



# TOWN OF MIDDLEBURY

## *Office of the Selectmen*

### MINUTES MEETING OF THE BOARD OF SELECTMEN **Monday, June 6, 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**

<b>Present:</b> Attorney Robert Smith	Vivian Crutcher
Attorney Dana D'Angelo	Sheila M. Powers
Barbara Whitaker, Recording Clerk	Barbara Pickett
Ingrid Manning	Melanie Bristol Recci
Jack Starr	Joe Flanagan
Catherine Konnik	Lanie McDermott (Rio)
Jill Fisher	Don Fisher
Sujan Manjeshwar	Marj Needham, 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 May 16, 2016 Meeting**

First Selectman St. John MOTIONED to APPROVE the minutes of the May 16, 2016 Meeting, SECONDED by Selectman Strobel. Unanimous approval.

#### **Tax Rebates**

Financial Services Trust, Hillard, OH \$554.99

The First Selectman MOTIONED that the above-mentioned tax rebate take its normal course, SECONDED by Selectman Strobel. Unanimous approval.

#### **Discussion and Consideration**

##### Pay Plan – Effective July 1, 2016

At this time Selectman McCormack stated that Section 604 of the Town Charter discusses the pay plan. It says that the salaries for all compensated offices and positions in the Town, whether elected or appointed, full-time or part-time,

salaries or hourly, and that they may amend those salaries when necessary.

Selectman McCormack added that the elected officers that get paid such as Board of Selectmen, Town Clerk, and Treasurer are governed by the Board of Finance. Selectman McCormack said he has no problem with the pay plan, but the Board of Finance sets the budget for those categories of individuals.

First Selectman St. John MOTIONED to approve the Pay Plan – Effective July 1, 2016, SECONDED by Selectman Strobel. Unanimous approval.

#### Award of Zoning Regulations Update

The First Selectman explained that money has already budgeted for this. First Selectman MOTIONED to award the Zoning Regulation update to Plan III of Woodbury, SECONDED by Selectman Strobel. Unanimous approval.

#### Sale of Dash Boat and Containment Boom Purchased by Town with DEEP Grant to the Lake Quassapaug Association for \$1.00

The First Selectman said that the Town applied through the Lake Quassapaug Association for a grant (has to be done under the Town of Middlebury's name) they received a grant for \$11,500. They purchased a pontoon boat. They decided to pass it over for \$1.00, and the Town will not have to insure the boat and would reimburse the Lake Quassapaug Association. The First Selectman wished the Lake Quassapaug Association well. Selectman Strobel MOTIONED to approve the sale of the dash, SECONDED by Selectman McCormack. Unanimous approval.

#### Commitment to pay Lake Quassapaug Association due of \$500 for Five Years

First Selectman St. John MOTIONED to accept the commitment to pay Lake Quassapaug Association due of \$500 for a period of Five Years, SECONDED by Selectman Strobel. Unanimous approval.

#### Letter from Middlebury Connecticut Flood Watch Association

At this time the First Selectman presented the attached letter for discussion from the Middlebury Connecticut Flood Watch Association dated May 17, 2016.

The First Selectman said that Selectman McCormack agreed to be the liaison to the group, and there was no announcement to the Board regarding the letter. Selectman McCormack said that he feels that they needed to get this going. He said he felt that the group needed to do something and he thought that the letter was a good tactic to take. Greg Cyr said that the letter is similar to a letter sent out by Selectman Barra.

First Selectman said that there have been many discussions and that a presentation was made to the Board of Finance and a letter was sent to Curt

Bosco, Zoning Enforcement Officer in order to obtain a flood plain study and to get into the community rating system.

The First Selectman requested an executive summary from Milone and McBroom on what needed to be done. The problem goes back to 1991; there has been any recorded flooding. In 2007 FEMA began creating flood plan and between 2007 and 2010 there were numerous public hearings and no one from the Town of Middlebury participated in these discussions.

Mr. Cyr said they were told in 2009 or 2010 that they had to have flood insurance. Between 2007 and 2010 it was a non-issue because no one was affected by flood insurance.

The First Selectman said that there would have to be mitigation or a LOMR.

This area has not been flooded since the 70's. There is a misconception that the Town changed the course of the brook. They did not change the course of the brook all they did was open it up.

The First Selectman makes a recommendation for an RFP to see how much this will cost and then the Board of Selectmen looks to take the next step. This is the only option because no one wants to do any mitigating. The First Selectman

The First Selectman questioned what the \$5,000 to \$7,000 was for. Mr. Cyr said that he spoke with two of the hydrologists on the list. They take an initial step, they begin looking through FEMA data and find the direction they think doing a study would lead in. If this action would end in a positive result, then they would go to the next step and more money would be involved. The First Selectman said that he wanted to be very cautious to note that the Town cannot keep pouring money into the project if the expected answer is not what they want to hear.

It is not subject to a competitive bid for professional services. Tata and Howard, Inc. has done a tremendous amount of work for the Town. He would like to talk to the Engineering firm that provided the \$5,000 - \$7,000 dollar amounts to get the process started. The First Selectman said he is curious to see what studies they have done before and what the success rate is.

Mr. Cyr said that the only danger is that it cannot be rated by success rate because every situation is different and has to be judged on its own merit. Whatever criticism of what was done in the 1990's it has been working well.

Catherine Konnik said that one of the firms she spoke with they quoted her a maximum of \$70,000 for whatever the town spends, they would credit it towards

the total. The First Selectman said that is how the normally pays for consulting services. He feels that these things have to be in writing.

**Public Comments**

Selectman Strobel said that she has been approached by the neighbors on White Avenue and she said that there is a blight problem. One house has been abandoned, one with a dumpster. Attorney Smith asked if these were formal complaints. Two people filled out the forms and the third is going to fill out a request.

Selectman Strobel said there was a letter to the Editor in the Republican American concerning the Greenway and she feels that the letter was very unfair. The section where the person lives is near the bar and people come out and vandalize the area. She walked the Greenway and there were no beer bottles and no liter. The amount of people that use the Greenway, the Greenway has been in very good condition. The Town has been taking care of the Greenway. If the writer feels that the Greenway is not up to par, there are openings on the Greenway Committee.

Selectman McCormack stated that the Town Treasurer's salary was put back in the budget. The adopted budget for treasurer was \$1,980. He noticed that the number had been revised three times. There was no discussion or votes to fund these transfers. Selectman McCormack feels that this is structuring. In the brokerage business it would be illegal. He feels it is unethical. This should be corrected.

**Adjournment**

First Selectman St. John MOTIONED to ADJOURN, SECONDED by Selectman Strobel. Unanimous approval.

These minutes are submitted subject to approval.

Respectfully submitted,

*Barbara J. Whitaker*

Barbara J. Whitaker  
Recording Clerk

**Middlebury Ct Flood Watch Association  
Middlebury, CT 06762**

**May 17, 2016**

**Town of Middlebury  
1212 Whittemore Road  
Middlebury, CT 06762**

**Board of Selectmen: Ed St John, First Selectman  
Elaine M. Strobel, Selectman  
Michael J. McCormack, Selectman**

**This letter is written on behalf of the members of the Middlebury CT Flood Watch Association. We the members formally request assistance in the matter of the flood plain affecting Porter Ave, Regan Rd and the surrounding area.**

**We respectfully and formally request the following actions be taken by the Town of Middlebury based on the information contained in this letter.**

- **Perform a flood plain study of Porter Ave, Regan Rd and the surrounding area. The objective would be to use this new complete study to obtain a Letter of Map Revision (LOMR) from FEMA that will be accurate and up to date.**
- **Investigate Grants intended to aid communities to help pay for this study**
- **Enter and actively participate in the community rating system**

**After exhaustive discussions with FEMA, USGS, NFIP, The Connecticut State National Flood Insurance Coordinator and others we have come to the following conclusions. The only way to correct the obviously inaccurate flood plain maps will be for the town to file for a LOMR**

**This LOMR is needed in order to be fair to the homeowners in this area. This is the case for the following reasons:**

1. **There has been extensive work performed to address the flooding. The work performed has changed the flood characteristics the results of which are not reflected on the current map.**
2. **The current map is based on data, formulas and calculations performed in the 1970's. Not all of this information is correct nor is it up to 2016 standards.**
3. **Drainage conditions have changed and storm drains have been added.**
4. **Bridges and abutments have been changed.**

**We are not experts in the area of hydrology or hydraulics, but we believe the basis for our requests are sound. This has also been made clear in discussions with experts in this field of work.**

**In addition, we respectfully request the Town of Middlebury obtain a minimum of three quotes.**

**We've had preliminary conversations with all three firms listed below. In these conversations it is evident that this is a process. Initial steps could cost as little as**

\$5000 - \$7000. This initial step would give the residents of Middlebury a general feel for the situation and help determine what the next step would be. It would also provide the town/residents with a feel for what the outcome could be. That information would enable discussions to take place in order to determine if the next step/phase is worthwhile to undertake.

Estimates on the cost of a complete study vary by a large amount. We have heard of total costs ranging from as little as \$50K to as high as \$110K. Since this is the case it is extremely important that this project get quoted by various sources to protect the taxpayers from un-needed expenditures.

We offer the following firms as possible sources for this project.

Lenard Engineering, Inc.  
140 Willow Street - Suite #8  
Winsted, CT 06098  
Tel: 860-379-6669  
Fax: 860-738-1272

Kratzert, Jones & Associates, Inc.  
1755 Meriden-Waterbury Tpke.  
PO Box 337  
Milldale, CT 06467  
Phone: (860) 621-3638

Tata and Howard Inc.  
37 Brookside Road  
Waterbury, Connecticut 06708  
T: 203-753-9800  
Note: Used by FEMA as a mapping contractor in the past

Please submit any questions or comments to the following email address:  
[nofloodzone@gmail.com](mailto:nofloodzone@gmail.com)

Thank you in advance for your assistance.

Regards,  
Middlebury CT Flood Watch Association.

CC:

- Voices
- Waterbury Republican
- Middlebury Bee