

**REGULAR MEETING OF THE LITCHFIELD BOARD OF SELECTMEN  
TUESDAY, OCTOBER 3, 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 5:31 p.m. Selectmen present were Jeffrey Zullo, Jonathan Tarrant, Jodiann Tenney and Christine Harding.

**Approval of Minutes:** **Motion:** J. Tarrant moved to adopt the regular 9/19/23 meeting minutes, and J. Zullo seconded. **Amendment:** J. Tarrant offered one change under New Business d), saying Ed Fabbri made the suggestion to the Plumb Hill Playing Field Board that the property should be transferred to Region 20 from a liability standpoint, not that the PHPF Board felt it should be transferred for that reason. J. Zullo seconded the amendment. All voted aye on the motion as amended, except C. Harding, who abstained because of absence, and the motion carried.

**Motion:** J. Zullo moved to add to New Business i) CEI Proposal for Moosehorn Road, and J. Tarrant seconded. All voted aye and the motion carried.

**Motion:** J. Zullo moved to add to New Business j) Center of Litchfield Traffic Study Option, and J. Tarrant seconded. All voted aye and the motion carried.

**Motion:** J. Zullo moved to add to New Business k) Overhead Doors at Public Works, and J. Tarrant seconded. All voted aye and the motion carried.

**Public Requests/Comments:** Ken Merz was present from the Bantam Cinema & Arts Center with Robert Kwalick, Executive Director. He spoke of another washout from the recent storm at the theater, and has heard that the drainage plan has been postponed. It will cost them \$2,000 to repair the parking lot. He submitted a letter requesting the Board of Selectmen's help in solving this problem. He suggested turning this over to the Town's insurance as a claim if the Town doesn't take care of it. D. Raap noted that the deductible for flood insurance is \$50,000. R. Alexe said he would be happy to discuss the options. J. Zullo said they would take the letter under advisement, set a meeting to review and take whatever immediate action is needed, and follow up on the October 17th meeting agenda. J. Tenney abstained from any comment as a Board of Selectmen member and spoke as President of the Bantam Cinema & Arts Center board. She said they applied for a Seherr-Thoss grant to pave the parking lot to avoid this issue but was told by the Town that through the study being done, paving would have to be removed for the work planned. They therefore did not pave the lot. She is asking for the Town to rake back the disturbed gravel, as the damage stems from a Town problem and the study has been postponed. R. Alexe asked to discuss this outside of this meeting, as the facts as stated are not correct.

Jonathan Woodman, 956 Bantam Road, asked for a copy of the recent survey of the property in question under Item New Business f).

Lisa Losee, Town Clerk, said she was surprised to learn of the discussion of consideration of the Town Clerk position becoming an appointed position. She would have liked to have been notified that it was on the agenda.

Helen Bunnell, Tax Collector, reiterated the sentiments of the Town Clerk in regard to the Tax Collector being considered for an appointed position.

**Selectmen's Requests:** C. Harding said she called about a green arrow light out, and Naomi said she would call the State. R. Alexe said there is a process to go through online, and Public Works can advise her.

**First Selectman's Update Report:** D. Raap applauded Naomi Boccio's efforts to recoup unpaid State invoices in a backlog of eight years of finished bridges to get the reimbursement estimated at hundreds of thousands. D. Raap announced receipt of our third STEAP grant from the State of Connecticut for East Litchfield Road improvements. She then said Raz, Brett and she have been working on the upgrades for Community Field and the Town Beach. R. Alexe then introduced Brett Seamans, the Assistant Supervisor, formally to the Board. Next, we are rebidding the Northfield fire truck, as we only got one bid. The new opening date is November 2nd. Lastly, we are still waiting for the new Assistant to the Building Official to start, but hopefully it will be very soon.

**Resignations:** None

**Interviews, Appointments & Reappointments**

**a) Interview Donna Pace for Capital Improvements Committee, citizen at large, term 11/2025:** Ms Pace said she opened a wine distribution company and has done that for 15 years. She moved here 7 years ago, and really loves the community. She is a procurement specialist and a strategic thinker, and would love to be a part of an advisory team. **Motion:** J. Torrant moved to appoint Donna Pace to the capital Improvements Committee as citizen at large for a term ending 11/2025. J. Zullo seconded. All voted aye and the motion passed.

**b) Appoint Diane Field to Town Facilities Review Committee, regular member, term 3/2026:** **Motion:** J. Zullo moved to appoint Diane Field to the Town Facilities Review Committee as a regular member for a term ending 3/2026. J. Torrant seconded, all voted aye and the motion carried.

**Liaison Reports/Commission-Committee Minutes:** 6/27/23 Conservation Commission; 9/13/23 Inland Wetlands Commission; 9/14/23 Borough/HDC Consolidation Study Committee

**Sustainable Litchfield Update:** J. Zullo said Barbara Carr attended the meeting today and would like to join the committee. He said they have a big stretch to accomplish the actions required for gold, but can roll over half of the actions completed already toward that goal. They plan to submit in August of next year. They would like more support from Town employees and non-profits.

**WPCA Liaison Update:** C. Harding said the MOU regarding the Tax Collector has been circulating, but D. Raap said she has not yet seen one. J. Zullo said Eversource has approved the interconnect agreement that has held up the project for about two months. The racking installation should begin November 1st. The screening planting plan should begin this Friday. R. Alexe said the work to get the energy to the building will be done in-house and pay for materials.

**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

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; 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:** None

### **Old Business**

**a) Appointed Positions for Tax Collector and Town Clerk:** J. Torrant said the reason for this consideration is to retain someone who is doing a good job rather than have them get elected out of the job. J. Zullo said there are certifications and expertise required for both these positions that could be lost in an election. Town Counsel said it is a complicated process and should not be done without consulting those in the current positions. Former Tax Collector Nancy Southard spoke to the requirements. J. Zullo asked if Mike Rybak could list the steps in the process to initiate this, bringing the Tax Collector and Town Clerk into the conversations. **Motion:** J. Zullo moved that Mike Rybak be asked to list the steps in the process of initiating appointed positions for the Tax Collector and Town Clerk. J. Torrant seconded, all voted aye and the motion carried.

**b) Tax Collector MOU: Motion:** J. Torrant moved to table this items until a future meeting when we have an MOU to review. J. Zullo seconded, all voted aye and the motion carried.

**c) First Responders Incentives:** D. Raap said this is the fifth time this has been on the agenda and understood that it needs to go through the Fire & EMS Commission. J. Zullo said this is like a revision to a pension. This calls for the Pension Commission to do a review of the contract with the actuarial firm, Hooker & Holcombe, before it can come to the Board of Selectmen. F. Carpentier said it is very expensive and complicated to do this and recommended a pay-per-call or other incentives and tax abatements. Pay-per-call has not been very successful in other towns because of administrative issues. J. Zullo said it is the job of the Fire Commission and the retention and recruitment committee to develop those options and a pension revision with cost. Other suggestions were offered for incentives, and J. Torrant will bring this discussion to the Fire Commission about this.

### **New Business**

**a) Agreement for Transfer of LPS Furniture, Technology and Equipment to Region 20:** Town Counsel Mike Rybak said the attorney for Region 20 is Shipman and Goodwin for the transfer of the real estate. The process for the real estate will require an 8-24 from Planning and Zoning, a Selectmen's public hearing with approval by the BOS, BOF, BOE, and town meeting. The personal property is an educational matter. The real estate is the big matter, and he encouraged the Town to decide what it should keep out of the real estate transfer; e.g., possibly the solar leases to be retained through a deed of conveyance, and possibly Plumb Hill Playing Fields, as a carve-out in the deed. He advised not to transfer anything without a Class A-2 site plan. He felt the FF&E should be transferred at the same time as the real estate. J. Zullo asked about a time line from Region 20 and/or Litchfield and Region 6, and no one had one. **Motion:** J. Zullo moved that the Board of Selectmen request of the Region 20 Board of Education a

planned timeline schedule for the transactions of asset transfers so that we can have our attorney communicate with their attorney on a plan that we can meet. C. Harding seconded the motion. All voted aye and the motion carried. M. Rybak also suggested Litchfield reserving in writing the use of the Intermediate School auditorium for town meetings. J. Zullo added that Park and Rec uses all school gyms, so M. Rybak said we should start a list.

**b) A-2 Survey Proposals (2) for Transfer of LPS Property to Region 20 (LHS/LMS/LIS and LCS):**

R. Alexe explained that the A-2 survey will be transferred by an engineer into a site plan, which takes away the topographical elements into a layer and then show buildings to bring the survey to life. Second, what happens to the land under the carparks that is currently maintained by the schools. A favored suggestion was to retain ownership and lease the use of the parking lot to Region 20 to be maintained by them. Third, if the proposal is approved, who pays for the surveys (\$14,500 for LCS and \$18,750 for LHS/LMS/LIS). **Motion:** J. Zullo moved to approve and request that Region 20 fund the A-2 survey expenditure. J. Torrant seconded, all voted aye and the motion carried. This approval approves the work done by Berkshire Surveying, LLC.

**c) Town Hall Planting Proposal by Litchfield Hills Audubon Society:** Brett Seamans presented the proposal by the Litchfield Hills Audubon Society to replace the non-native burning bushes in front of Town Hall with native plants. The plan had also been endorsed by the Litchfield Beautification Commission. He reviewed it and asked them for a redesign that would pass the Historic District Commission and provide a better context for Town Hall and the gravitas it should project. He will redesign a bit and get an estimate. He plans on some native shrubs that would retain color in the winter and would plant some colorful annuals in the spring.

**d) EV Car Chargers Update:** R. Alexe said they have received the grant for \$138,392.80. Projected costs were \$214,797.00. They engaged Eversource and had an excellent meeting and will come to review the six sites and see how the costs might change. J. Zullo asked if the Town can contribute to the cost reduction by in-house labor or by providing materials, and R. Alexe said they would. J. Zullo said a budget should be done to get into Capital to utilize in order to get the reimbursement when the project is done. The Town will realize a revenue stream from the use of these chargers after the first three years. He predicted they would be in operation by next spring.

**e) LHS Solar Array Screening Site Plan Revision and Budget:** B. Seamans reviewed the screen plan at the High School and has a new plan that would be more significant. He proposes ten mature evergreen limber pines that are native that would be deer resistant, low maintenance and hardy. They would be 8-10 ft. in height and grow to 20 or 30 ft. with a 12 - 18 ft. spread. P&Z was concerned about the loss of leaves from the deciduous trees, and B. Seamans said they would complete this project and address an expansion later. Preliminary budget is between \$6,500 and \$9,500. John Markelon has offered \$1,500 from the funds from his pollinator budget. He has put this out to bid to receive a more realistic number he can share. Carol Bramley, P&Z Chair, explained the history of the original planting plan. Planting will be done this fall before frost. **Motion:** J. Zullo moved that the Board of Selectmen tentatively approve the solar array screening proposal, with finalization upon determination of budget sourcing. J. Tenney seconded, all voted aye and the motion carried.

**f) Bantam Terrace Final Survey at 956 Bantam Road:** R. Alexe suggested the Town Attorney explain the process. Town Counsel Mike Rybak summarized the history of the stub of land laid out by the original developer of Bantam Terrace that was intended to connect to the State highway, but did not. As part of the close-out of the old subdivision, the Town took title to some subdivision lots as well as the undeveloped highways in the subdivision that included this stub. This will never be used or developed by the Town but is used by the two property owners as a common driveway. The Selectmen need to decide what to do with it. Mr. Woodman of 956 Bantam Road spoke about the property and how he wanted to improve it and

found that it belonged to the State and Town. It is used by walkers as a cut-through to walk uptown. The logical disposition is to sell it to the abutting land owners, but it is the Selectmen's decision. The process, outlined in a memo by M. Rybak, would send a proposal to P&Z for an 8-24, a Board of Selectmen public hearing, Board of Finance ( who should waive on any Town property), and then to a town meeting. Mr. Woodman was encouraged to talk to his neighbor with whom he shares a driveway. **Motion:** J. Zullo moved to table this item to a future meeting, and J. Torrant seconded. All voted aye and the motion passed.

**g) Waive Building Permit Fees for WPCA Solar Project:** **Motion:** J. Zullo moved to waive the building permit fees for the WPCA solar project. J. Torrant seconded, all voted aye and the motion carried.

**h) Open Space Acquisition Fund:** D. Raap said from past discussion that Land Use had asked if the Selectmen would be agreeable to conveyance revenue that is received over what is budgeted could have a percentage taken to transition over to an open space acquisition fund. We have a fund currently with \$11,000 in it. M. Rybak said we already have an ordinance, but we need a policy on how to fund and with how much. **Motion:** J. Zullo moved to table this item and create a policy that we can review at a future meeting. J. Torrant seconded, all voted aye and the motion carried.

**i) CEI Proposal for Moosehorn Road:** R. Alexe said the State approved the recommendation to award the contract to B & W Paving and Landscaping. They received the PAL (Project Authorization Letter) and the authorization to award. It has been awarded and the First Selectman has signed the contract. He was hoping to get this project done this fall; however, the contractor cannot do it in less than 75 days. This will push the paving to spring. The Amendment 3 to the agreement between the Town and Cardinal Engineering is authorization to manage the paperwork for the project by the consultant, who is also the engineer of record. The money is paid by LOTCIP, so it does not cost the Town anything. **Motion:** J. Zullo moved that the Board of Selectmen approved the CEI proposal for Moosehorn Road in the amount of \$102,500. J. Torrant seconded, all voted aye and the motion carried.

**j) Center of Litchfield Traffic Study Option:** Ed Fabbri presented his suggestion for a traffic solution near the green. He gave the history of the Traffic Safety Committee's work with the State and the road safety audit that was done. Two DOT Project Engineers conducted a field visit in July and much was discussed. His proposal makes the area a more pedestrian friendly area by replacing the Meadow Street Extension with more green area and adding a traffic light at the west end of the green on Route 202. R. Alexe explained the DOT's process. The Traffic Safety Committee will hold a special meeting to approve the Cardinal plan. They must also get the Seherr-Thoss approval to re-allocate the funding. Upon complaint by Dirk Patterson on Zoom, Ed Fabbri's draft letter was discussed as being just that – a draft if future steps fall into place. Nothing has been pre-decided. R. Alexe added that things are moving slow because the green area is a National landmark, with no ability for eminent domain. E. Fabbri reported that the business owners were so happy about the plan. He asked to be on the Borough's agenda next Tuesday. He will reappear at the next Selectmen's meeting.

**k) Overhead Doors at Public Works:** R. Alexe recommended the bid be awarded to Overhead Door of Torrington. **Motion:** J. Zullo moved to approve the bid award to Overhead Door Company of Torrington for 2" doors in the total amount of \$45,168.42, with R. Alexe determining the number of doors he can get. C. Harding seconded, all voted aye and the motion carried.

**Correspondence:** None

**Executive Session: Employee Resignation & Request:** **Motion:** J. Tenney moved to go into executive session at 8:12 p.m. with all Board of Selectmen members present. C. Harding seconded, all voted aye and the motion carried. Out of executive session at 8:27 p.m. with no action.

**Adjournment:** **Motion:** C. Harding moved and J. Torrant seconded a motion to adjourn at 8:28 p.m. All voted aye and the motion carried.



Denise Raap, First Selectman