TOWN OF MIDDLEBURY
Office of the Selectmen

MINUTES
MEETING OF THE BOARD OF SELECTMEN
Tuesday, February 17, 2015 – 6:00 p.m.
TOWN HALL CONFERENCE ROOM

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

Also Present: Barbara J. Whitaker, Recording Clerk
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 20, 2015 Meeting
Selectman Barra MOTIONED to approve the minutes of January 20, 2015 meeting, SECONDED by Selectman Strobel. Unanimous approval.

Approval of Minutes of January 29, 2015 Special Meeting
Selectman Strobel MOTIONED to approve the minutes of January 29, 2015 Special Meeting, SECONDED by Selectman Barra. Unanimous approval.

Tax Rebates

BMPS, LLC Middlebury, CT	$144.07
BMPS, LLC Middlebury, CT	$108.69
BMPS, LLC Middlebury, CT	$201.59
BMPS, LLC Middlebury, CT	$249.12dddsss
BMPS, LLC Middlebury, CT	$141.47
BMPS, LLC Middlebury, CT	$219.63
BMPS, LLC Middlebury, CT	$239.48
Countyline Mitsubishi, Middlebury, CT	$20.17
Cheryl Capobianco, Middlebury, CT	$6.51
James Kernan, Middlebury, CT	$39.17
Daniel Massack, Chico, CA	$8.80
Debra Massack, Chico, CA	$13.73
Jacqueline Murillo, Middlebury, CT	$20.57
Robert J. Ragauskas, Middlebury, CT	$11.00

David N. Shaban, Middlebury, CT	$381.42
Scott M. Sutherland, Middlebury, CT	$71.83
Santos H. Garcia, Bridgeport, CT	$38.70
Brian D. Shaban, Middlebury, CT	$272.10
Andrew K. Skipp, Jr., Middlebury, CT	$101.67

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

Appointment
Selectman Strobel MOTIONED that Malcolm Todt (R), 66 Artillery Road be appointed as a member of the Land Preservation and Open Space Committee for a term from February 17, 2015 through February 17, 2016; SECONDED by Selectman Barra. Unanimous approval.

Reappointments
Linda D. Herrmann (D), 18 Caveson Court as a member of the Greenway Committee for a term from February 7, 2015 through February 7, 2019
Darren P. Wittko (R), 1 Yale Avenue as a member of the Greenway Committee for a term from February 7, 2015 through February 7, 2019

Selectman Strobel MOTIONED that the above-mentioned reappointments take their course, SECONDED by Selectman Barra. Unanimous approval.

Discussion and Consideration
Regional Performance Incentive (RPI) Resolution of Endorsement and Authorization for:

- NVCOG Regional GIS Data Development and GIS Website Enhancement
- Regional Animal Control Facility Management and Operations Plan and Final Design
- Senior Citizen Property Tax Loan Program Feasibility Study
- Statewide Orthophotography and LIDAR data

Selectman Strobel MOTIONED to adopt the attached Regional Performance Incentive Resolution of Endorsement for the above-mentioned grants, SECONDED by Selectman Strobel. Unanimous approval.

2015 Fair Housing Resolutions, Notices and Policy Statement
Selectman Strobel MOTIONED to adopt the attached Fair Housing Resolutions, Notices and Policy Statement; SECONDED by Selectman Barra. Unanimous approval.

The First Selectman will be attending the Regional Valley Chamber of Commerce meeting on March 2, 2015; **therefore the next Board of Selectmen meeting will be on Tuesday, March 3, 2015 at 6:00 p.m.**

Adjournment

Selectman Strobel MOTIONED to ADJOURN the meeting at 6:07 p.m., SECONDED by Selectman Barra. Unanimous approval.

These minutes are submitted subject to approval this 19th day of February, 2015.

Respectfully submitted,

Barbara J. Whitaker

Barbara J. Whitaker
Recording Clerk

APPROVED BY:

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

TOWN OF MIDDLEBURY

Office of the Selectmen

Regional Performance Incentive (RPI) Program
Resolution of Endorsement and Authorization

(To be completed by the City or Town Clerk)

The Board of Selectmen of the Town of Middlebury convened on February 2, 2015 and adopted a resolution by unanimous approval which endorsed the **Regional Performance Incentive Program** proposal(s) listed below, referenced in Connecticut General Statutes Section 4-124s, (2014 Supplement). *(Please list all proposals below.)*

1.) NVCOG Regional GIS Data Development and GIS Website Enhancement
2.) Regional Animal Control Facility Management and Operations Plan and Final Design
3.) Senior Citizen Property Tax Loan Program Feasibility Study
4.) State-wide orthophotography and LIDAR data (proposal to be submitted by CRCOG)

In addition, Board of Selectmen has authorized Edward B. St. John, First Selectman to act on this endorsement by signing all necessary agreements and take all necessary actions related to this proposal to enter into a binding agreement with the Office of Policy and Management according to terms of the RPI grant program.

Attested to by:

Name: Edith Salisbury
Edith Salisbury

Title: Town Clerk
(City/Town Clerk)

Date: 2/18/2015

RPI-2014/15

TOWN OF MIDDLEBURY

Office of the Selectmen

Regional Performance Incentive (RPI) Program
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Attested to by:

Name: Edith Salisbury
Edith Salisbury

Title: Town Clerk
(City/Town Clerk)

Date: 2/18/2015

RPI-2014/15

Town of Middlebury ADA NOTICE

The Town of Middlebury does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. The Town of Middlebury does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990.

Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to the Town of Middlebury's designated ADA Compliance Coordinator.

Name: Elizabeth Callahan

Title: Administrative Assistant

Office Address: 1212 Whittemore Road

Phone Number Voice: 203-577-4163 **TDD** _____

Email Address: ecallahan@middlebury-ct.org

Days/Hours Available: Monday – Friday; 9:00 a.m. to 1:00 p.m.

Individuals who need auxiliary aids for effective communication in programs and services of the Town of Middlebury are invited to make their needs and preferences known to the ADA Compliance Coordinator.

This notice is available in large print, on audio tape, and in Braille, from the ADA Compliance Coordinator.

First Selectman

2/17/15
Date

TOWN OF MIDDLEBURY

Office of the Selectmen

Fair Housing Policy Statement

It is the policy of the Town of Middlebury to promote fair housing opportunities and to encourage racial and economic integration in all its programs and housing development activities.

Programs funded and administered by this Town of Middlebury must comply with the provisions of Section 46a-64c of the C.G.S., and with related state and federal laws and regulations that prohibit discriminatory housing practices.

The Town of Middlebury or any of sub-recipient of the Town of Middlebury will carry out an affirmative marketing program to attract prospective buyers or tenants of all majority or minority groups, without consideration of race, color, religion, sex, national origin, ancestry, creed, sexual orientation, gender identity or expression, marital status, lawful source of income, disability, age or because the individual has children in all programs and housing development activities funded or administered by the Town of Middlebury.

The municipality's [Name of office responsible for fair housing] is responsible for the enforcement and implementation of this policy. The [Name and Title of person responsible for fair housing] may be reached at [phone number] or [email address].

Complaints pertaining to discrimination in any program funded or administered by this Town of Middlebury, may be filed with the [Name of Office responsible for fair housing]. The municipality's Grievance Procedure will be utilized in these cases.

Complaints may also be filed with the Commission on Human Rights and Opportunities, Special Enforcement Unit, 21 Grand Street, Hartford, CT 06106, Telephone (860) 541-3403 within 180 days of the alleged violation by submitting a notarized complaint and/or the Boston Regional Office of FHEO, U.S. Department of Housing and Urban Development, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 321, Boston, MA 02222-1092, Telephone (617) 994-8300 or 1-800-827-5005, TTY (617) 565-5453. A complaint may be filed with HUD within one year after an alleged violation. Additionally, an individual may file suit, at his/her expense, in Federal District Court or State Court within two years of an alleged violation. If the individual cannot afford an attorney, the Court may appoint one. A suit can be brought even after filing a complaint, if the complaining party has not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

A copy of this policy statement will be given annually to all Town of Middlebury employees and they are expected to fully comply with it. In addition, a copy will be posted throughout the Town of Middlebury.

Revised [date revised]

2/17/15
Date

Edward B. St. John, First Selectman

THIS STATEMENT IS AVAILABLE IN LARGE PRINT OR ON AUDIO TAPE by contacting Elizabeth Callahan, ADA Coordinator, Town of Middlebury, 1212 Whittemore Road, Middlebury, CT 06762; 203-577-4163

TOWN OF MIDDLEBURY

Office of the Selectmen

Compliance with Title VI of the Civil Rights Act of 1964

The Town of Middlebury does not discriminate in the provision of services, the administration of its programs, or contractual agreements. The Town of Middlebury seeks to fully carry out its responsibilities under the Title VI Regulations.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving Federal financial assistance. Title VI provides that No person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs covered by the Regulations.

This policy is effectuated through the methods of administration outlined in the Town of Middlebury's Fair Housing Plan and is fully implemented to ensure compliance by the Town of Middlebury, as the recipient, and by sub- recipients. The cooperation of all personnel is required.

Edward B. St. John, First Selectman

Date 2/17/15

Town of Middlebury

MUNICIPAL GRIEVANCE PROCEDURE

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, or benefits by the Town of Middlebury.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Elizabeth M. Callahan
203-577-4163
1212 Whittemore Road, Middlebury, CT 06762

Within 15 calendar days after receipt of the complaint, Elizabeth M. Callahan, ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, Elizabeth M. Callahan ADA Coordinator will respond in writing, and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Elizabeth M. Callahan, ADA Coordinator and offer options for substantive resolution of the complaint.

If the response by Elizabeth M. Callahan, ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the Elizabeth M. Callahan, ADA or her designee.

Within 15 calendar days after receipt of the appeal, the ADA Coordinator or her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting Elizabeth M. Callahan or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Elizabeth M. Callahan, appeals to Elizabeth M. Callahan or her designee, and responses from the ADA coordinator and Elizabeth M. Callahan or her designee will be kept by the Town of Middlebury for at least three years.

2/17/15
Date

Edward B. St. John, First Selectman

TOWN OF MIDDLEBURY

Office of the Selectmen

AFFIRMATIVE ACTION POLICY STATEMENT

As First Selectman of the Town of Middlebury, I recognize the need for Affirmative Action and I pledge my commitment to undertake positive actions to overcome the present effects of past practices or barriers to equal employment opportunity and to achieve the full and fair participation of minorities, women, people with disabilities, older persons, and all other protected groups found to be underutilized in the Town of Middlebury's work force or affected by policies having an adverse impact. In the spirit of Executive Order 11, signed by Governor Ella Grasso November 21, 1975, and Executive Order 9, signed by Governor William A. O'Neill on January 3, 1984, I further state that the Town of Middlebury will comply with the anti-discrimination provisions of the state and federal laws and regulations listed at the end of this section.

I recognize the hiring difficulties experienced by minorities, people with disabilities and by many older persons and, where appropriate, I have set goals to overcome the present effects of past discrimination, if any, to achieve the full and fair utilization of such persons in the work force. I further pledge that the Town of Middlebury will affirmatively provide services and programs in a fair and impartial manner.

Where adverse impact is identified, the Town of Middlebury will: (1) review its personnel policies and procedures to ensure that barriers, which unnecessarily exclude protected classes and practices, which have an illegal discriminatory impact, are identified and eliminated; (2) explore alternative approaches to employ minorities and members of protected classes; (3) administer all terms, conditions, privileges and benefits of the employment process in an equitable manner; and (4) establish procedures for the extra effort that may be necessary to ensure that the recruitment and hiring of protected group members reflect their availability in the job market.

It is the policy of the Town of Middlebury to provide equal employment opportunities without consideration of race, color, religion, age, sex, marital status, national origin, genetic information, past/present history of mental disability, ancestry, mental retardation, learning or physical disabilities including but, not limited to blindness, sexual orientation, political belief or criminal record, unless the provisions of Section 46a-60(b), 46a-80(b) and 46a-81(b) of the Connecticut General Statutes are controlling or there is a bonafide occupational qualification excluding persons in one of the above protected groups. This policy applies to all aspects of the employer/employee relationship including, but not limited to, recruitment, hiring, referrals, classifying, advertising, training, upgrading, promotion, benefits, compensation, discipline, layoff and terminations.

The Town of Middlebury will implement, monitor and enforce this Affirmative Action Policy Statement in conjunction with the applicable federal and state laws, regulations and executive orders listed below: 13th, 14th and 15th Amendments of the United States Constitution, Civil Rights Act of 1866, 1870, 1871, Equal Pay Act of 1963, Title VI and VII of the 1964 United States Civil Rights Act, presidential Executive Orders 11246, amended by 11375, (Nondiscrimination under federal contracts), Act 1 Section 1 and 20 of the Connecticut Constitution, Governor Grasso's Executive Order Number 11, Governor O'Neill Executive Order Number 9, the Connecticut Fair Employment Practices

Law (46a-63-64). Discrimination against Criminal Offenders (46a-80). Connecticut General Statutes, Connecticut Code of Fair Accommodations Law (46-63-64), definition of Blind (46a-51 (1), definition of Physically Disabled (46a-51 (15), definition of Mentally Retarded (46a-51 (13), cooperation with the Commission of Human Rights and Opportunities (46a-77), Sexual Harassment (46-60-(a) Connecticut Credit Discrimination Law (360436 through 439), Title I of the State and the Local Fiscal Assistance Act of 1972 and the Americans with Disabilities Act of 1992.

This policy statement will be given annually to all Town of Middlebury employees and will also be posted throughout the Town of Middlebury. I also expect each supplier, union, consultant and other entity (s) with which we do business to comply with all applicable State and Federal Equal Opportunity laws and regulations. The Town of Middlebury will not knowingly do business with any entity debarred from participation in any federal or state program or found to be in violation of any state or federal anti-discrimination law.

I have assigned the responsibility to achieve the successful implementation of our goals and objectives to [name of contact], [title of contact], [phone number], [email address].

February 17, 2015
Date

Edward B. St. John, First Selectman

THIS STATEMENT IS AVAILABLE IN LARGE PRINT OR ON AUDIO TAPE FROM THE ADA-504 COORDINATOR BY CALLING 203-577-4163.

TOWN OF MIDDLEBURY

Office of the Selectmen

FAIR HOUSING RESOLUTION

Whereas, All persons are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and

Whereas, Federal fair housing laws require that all individuals, regardless of race, color, religion, sex, handicap, familial status or national origin, be given equal access to all housing-related opportunities, including rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, Connecticut fair housing laws require that all individuals, regardless of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, or gender identity or expression be given equal access to all housing-related opportunities, including rental and home ownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, The Town of Middlebury is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

NOW THEREFORE, BE IT RESOVED, That the Town of Middlebury hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase, obtain financing and enjoy all other housing-related services of their choice on a non-discriminatory basis as provided by state and federal law; and

BE IT FURTHER RESOLVED, That the chief executive officer of the Town of Middlebury or his/her designated representative is responsible for responding to and assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the Town of Middlebury and for advising such person of the right to file a complaint with the State of Connecticut Commission on Human Rights and Opportunities (CHRO) or the U.S. Department of Housing and Urban Development (HUD) or to seek assistance from the CT Fair Housing Center, legal services, or other fair housing organizations to protect his or her right to equal housing opportunities.

Adopted by the **Town of Middlebury** on Tuesday, February 17, 2015

Edith Salisbury 2/18/2015

Edith Salisbury, Town Clerk

Town Seal