



# TOWN OF MIDDLEBURY

## *Office of the Selectmen*

### MINUTES

#### MEETING OF THE BOARD OF SELECTMEN

Monday, April 4, 2016 – 6:00 p.m.

Town Hall Conference Room

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

**Also Present:** Attorney Robert Smith  
Attorney Dana D'Angelo  
Larry Hutvagner, Chief Financial Officer  
Bill Stowell, Board of Finance  
Rita Smith, Board of Finance  
Barbara Whitaker, Recording Clerk

#### **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 March 21, 2016 meeting**

Selectman Strobel MOTIONED to approve the minutes of the March 21, 2016 meeting, SECONDED by First Selectman St. John. Unanimous approval.

BMPS, LLC, Middlebury, CT	\$292.20
BMPS, LLC, Middlebury, CT	\$245.33
BMPS, LLC, Middlebury, CT	\$174.36
BMPS, LLC, Middlebury, CT	\$67.47
BMPS, LLC, Middlebury, CT	\$164.24
BMPS, LLC, Middlebury, CT	\$55.27
Nissan Infiniti, Lt., Sacramento, CA	\$283.67
Andrew Skipp or Jill Stevenson, Henderson, KY	\$300.81
VW Credit Leasing, Middlebury, CT	\$147.62

First Selectman St. John MOTIONED that the above-mentioned tax rebates were already approved and should be included in the March 21, 2016 minutes, SECONDED by Selectman Strobel. Unanimous approval.

#### **Appointments**

First Selectman St. John MOTIONED to appoint David J. Cappelletti (D) as a member of the Economic and Industrial Development Commission for a term from April 16, 2016 through April 16, 2021, SECONDED by Selectman Strobel.

First Selectman St. John MOTIONED to appoint Anastasia V. Persico (D) as an Alternate member of the Board of Finance for a term from April 4, 2016 through October 20, 2016, SECONDED by Selectman Strobel. Unanimous approval.

### **Reappointments**

First Selectman St. John MOTIONED to reappoint John R. Cookson (R), as a member of the Land Preservation and Open Space Commission for a term from April 3, 2016 through April 3, 2017, SECONDED by Selectman Strobel. Unanimous approval.

### **Discussion and Consideration**

#### Lower Level at Middlebury Public Library

Attorney D'Angelo stated that the Town had received a Proposal of Intent to Lease for the property at 30 Crest Road (lower level of the Middlebury Library) from Daniel J. Mahaney of Mahaney, Geghan and Sullivan. Attorney D'Angelo explained that the proposal is for a 10 lease with two 5 year options with a rent of \$2,800 and a 10% increase every five years. The effective date would be July 1, 2016 with occupancy three months after and with three months free rent. They are requesting that the onsite generator power the entire building during an outage and signage on the corner of Crest Road and 188, at the rear driveway and on rear of building with the Town's approval.

Selectman McCormack asked how the utilities would be separated. Attorney here will be a separate meter for electric but the air condition will all be the same.

Attorney D'Angelo explained that if all options are utilized it would be a 20 year lease. The First Selectman said that he has a problem with the lease running that long because it would be obligating the Board of Selectmen years down the road. The First Selectman would like to TABLE the matter, because of the length of the lease. Additionally, the First Selectman would like the Library Board to give their blessing to this. The building belongs to the Town of Middlebury, but they have a problem with running it out that far. Selectman McCormack said that this is really a 20 year lease, but the property has been vacant for so long. He wouldn't have a problem with a ten year lease. We are proposing a 2.7% budget increase and they are asking for 10%, he feels 2.0% a year is too low, and the First Selectman said that 3% is too high. The First Selectman asked that this be referred back to the Library Board.

Selectman McCormack said that he feels the rent should be \$3,000 per month as the last lease was \$4,500 per month. Attorney D'Angelo said that there was a recalculation of the amount of space because there was a utility room that was calculated in that cannot be used. Independent Living Solutions was going to pay \$3,000 but that was based on the utility room being included in the lease. 2,770 square feet.

Attorney Smith said that there may be another offer. Attorney D'Angelo initially received a call from Dave Theroux indicating that there was a different prospective tenant that was interested in leasing the property. Attorney D'Angelo will discuss the concerns of the Board of Selectmen with Mr. Theroux and provide an update to the Board at the April 18, 2016 Board of Selectmen meeting.

**Public Comments**

None.

**Adjournment**

Selectman Strobel MOTIONED to ADJOURN, SECONDED by Selectman McCormack.  
Unanimous approval.

These minutes are submitted subject to approval this 6<sup>th</sup> day of April 2016.

Respectfully submitted,

*Barbara J. Whitaker*

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Recording Clerk