

TOWN OF MIDDLEBURY

Office of the Selectmen

MINUTES

MEETING OF THE BOARD OF SELECTMEN

Tuesday, January 17, 2012 – 6:00 p.m.

Town Hall Conference Room

Present: Edward B. St. John, First Selectman
Elaine M. R. Strobel, Selectman
Ralph J. Barra, Selectman

Also Present: Heidi Shea
John Cookson
Jim Crocicchia
Barbara J. Whitaker, Recording Clerk

Matt O'Rourke, Reporter - Republican American
Marj Needham, Reporter - Bee Intelligencer
Chip Longo, Reporter - Bee Intelligencer
Linda Zukauskas, Reporter - Voices

Call to Order with Pledge of Allegiance

The meeting was called to order by the First Selectman with the Pledge of Allegiance.

Approval of Minutes of January 3, 2012 meeting

Selectman Barra Ralph MOTIONED to approve the minutes of the January 3, 2012 meeting, SECONDED by Selectman Strobel. Unanimous approval.

Tax Rebates

Gerald A. Fontaine, II, Middlebury, CT

\$15.63

Selectman Barra MOTIONED to approve the above-mentioned tax rebate, SECONDED by Selectman Strobel. Unanimous approval.

Appointments

Selectman Strobel MOTIONED to approve Thomas P. Reynolds (R), as a member of the Safety and Health Committee – term from December 16, 2011 through December 16, 2012; SECONDED by selectman Barra. Unanimous approval.

Reappointments

Selectman Strobel MOTIONED to approve the reappointment of Joann Cappelletti (R) as the Greater Waterbury Transit District Representative – term from February 5, 2012 through February 5, 2017; SECONDED by Selectman Barra. Unanimous approval.

Discussion and Consideration

Presentation of Service Award – Robert I. Bean

Mr. St. John stated that Mr. Bean was not able to attend the meeting tonight and that this presentation would be made at a later date. Mr. St. John added that Mr. Bean was Chairman of the Zoning Board of Appeals for more than 25 years.

Resolution of Endorsement – Regional Animal Control Facility

Selectman Barra MOTIONED to adopt the attached Resolution, SECONDED by Selectman Strobel. Unanimous approval.

Resolution of Compliance for new IRS Regulations

Mr. St. John stated that the Town has had a 457 plan for years and that this Resolution is to address new IRS regulations regarding this. Selectman Barra MOTIONED to adopt the attached Resolution, SECONDED by Selectman Strobel. Unanimous approval.

Appointment of Attorneys on Case by Case Basis

Selectman Strobel MOTIONED that the BOARD OF SELECMTEN will approve the appointment, by the First Selectman, of attorneys on a case-by-case, as-needed basis, for legal matters, retroactive to the date of the commencement of the First Selectman's term, SECONDED by Mr. Barra. Unanimous approval.

Selectman Strobel added that the Board of Selectman is trying to keep down legal costs and that the Board of Finance placed a limited amount of money in that line item and the Board of Selectman is trying to follow suit.

Amend the Agenda

The First Selectman MOTIONED to amend the Agenda for the adoption of a Resolution for the Municipal Quick Spend Energy Efficiency Grant, SECONDED by Selectman Strobel. Unanimous approval.

The First Selectman MOTIONED to adopt the attached Resolution, SECONDED by Selectman Strobel. Unanimous approval.

Public Comments

Mr. Cookson asked the First Selectman if by Charter the Town had to have a Town Attorney. The First Selectman said that there is an appointment of a Town Attorney and one has not been appointed. The First Selectman feels it would be more cost effective to use the Attorneys on a case by case basis.

The First Selectman added that in the past the Town has used attorneys in their specialized area; and that there is no list per se. If Boards and Commissions need to use of an attorney, they will have to come to the Board of Selectmen to make a request. The First Selectman said that here is some carryover from the prior administration to the current one of legal cases; so those attorneys who handled those cases should continue. Matt O'Rourke inquired about set rates. The First Selectman said that no rates have been set yet; and that after a budget is appropriated he hopes to go back to the retainer system like was down previously.

Jim Crocicchia asked if Curt Bosco was going to give a talk on the Planning and Zoning situation and that he read this in the Bee Intelligencer. Ms. Needham said that it was reported at their meeting that he was to come before the board of selectmen. The

Charter is very specific that the Zoning Enforcement Officer reports directly to the Planning and Zoning Commission.

Mr. Crocicchia asked if a town employee should report to a volunteer commission. Mr. St. John said that this issue will be addressed by the Charter Revision Committee.

Mr. Cookson asked where we were with the Health District. He had a presentation with members of the Torrington Health District and asked the Chief Financial Officer to get him some numbers on this. The First Selectman added that he walked into this issue at the tail end; so far Mr. St. John said that so far he has not received any complaints. The First Selectman said that there is an incentive for the Town to join by May 1, 2012 and that the number that was presented was very competitive.

Mr. Longo asked Selectman Strobel if she felt that being a member of the Republican Town Committee was a conflict of interest since she is a Selectman; since Selectman Barra resigned from the Ad hoc Property Maintenance Committee because he (Selectman Barra) felt it was a conflict. Selectman Strobel responded no.

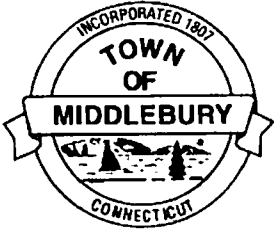
Selectman Strobel MOTIONED to adjourn, SECONDED by Mr. Barra. Unanimous approval.

These minutes are submitted subject to approval.

Respectfully submitted,

Barbara J. Whitaker

Barbara J. Whitaker
Recording Clerk



TOWN OF MIDDLEBURY
Office of the Selectmen

Resolution of Endorsement
Regional Animal Control Facility Feasibility Study
(To be completed by the City or Town Clerk)

The Legislative Body* of the Town of Middlebury met on Tuesday, January 17, 2012 and adopted a resolution by the vote of 3 to 0 which endorsed the **Regional Performance Incentive Program** proposal referenced in Section 5 of Public Act 11-61 (An Act Concerning Responsible Growth). Such proposal is attached to and made a part of this record.

Attested to by:

Name: Edith Salisbury

Title: Town Clerk
Edith Salisbury, Town Clerk

Date: January 25, 2012

*NOTE: For the purposes of the **Regional Performance Incentive Program**, "legislative body" means the board of selectmen, town council, city council, board of alderman, board of directors, board of representatives or board of the mayor and burgesses of a municipality.

Regional Performance Incentive Program
Pursuant to Public Act 11-61, Section 5



Form RPI-2
Rev. 10/2011

COGCNV Proposal for Regional Animal Control Facility Feasibility Study
(to be filed with the Secretary of the Office of Policy and Management)

REVISED PROPOSAL (12/23/2011)

Submit to: Office of Policy and Management,
 450 Capitol Ave. MS #54 SLP
 Hartford, CT 06108-1379,
 Att: RPI Program

Attach additional pages if necessary; identify project and related proposal element at the top of page.

Applicant Entity (RPOs, Two or more Municipalities, and/or Economic Development Districts):	
Name	Council of Governments of the Central Naugatuck Valley
Address	60 North Main Street, 3 rd Floor
City/State/Zip	Waterbury, CT 06702
Contact Person(s):	
Name	Peter Dorpalen
Title	Executive Director
Telephone	203 757-0535
Fax	203 756-7688
E-mail	pdorpalen@cogcnv.org
Amount of Regional Performance Incentive Funding Requested: \$44,500	
Short Descriptive Title of Project: <i>Regional Animal Control Facility Feasibility Study</i>	
REQUIRED PROPOSAL ELEMENTS Items (1) through (15):	
(1.) Proposed Shared Service(s) or related Study: Describe at least one service currently provided by a participating municipality or municipalities or study of the provision of such service, which is not currently provided on a regional basis, for which this proposal is being submitted (attach additional pages as necessary):	
<p>The towns of Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, and Southbury would like to establish a regional facility to reduce their municipal animal control costs. Wolcott would also like to participate, but would be caring for its animals at its refurbished shelter. The purpose of the study is to evaluate site and management options for providing a regional facility in sufficient detail to enable the participating towns to move forward with the study's preferred recommendation.</p>	

(2.) Describe the need for such service (attach additional pages as necessary):

Under Sec. 22-336 of CGS, Towns are required to provide pounds or other suitable facilities unless they are participating in a regional dog pound.

Some of the communities are facing a major capital expense of upgrading their existing animal control facility. Two towns do not have a shelter and rely on other towns for impounding animals. For all, there is the need to reduce the cost of animal control by pooling resources to create a facility that jointly costs significantly less than individual town facilities. A regional facility will also enable a higher level of care for the animals. With tightening municipal budgets, the towns would like to find a more economically feasible approach, while offering a better service.

(3.) Describe the method of delivering such service on a regional basis and the organization responsible for delivering such regional service or study:

The study will evaluate different alternatives for delivering animal control on a regional level including management of the regional facility and animal control services. Each town will retain its existing local animal control officer, but sheltering, medical treatment, and adoption will be through the regional facility. The study will be conducted by COGCNV with an advisory committee consisting of officials of the participating towns. The preliminary scope of work is as follows:

Scope of Work

1. Conduct survey of each municipality to determine each town's average and peak sheltering needs. Project future sheltering needs (based on past sheltering demand and likely future population growth)
2. Determine appropriate site, building, and parking requirements for a regional facility based on existing and projected needs. The analysis will also consider whether one or two sites would be the most effective.
3. Identify alternative options for a regional facility (or facilities), seeking location(s) convenient for participating municipalities
 - a. Existing shelter
 - b. Existing building
 - c. Available site
4. Analyze the advantages and disadvantages of the alternatives and estimate construction cost and operating and maintenance cost
5. Evaluate different management structures, their estimated yearly cost, and advantages and disadvantages. Possible options include: regional animal control board, host municipality management, private contractor under supervision of regional organization (COG, health department, municipality)
6. Select a preferred alternative for facility site and for management
7. Estimate capital and operating costs for the facility and its services
8. Develop preliminary architectural design for facility

(4.) Describe the population that will be served:

The six participating municipalities wishing to shelter animals at the regional facility have a total combined population of 87,478 in 2010. Including Wolcott, the population totals 104,158. The six towns averaged 38 sheltered animals per month in 2009-10, according to data from the State Animal Control Officer. The combined maximum monthly occupancy for the six of the seven towns was 53 animals. Wolcott averages another five animals, with a monthly maximum of eight.

(5) Describe the manner in which regional service delivery will achieve economies of scale:

The seven towns will achieve financial efficiencies through the sharing of a regional animal shelter. It can make the provision of animal care more affordable while offer features than an individual town could not afford to provide. In addition to a lower cost, the towns seek to offer a higher quality of care for impounded animals. A larger, central facility will also create a better opportunity for animal adoption. A larger operation can provide publicity on animals available for adoption, and having full time staffing for the shelter will give the public greater access to view dogs for adoption, increasing the rate of adoption. The regional shelter will enable the towns to focus their efforts on animal control rather than control and care.

(6.) Provide the amount by which participating municipalities will reduce their mill rate as a result of the savings realized (Exclude grant funds from calculations.):

Municipality	Savings	Mill Rate Reduction
Beacon Falls	\$88,354	0.19
Middlebury	\$97,189	0.09
Naugatuck	\$631,729	0.34
Oxford	\$194,378	0.17
Prospect	\$170,081	0.22
Southbury	\$267,270	0.11

(7.) Provide a cost benefit analysis for the provision of the service by each participating municipality and by the entity submitting the proposal:

See enclosed table:

Cost-Benefit Analysis for a Six-Town Regional Animal Control Facility

(8.) Describe a plan of implementation for the delivery of the service on a regional basis (NOTE: The estimated time line and length of time to implement the proposal):

Present Phase: 12 - 15 months

Conduct RFP process to select consultant (2 - 3 months)

Complete and execute study agreement (1 - 2 months)

Conduct study (6 months)

Select preferred alternative for site and organization (1 - 2 months)

Future Phase: 28 - 32 months

Secure construction and development funding

Execute necessary agreements between towns and management organization

Secure site (or sites)

Design facility

Obtain permits

Construction bid process

Construction

Staffing (including volunteers)

(9.) Provide a list of potential legal obstacles to the regional provision of the service and how these obstacles will be resolved:

An anticipated obstacle is finding a suitable site where a facility is permitted under existing zoning regulations. The site should preferably be located where there are public sewers, given the volume of waste generated by an animal shelter. These issues will be addressed by working with officials in the participating communities. Another obstacle will be state standards for animal control facilities, which greatly affect the cost. Regulations for dog pounds are contained in state statutes sections 22-336-13 to 22-336-30.

(10.) Describe how the proposed service will be sustained once it is established and all grant funding has been expended:

Funds to operate and maintain the facility will come from the general fund of each participating municipality. A payment formula will be created based on population, dogs sheltered, or other factor or combination of factors.

(11.) Provide a list of other public or private funding potentially leveraged by the project proposed herein.

Grantor	Amount of Funding	Purpose

(12.) Percent of municipalities in the applicant organization participating in the proposed regional service project: animal control facility (6/13 or 46%, 7/13 or 54% with Wolcott)

(13.) Attach hereto a resolution by the legislative body of each municipality affected by the proposal, endorsing such proposal. To be added

(14.) Attach the following material:

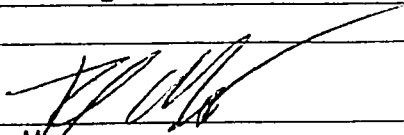
1. A site location map of the project location, (not the region or EDD), if applicable: Not applicable since funding is for a feasibility study
2. A proposed Project Schedule (Outline the Proposed Project timeline) See Item 8 for schedule
3. Project cost estimates supporting the request for funding. See enclosed budget
4. A list of all necessary local/state/federal permits and approvals required for the project. Zoning and site plan approvals; state dog pound requirements

(15.) Has a copy of the proposal been sent to legislators representing the participating municipalities? Yes No
If YES, please attach copies of cover letters.

(16.) Certification by the CEO of the Applicant Organization(s):

I do hereby certify that the information contained herein is true and accurate to the best of my knowledge.

Signature:



Name: Robert A. Mezzo

Title: Chairman

Date:

12/28/2011



TOWN OF MIDDLEBURY

Office of the Selectmen

ACTION BY THE BOARD OF SELECTMAN ("Board") OF TOWN OF MIDDLEBURY ("Employer")

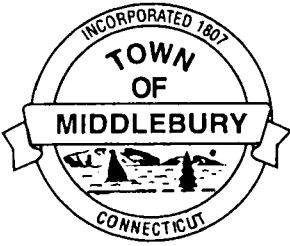
RESOLVED, that the Board has previously approved and adopted the Town of Middlebury Deferred Compensation Plan ("Plan") to provide employees of the Organization/Agency with retirement benefits.

RESOLVED, that the Board does hereby declare the intention of the Organization/Agency to continue the Plan, but reserves the right to terminate or amend the Plan at any time.

RESOLVED, that the members of the Board are hereby jointly and severally authorized to take such actions and to execute such documents as they deem necessary or desirable in order to carry out the intent of the foregoing resolutions and required under the Plan to make the Plan fully effective in accordance with its terms and intent.

Adopted by the Board of Selectmen of the Town of Middlebury, CT this 17th day of January 2012.

Edward B. St. John
First Selectman



TOWN OF MIDDLEBURY

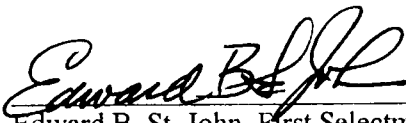
1212 Whittemore Road
Middlebury, Connecticut 06762

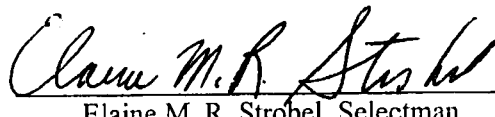
RESOLUTION

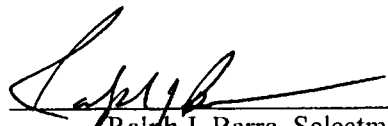
RESOLVED, that Edward B. St. John, First Selectman of the Town of Middlebury, hereby is authorized to submit this application for funding under the Department of Energy & Environmental Protection Municipal Quick Spend Energy Efficiency & Conservation Program Competitive Grant Opportunity and understand that funding under this program is comprised of dollars that were not spent by eligible municipalities from the American Recovery and Reinvestment Act under the Office of Policy and Management EECB Grant. I attest to the truthfulness of all information provided to the Department of Energy & Environmental Protection in this application.

FURTHERMORE, BE IT RESOLVED, that Edward B. St. John, First Selectman of the Town of Middlebury, hereby is authorized to sign the agreement or grant award with the Department of Energy & Environmental Protection Municipal Quick Spend Energy Efficiency & Conservation Program Grant and understand that funding under this program is from dollars that were not spent by eligible municipalities from the American Recovery and Reinvestment Act under the Office of Policy and Management EECB Grant.

Adopted by the Board of Selectmen of the Town of Middlebury, State of Connecticut this 17th day of January 2012.


Edward B. St. John, First Selectman


Elaine M. R. Strobel, Selectman


Ralph J. Barra, Selectman