



# TOWN OF MIDDLEBURY

## *Office of the Selectmen*

### MINUTES BOARD OF SELECTMEN MEETING Monday, October 17, 2016 Town Hall Conference Room

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

**Also Present:** Attorney Robert Smith  
Attorney Dana D'Angelo  
Chief Fran Dabbo  
Barbara J. Whitaker, Recording Clerk  
Kenneth W. Heidkamp

#### **Call to Order with Pledge of Allegiance**

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

#### **Approval of October 3, 2016 Meeting Minutes**

First Selectman St. John MOTIONED to approve the minutes of the October 3, 2016 meeting, SECONDED by Selectman McCormack. Unanimous approval.

#### **Tax Rebates**

|                                       |          |
|---------------------------------------|----------|
| Anthony L. Carroll, Middlebury, CT    | \$238.25 |
| Erin A. Schumacher, Middlebury, CT    | \$32.90  |
| Jeromie M. Schumacher, Middlebury, CT | \$53.15  |
| Brian T. Stanevich, Middlebury, CT    | \$108.14 |

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

First Selectman St. John MOTIONED to accept the reappointment of Patrick T. Dwyer, (D) as a member of the Land Preservation and Open Space Acquisition Committee for a term from November 6, 2016 through November 6, 2017, SECONDED by Selectman McCormack. Unanimous approval.

#### **Discussion and Consideration**

##### **Middlebury Cemetery License Agreement**

Attorney D'Angelo stated that said a year ago it was discovered that the Middlebury Cemetery Association was encroaching on a small portion (.0845 acre; less than 10%) land on Fenn Farm. Attorney D'Angelo explained that because the Town has an easement with Middlebury Land Trust they, are signing off on this agreement as well.

First Selectman St. John MOTIONED to approve and accept the Middlebury Cemetery Revocable License Agreement, SECONDED by Selectman Strobel. Unanimous approval.

Naugatuck Valley Regional Police Resource Compact Agreement

First Selectman St. John MOTIONED to approve the Naugatuck Valley Regional Police Resource Agreement, SECONDED by Selectman Strobel. Unanimous approval.

Attorney Smith explained that C.G.S. §7-277a which applies to inter-municipal assistance agreements covers police assistance which is regular police duty and not special or extra duty. The traffic services provided under the compact are not services contracted on behalf of a third party, non-municipal entity, which are services typically performed on an extra-duty basis.

Attorney Smith stated that the Town should still participate because it is helpful to the officers and good for Middlebury. The First Selectman said if our officers go out of town to work with other towns then when we need officers to come to Middlebury, the expense might be born.

Selectman McCormack posed several questions on what qualified as special duty and what police activities could be covered during regular shifts.

Chief Dabbo added that the officers typically go out to other towns when there is a major accident, and that it is very difficult to gage on how much money will be spent and when. If there are two officers on the road, and one is assigned to the speed trap, reserve officers have to be called in. The Chief said that he has been having a reserve officer come in a few times a week setting up the speed trap.

Attorney Smith explained that the towns of Middlebury, Naugatuck, Watertown, Wolcott and Cheshire. Cheshire is involved in accident reconstruction aspect only.

First Selectman St. John MOTIONED to approve and enter into the Naugatuck Valley Regional Police Resources Compact with the understanding that this Compact does not permit the Middlebury police officers to work extra duty or special duty jobs in other Towns; and the Board of Selectmen hereby directs the Middlebury Chief of Police to issue a directive that makes this agreement and the Board's expressed limitations known to all officers of the Middlebury Police Department, SECONDED by Selectman Strobel. Unanimous approval.

Proposed Ordinance – Tax Refunds less than \$5.00

Attorney Smith explained that there is a statute (attached) that says if the town is over paid for an amount that is less than \$5.00 the Town can keep the money. There have been instances where the Town has issued checks for \$1.50 and these checks are never cashed, or have to be reissued costing the Town more money than they are worth.

First Selectman St. John MOTIONED to accept the proposed ordinance for tax refunds less than \$5.00, SECONDED by Selectman Strobel. Unanimous approval.

**Amend the Agenda**

First Selectman MOTIONED to Amend the Agenda for a discussion on a bond release for 365 White Deer Rock Road, SECONDED by Selectman Strobel. Unanimous approval.

First Selectman St. John MOTIONED to release the bond of \$4,000.00 for 365 White Deer Rock Road SECONDED by Selectman McCormack. Unanimous approval.

**Adjournment**

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

These minute are submitted this 19<sup>th</sup> day of October 2016.

Respectfully submitted,

*Barbara J. Whitaker*

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Recording Clerk