo said there was no meeting today. He asked for concurrence from the Board to kick off the EV charger project with Raz Alexe and Brett Seamans, the new Project Manager. **Motion:** D. Raap moved to engage Brett Seamans to work on the new EV car chargers. J. Zullo seconded, all voted aye and the motion carried. Second, J. Zullo would like to ask Public Works to allow in addition to Steve Eisenhaure, Brett Seamans, a landscape architect, to advise as to his recommendation for native plantings for the solar screen at the high school. There may be some money in the pollinator fund for this, but in any event, he would like to see these plants in the ground in the fall. **Motion:** J. Torrant moved to move forward with contacting Raz Alexe about Brett Seamans working on the high school solar screening effort. J. Tenney seconded, all voted aye and the motion passed.

WPCA Liaison Update: C. Harding said there have been many emails with Woodard & Curran, and she is happy about the communication. J. Zullo said the site for the solar project is clear with stumps removed. Two knolls will be leveled for better visibility and some plantings will be done soon. There is a supply chain delay with racking materials.

Townwide First Responder Recruiting/Retention Discussion: D. Raap has not received anything back from the Pension Commission. She felt we should wait for the new Board of Selectmen in November to be able to follow through.

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: 1 alternate member 12/2024

Economic Development Commission: 2 regulars 6/2025, 6/2026

Inland Wetlands Commission: 2 alternate members 6/2024

Litchfield Arts Council: 1 regular member 8/2024

Litchfield Housing Authority: 2 members 8/2023, 8/2024

Litchfield Prevention Council: 1 regular member 6/2024; 3 alt. members 6/2026; 1 alt. 6/2025

Milton Historic District Commission: 1 regular 1/2023; 3 alternates; 2-1/2024, 1-1/2025
 Park & Recreation Commission: 1 alternate member 6/2025
 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; 2- 3/2026; 1 alternate 3/2026
 Traffic Safety Community Action Group: 1 regular member 1/2025
 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 9 tax refunds in the total amount of \$1,681.76, as recommended by the Tax Collector. J. Tenney seconded, all voted aye and the motion carried.

New Business

a) Hot Dog Carts: D. Raap said it came to her attention that a hot dog cart was operating on private property with permission of the owner. She knows that our food truck ordinance does not cover hot dog carts. Town Counsel Mike Rybak said a peddle or push cart would be covered as a "peddler" under Sec. 8-21 to 8-29 of the Litchfield Code of Ordinances, Peddlers, Hawkers and Solicitors, and under CGS Chapter 408.

The criteria are listed in the ordinance, but there must also be compliance on the following checklist items: 1) a Torrington Area Health District permit; 2) CT Sales & Use Tax permit; 3) satisfactory police background check; 4) references from other towns where the vendor operates; 5) safe vending location causing no traffic hazard or nuisance; 6) written permission from the property owner where the vendor operates; and 7) any other information which would affect public health and safety.

D. Raap said she also learned that public opposition is not enough to deny a permit. C. Harding asked that the Selectmen consider amending the food truck ordinance to include carts, and J. Tenney suggested reviewing the Peddlers and Hawkers ordinance. Matt Saccoman, Goshen, who operates a hot dog cart, and who submitted his notes to D. Raap, said the State of CT had received a complaint and told him he was creating a distraction in that area and issued him a warning. John Keilty, Campville Road, said that since the Town Counsel said the hot dog cart falls under Peddlers and Hawkers, if he can meet the criteria and has the permission of the property owner, he should be allowed to set up his cart as long as there are no traffic hazards. Without amending the ordinance, he is entitled to do business. D. Raap said there will be a public hearing at the next Selectmen's meeting on September 19th to discuss this further. **Motion:** J. Zullo moved to table any action on hot dog carts to a future meeting. J. Torrant seconded, all voted aye and the motion carried. Helen Bunnell said she has applied for a temporary farm stand permit and says Tara Farms has one, too. D. Raap will check on that. Nancy Southard said there was a hot dog truck at EdAdvance for three days last weekend. D. Raap will check on it. J. Tenney also said they should look to revise the Peddlers ordinance.

b) Approve Traffic Safety Letter for Release: J. Tenney of the Traffic Safety Community Action Group drafted the letter that would ask groups that solicit money on the streets from cars to refrain from that practice, as it is illegal and can cause an unsafe environment for pedestrians, cyclists, and drivers. While mindful of the good these groups do for the community, the Traffic Safety Community Action Group is asking the Board of Selectmen to endorse and sign its letter and send it to those who have done fundraisers in the streets. By request to the First Selectman, it also offers the Town Hall parking lot as an alternative location. D. Raap then read the draft letter. **Motion:** J. Zullo moved to approve the Traffic

Safety Community Action Group's letter as read, and J. Torrant seconded. J. Tenney said the letter would be sent to Brandywine, the Police Department, the Fire Department, State Police, Possum Queen and any other groups they identify. C. Harding felt there are alternatives with a lot of businesses that might allow a fundraiser on their property. Upon voting all voted aye and the motion carried.

c) WPCA Tax Collector Agreement: D. Raap informed the Board that Sondra Mitchell was the WPCA Tax Collector, working in Vermont, for 25 years. Now she has retired July 15th. WPCA Chairman Dave Wilson has an agreement between him and the Town Tax Collector, Helen Bunnell, that will pay her \$10,000 to do the WPCA work, and will pay her assistant up to \$3,000 on an as-needed basis at her current rate for the hours she works for the WPCA. Payroll taxes and any related costs such as workers comp would have to be added to the \$10,000. Currently the WPCA also pays the Town \$28,000 for the Finance Department's financial work for the WPCA.

J. Zullo thought we should get an opinion from Town Counsel, as the WPCA is an authority created and appointed by the Board of Selectmen. Does the collection of the WPCA sewer fees fall under the Town's responsibility? If it falls under the responsibility of the Town's Tax Collector, he felt we should not be paying the Tax Collector through the WPCA additional funds to operate. If the WPCA pays the Town a stipend as they do for the Finance Department work, it would be part of the Tax Collector's duties with no extra payment. *[J. Torrant left the meeting here at 6:58 p.m.]* Helen Bunnell clarified that the \$10,000 was set as an estimate of the number of hours that Sandy Mitchell puts in. She also said that although she doesn't care if she does the job or not, having it here would bring accessibility and professionalism to the sewer users. The WPCA is now paying for professional software that the Tax Collector uses. She encouraged the Board to consult with Mike Rybak. J. Tenney asked her how many hours she currently works a week, wondering if there would be time to incorporate this WPCA work into her schedule. Nancy Southard, former Tax Collector, supported using the Town Tax Collector as a more professional approach. J. Tenney said we need to look at the Tax Collector's job description, add these duties, and determine if the salary matches the job description. This will all be discussed with Town Counsel.

Motion: J. Zullo moved to table action on this item and refer it to Mike Rybak to identify the oversight responsibility of the Board of Selectmen over the WPCA in assigning tasks that the WPCA requests the Town to cover and how that can be implemented. We need Mike's input, as we could just say no to the WPCA, as it is too complex with Town employees including elected officials doing things for which they get remuneration while we have other employees that are doing things requested by the WPCA without remuneration. This creates a conflict.

Second: J. Tenney

Discussion: C. Harding said someone has to compensate the Tax Collector for all the work she has done for the WPCA thus far. D. Raap said the agreement just came to her on Friday, so the compensation is not on the Town, but rather the WPCA. C. Harding said Dave Wilson has been contacted many times without response so far and has dragged his feet, and he is not here tonight. D. Raap added that he is disrespectful to have discussed this for months and not bring the Board of Selectmen into the queue.

Vote: D. Raap, J. Tenney and J. Zullo voted aye. C. Harding voted nay, and the motion passed.

Correspondence: None

Possible Executive Session - Town Hall Personnel Issue: D. Raap said the issue has been rectified and therefore removed from the agenda.

Possible Executive Session - Employee Resignation and Request: Motion: J. Zullo moved to go into executive session at 7:05 p.m. and J. Tenney seconded. All voted aye and the motion carried. All four remaining Board members went in with the Administrative Assistant, Elizabeth Callahan, included. They came out of executive session at 7:44 p.m. with no action taken.

Adjournment: Motion: J. Zullo moved to adjourn at 7:44 p.m. and J. Tenney seconded. All voted aye and the motion carried.

A handwritten signature in black ink, appearing to read "Denise Raap", with a stylized flourish at the end.

Denise Raap, First Selectman