



# TOWN OF MIDDLEBURY

## Office of the Selectmen

**MINUTES**  
**MEETING OF THE BOARD OF SELECTMEN**  
**Monday, March 7, 2016 – 6:00 p.m.**  
**Town Hall Conference Room**

**Present:** Edward B. St. John, First Selectman  
Elaine M. Strobel, Selectman  
Michael J. McCormack, Selectman

**Also**

**Present:** Attorney Robert Smith  
Barbara Whitaker, Recording Clerk  
Bill Stowell, Chairman – Board of Finance  
Rita Smith, Board of Finance  
John Calabrese, Town Engineer  
Edith Hardwick  
Barbara Pickett  
Catherine Gay

Joseph Flanagan  
Donald Fisher  
Jill Fisher  
Sujan Manjeshwar  
Greg Cyr  
Lainie McDermott (Rio)  
Bill Bittar, Reporter – Republican American  
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 February 16, 2016 Meeting**

First Selectman St. John MOTIONED that the minutes of the February 16, 2016 meeting be approved, SECONDED by Selectman Strobel. Unanimous approval.

### **Tax Rebates**

Raymond Albini, Middlebury, CT	\$35.69
Seymour Lefkowitz, Westport, CT	\$53.77
Vitalja Markevich, Ashford, CT	\$59.04
James Palomba, Waterbury, CT	\$104.82
BMPS Leasing, LLC, Middlebury, CT	\$159.63
BMPS Leasing, LLC, Middlebury, CT	\$116.35
BMPS Leasing, LLC, Middlebury, CT	\$65.00
BMPS Leasing, LLC, Middlebury, CT	\$181.86
BMPS Leasing, LLC, Middlebury, CT	\$107.23
BMPS Leasing, LLC, Middlebury, CT	\$164.25
BMPS Leasing, LLC, Middlebury, CT	\$63.19
BMPS Leasing, LLC, Middlebury, CT	\$138.49
BMPS Leasing, LLC, Middlebury, CT	\$98.64
BMPS Leasing, LLC, Middlebury, CT	\$74.79
BMPS Leasing, LLC, Middlebury, CT	\$132.07
BMPS Leasing, LLC, Middlebury, CT	\$132.07
BMPS Leasing, LLC, Middlebury, CT	\$181.84

**MINUTES - MEETING OF THE BOARD OF SELECTMEN**

**Monday, March 7, 2016 – 6:00 p.m.**

**Town Hall Conference Room**

**Page 2**

First Selectman St. John MOTIONED that the above-mentioned tax rebates take their normal course, SECONDED by Selectman McCormack. Unanimous approval.

**Reappointments**

First Selectman St. John MOTIONED to reappoint Richard H. Nicol (R) as Northwest Connecticut Public Safety Corporation Representative for a term from January 1, 2016 through December 31, 2017 SECONDED by Selectman McCormack. Unanimous approval.

First Selectman St. John MOTIONED to reappoint Diana J. Anton, (D) as a member of the Beautification Committee for a term from March 3, 2016 through March 3, 2020 SECONDED by Selectman McCormack. Unanimous approval.

First Selectman St. John MOTIONED to reappoint Malcolm S. Todt (R), as a member of the Land Preservation and Open Space Committee for a term from February 17, 2016 through February 17, 2017 SECONDED by Selectman McCormack. Unanimous approval.

First Selectman St. John MOTIONED to reappoint Kelly M. Perrotti (D) Road as a member of the Parks and Recreation Commission for a term from March 4, 2016 through March 4, 2021, SECONDED by Selectman Strobel. Unanimous approval.

First Selectman St. John MOTIONED Raymond M. Petrucci (D), 579 Three Mile Hill Road as a member of the Water Commission for a term from March 4, 2016 through March 4, 2021 SECONDED by Selectman McCormack. Unanimous approval.

**Discussion and Consideration**

**Phase I Letter of Credit Reduction – Toll Brothers**

The Board of Selectmen received the attached letter from the Town Engineer recommending a reduction of Letter of Credit #IS00199332U. Mr. Calabrese explained that the Town is also holding a bond on Phase II, because there is still construction out there. This does not affect the Phase II bond. The Town is still holding 10% of the Phase I bond. Selectman McCormack asked if this means the project would take another year to complete. Mr. Calabrese explained that the Town keeps 10% for one year in case there is a problem (i.e., a settlement in the road).

First Selectman St. John MOTIONED to accept the Phase I Letter of Credit Reduction from \$262,873 to \$26,287; SECONDED by Selectman McCormack. Unanimous approval.

**Flood Plains Maps**

Greg Cyr explained that former Selectman Barra was meeting with them regularly and they were trying to organize their approach to bring this issue to a solution. Former Selectman Barra sent out emails to the Flood Plain Coordinator and since the election they have not had any meetings, they want to find out if they will resume the meetings and try to organize and come up with different ways to come up with a resolution to their problem.

The First Selectman said he had no issue with continuing with the meetings and asked Selectman McCormack to continue to be the liaison. Selectman McCormack agreed and

## **MINUTES - MEETING OF THE BOARD OF SELECTMEN**

**Monday, March 7, 2016 – 6:00 p.m.**

**Town Hall Conference Room**

**Page 3**

asked Mr. Cyr for the future discussions not be open ended. Selectman McCormack would like to have a plan is devised and that they follow the plan.

Mr. Cyr advised that they have been meeting every third Thursday at Shepardson in Room 7. Mr. Cyr went onto explains that he and the neighbors in the area need someone to help guide them, as they do not know how to come up with a solution to this problem. A letter went to the Flood Plain Coordinator asking for a few companies to come up with a quote for the request. They have not received an answer. They cannot do this alone.

Selectman Strobel asked Mr. Cyr what he and his neighbors wanted the Town to do. Mr. Cyr explained that they do not know what the best thing is from all sides. This is why they need an expert to find out what the best thing is to do. Selectman Strobel said that we've had the FEMA people and the State here and asked if the group wanted the Board of Selectmen to buy out their homes or to give them money for the flood plain maps. At this time, Selectman McCormack requested that he and Mr. Cyr speak before the next meeting to bring him up to speed. Mr. Cyr said that they cannot do this alone they have to do this through the Town.

Joseph Flanagan said that he does not think that the Town of Middlebury realizes the effects of the flood plain issue on the Town. There is a very high expense on the insurance side as homeowners compared to what the homes are worth. He added that this high expense effects education for kids, ability to get a home equity line, septic system, their retirement savings and family vacations are scrutinized.

Mr. Flanagan added that on the town side it could mean higher mill rates, depressed neighborhoods, higher taxes, vacant homes, blight. There are neighbors who cannot refinance and cannot sell their homes.

Mr. Cyr said that homes not selling and they are not going to sell because you have to spend additional funds for flood insurance. He has heard people being offered jobs in other states but they cannot take them because they cannot take a loss on their homes. Mr. Cyr added that that he pays \$3,500 for flood insurance for the full replacement value on the home. Every year he has to cut his insurance premium so he can lower the premiums to save that money. This is in addition to the regular insurance on the home. Mr. Cyr said he does not have full insurance coverage on his home.

The First Selectman said that there is a national outcry for how the government has administered this program, and they are not offering any assistance.

First Selectman asked Mr. Flanagan if the property had been tied to the sewer, and asked if that would that be a remedial step. Mr. Flanagan explained that he is the only one on septic, and that water is a separate issue. The First Selectman requested that Mr. Calabrese to see if there is a way this property could be tied into the sewer. The First Selectman said that if Mr. Flanagan did sell the property, it would be helpful it were already tied into the sewer. The First Selectman requested that if there was anyone else in the area that was not on the sewer line to let him know, so they could explore the information.

**MINUTES - MEETING OF THE BOARD OF SELECTMEN**

**Monday, March 7, 2016 – 6:00 p.m.**

**Town Hall Conference Room**

**Page 4**

Lainey McDermott Rio discussed her concern about the monetary issues and how it affects their family's way of life considerably. She is concerned about crime.

Ms. McDermott explained that if the owners of the properties start selling their properties for below what they properties should be worth and rentals. She said that she's afraid that this could become a low income area. She feels that there is a lot going on in that area, and she does not want the situation to become even worse where people have to sell for \$100,000 lower than what the homes are worth. She is concerned with who will be coming in to buy or rent their homes. Once their values come down, the values of the homes in the rest of the Town will go down. She said that the residents of the Town may not be aware of how this will affect the value of their homes.

There was some discussion on current homes sales on Porter Avenue where residents have had to continually reduce the asking price of their homes.

The First Selectman said that this issue is also difficult for the Town of Middlebury because they did not put these regulations in place, if there are little things that the Town can do, they will do it. They just lost an entire neighborhood because of an airport. The Town has been through contamination issues and they all came together.

Tom Fisher would like the Town to reach out to other organizations in other Towns who also have flood controlled area who are working on the same problem. As individuals they do not think they can approach other towns and ask questions and get feedback on what can be done. He said maybe working together with other Towns maybe more can be done. The First Selectman said in Southbury (Pomperaug area) they purchased the property, but every time it stormed, those areas were flooded. We have no recorded losses of any type of flooding in that area.

Selectman McCormack asked if he would feel comfortable without flood insurance. If the bank came and said you don't need flood insurance that would solve the immediate problem, this wouldn't affect the market price. Mr. Cyr said that many of the homes survived the 1955 flood and they've all received letters from the insurance company sends a letter saying there has been no flood claims since 1970. Selectman McCormack asked how many homes were affected. Mr. Cyr said there are 40 homes between Porter, Regan and Shadduck roads.

Mr. Manjeshwar said he bought his house in the \$350,000 in 2006 range and he refinanced and it was appraised at \$250,000 in 2015. Selectman McCormack explained that there was a revaluation and that lowered the value of everyone's home, however 20% is just the market drop. Mr. Manjeshwar added that when they bought the home, he asked if they were in a flood zone and he was told there was no flood insurance requirement. Within the last few years the bank required that they have the flood insurance.

First Selectman St. John MOTIONED to fill the Board of Finance vacancy with Ann Feinberg, (D) SECONDED by Selectman Strobel. Selectman McCormack voted against, and stated that he would like David Cappelletti to be a regular member on the Board of Finance. The MOTION was carried TWO to ONE.

**Public Comments**

None.

**Amend the Agenda**

At this time First Selectman MOTIONED to AMEND the Agenda to go into Executive Session for a discussion on legal matters SECONDED by Selectman Strobel. Unanimous approval.

**Executive Session**

First Selectman MOTIONED to go in Executive Session to discuss legal matters, SECONDED by Selectman Strobel. Unanimous approval. Attorney Smith was invited to sit in on the discussion.

**Adjournment**

First Selectman St. John MOTIONED to ADJOURN the meeting at 7:00 p.m., SECONDED by Selectman Strobel. Unanimous approval.

These minutes are submitted this 8<sup>th</sup> day of March 2016 subject to approval.

Respectfully submitted,

*Barbara J. Whitaker*

Barbara J. Whitaker  
Recording Clerk

# CALABRESE ENGINEERING

601 Quassapaug Rd.  
Watertown, CT 06795  
(203)598-4390

Town of Middlebury  
Board of Selectmen  
P.O. Box 392  
Middlebury, CT 06762

February 29, 2016

Toll Brothers – Phase 1 Letter of Credit Reduction

Dear Mr. St. John:

I have reviewed letter dated February 18, 2016 Ridgewood at Middlebury Phase 1 – Letter of Credit # IS0019932U.

Phase 1 is substantially complete and the Board of Selectmen can reduce the amount of the Letter of Credit to 10% of the current amount of \$262,873, which would be \$26,287. This amount should remain in place for a period of 1 year should any unforeseen event occur.

Please contact me if you have any questions or comments.

Yours truly,



John N. Calabrese P.E.

# Toll Brothers

America's Luxury Home Builder®

February 18, 2016

**Town of Middlebury**  
**Board of Selectmen**  
PO Box 392  
Middlebury, CT 06762

**RE: Ridgewood at Middlebury Phase 1 – Letter of Credit # IS0019932U**

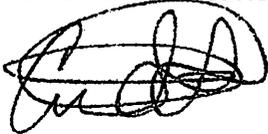
Dear Board Members:

Toll Brothers respectfully requests the reduction of our Letter of Credit #IS0019932U, from the current amount of Two Hundred Sixty Two Thousand Eight Hundred Seventy Three Dollars and Zero Cents (\$262,873.00), to the amount of Two Thousand Seven Hundred Twenty Dollars and Zero Cents (\$26,287.00), which represents a reduction to 10%.

Please note that we have completed the work as described in attached estimate.

If you should have any questions regarding this issue, please do not hesitate to call me at (310) 980-2164. Thank you for your cooperation with this matter.

Sincerely yours,  
TOLL BROTHERS, INC.



Curt Thielbar  
Land Development Manager

CC: John Calabrese, P.E., Town of Middlebury