



TOWN OF MIDDLEBURY

Board of Selectmen

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Jan. 4 2024 at 3:20 pm

TOWN CLERK'S OFFICE

MIDDLEBURY, CT

MINUTES

Board of Selectmen

Tuesday, January 2, 2024 – 4:00 p.m.

Town Hall Conference Room

Richard M. Bessell
TOWN CLERK

Start – 4:00 p.m.

End – 4:25 p.m.

Present:

Edward B. St. John, First Selectman
J. Paul Vance, Selectman (via ZOOM)
Jennifer Mahr, Selectman
Robert Smith, Town Attorney
John Calabrese, Town Engineer
Rita Smith – Library Board of Trustees –
Chairman, PD – Commissioner, BOF-member

John Jenusaitis, BOF- member
Marj Needham, Middlebury Bee Intelligence
Sarah Shelton, Voices
Liana St. Germain, Recording Clerk

Also Present

Peter Trincherro
Bob Marages

Call to Order with Pledge of Allegiance

The meeting was called to order by the First Selectman at 4:00 p.m. with the Pledge of Allegiance.

Approval of December 18th, 2023, Meeting Minutes

First Selectman St. John MOTIONED to approve the minutes from December 18th, 2023, SECONDED by Selectman Mahr. Unanimous approval.

Tax Rebates

CCAP Auto Lease LTD - \$835.53

First Selectman St. John MOTIONED that this rebate takes its usual course, SECONDED by Selectman Mahr. Unanimous approval.

Discussion and Consideration

Food Scrap Diversion Program – Committee

First Selectman St. John noted that Selectman Mahr reached out for volunteers for this group. This is a state program sponsored by DEEP, of which we received a GRANT to start this program, where this waste goes to an anaerobic digester. This is a relatively expensive process, and a committee is needed to assist with decision-making, especially since the grant money is running out. First Selectman St. John stated he spoke with Sue Ann Armour, a resident who was interested in volunteering, and she asked if an extension was possible. First Selectman St. John noted that nothing is guaranteed, and the town may be on its own if we choose to stay with this program. First Selectman St. John stated that if the group decides to keep with this program, an expense will be involved, and we will need to make a budget adjustment. There are sufficient increases in our operating budget currently outside our control. First Selectman St. John MOTIONED to appoint the Food Scrap Diversion Program Advisory Board SECONDED by Selectman Mahr. Unanimous Approval.

Selectman Mahr MOTIONED to nominate John Jenusaitis, Sue Ann Armour, Dana Shepard, and Iolanda Fusco as members of the Food Scrap Diversion Program Advisory Board SECONDED by First Selectman St. John. Unanimous approval.

Hunting Ridge, Christian Road – Bond

First Selectman St. John stated that this has laid dormant for many years and has since started back up about a year ago. This is proposed to be a town road. It is a 23-lot subdivision located off Christian Road. First Selectman St. John stated that our Planning and Zoning Commission approved this in 2005. When this project was initially proposed, the town could put any performance bond needed on the developer to ensure they conformed to town regulations. First Selectman St. John noted that the road system and infrastructure presently in place are about 75% complete. Our town engineer, John Calabrese, put together the bond amount to finish the project, and Mr. Calabrese recommends \$300,000. (See attached)

First Selectman St. John noted that once this job is completed and Mr. Calabrese signs off, it must go to a town meeting to be approved by the town.

First Selectman St. John MOTIONED that Hunting Ridge Estates subdivision located on Christian Road Bond amount be set at \$300,000 SECONDED by Selectman Vance. Unanimous approval.

Cumberland Farms, Straits Turnpike – Bond Release

First Selectman St. John stated this is the Cumberland Farms project, located at 1680 Straits Turnpike. It has since been long completed. The town of Middlebury currently holds three bonds: Erosion and Sedimentation Control, \$5841.00; Landscaping, \$34,687.00; and Driveway, \$1,000.00. (See attached) First Selectman St. John asked Mr. Calabrese, the town engineer who was present, if he approved and that all this work had been completed. Mr. Calabrese stated that everything had been completed and recommended releasing the bonds. First Selectman St. John MOTIONED that the bonds be released on the Cumberland Farms Project SECONDED by Selectman Mahr. Unanimous approval.

Updates on Budgets and Projects

First Selectman St. John noted no significant changes. The state has advised us that our K9 facilities must have air handling and AC units. With the issue of ventilation and with animals, there must be a very sophisticated air handling requirement. First Selectman St. John noted that he put in a budget of \$30,000 for this project. No action needs to be taken on this. The First Selectman is just advising. This also is mandated to be completed by July 1, 2024.

Selectman Mahr asked if the Budget and Project worksheet could be prioritized. First Selectman St. John noted that he will designate what needs to be prioritized moving forward. Selectman Mahr also requested, if possible, that a column be added indicating the funding source.

First Selectman St. John noted that the security upgrades were budgeted for \$100,000, but it is unknown what the exact amount will be until AES advises on what systems need to be updated and what the cost will be.

First Selectman St. John stated that the Fenn Farm Horse Barn is a project that will need to be tended to sooner rather than later so as not to lose one of the barns.

First Selectman St. John noted that the Police Department Evidence Room project is also one that needs to be handled and advised that this will need to be placed on the agenda for the Board of Finance to budget the design money to get this project underway.

First Selectman St. John stated that Selectman Mahr reached out to the other Selectmen on the procedure of filling Boards, Committees, and Commissions. First Selectman St. John noted that he spoke with Town Attorney Robert Smith about formally responding pursuant to what the charter states. First Selectman St. John stated that, fortunately, we have two critical openings, one on Planning and Zoning and the other on the Board of Finance. Both of which are being filled with alternates. When we lose a regular member, an alternate moves into that position so that we don't lose the ability to vote.

Peter Trincherro asked what the proper way is to fill a vacancy. First Selectman St. John requested Attorney Smith respond. Attorney Smith stated there are provisions for filling vacancies, and he will need to review them and be able to respond to the questions. Typically, what has been done in the past when there are alternates of the same party is moved to fill the vacancy.

Selectman Mahr noted that the charter states a distinction between an elected position and an appointed one. It's not solely what party the person came from. Selectman Mahr pointed out that is the source of her question.

Selectman Vance stated that any town committee can appoint anyone they choose regardless of affiliation, but in this case, with the passing of a member who was a Democrat, this should be filled by the same.

Selectman Mahr stated the overall question is to highlight the distinction between an elected and appointed position and how those positions are filled. Then, to align that with the fact that we have a form on our town website for residents interested in volunteering for those unaffiliated to fill out.

Selectman Mahr stated the larger question is obvious: how Republicans and Democrats can be appointed to things, but this leaves out a whole selection of Unaffiliated people to the process.

Selectman Vance stated that he partially agrees but noted that isn't Unaffiliated considered a party? Selectman Mahr stated that Unaffiliated falls into the category of minority, so the question that we are asking the Town Attorney is if there is a Democrat on the Board because it fills a minority requirement according to the charter; the minority doesn't mean Democrat. It means Democrat, Independent, and Unaffiliated.

Selectman Mahr asked if there is a place for priorities acquiring open space or documentation.

Selectman Mahr noted that she understands that it is in our plan of conservation and development to get up to 20% of the town in open space, but are the kinds of open space we are looking for laid out or considered? Attorney Smith noted are you looking in terms of acquiring additional property?

Attorney Smith stated he does not know, we may, but he will speak with Attorney D'Angelo to look into who is very involved with this kind of information.

Public Comments

Bob Marages questioned Hunting Ridge and its proximity to the "Crash Zone"; this property borders it. Is this Hunting Ridge considered part of the crash zone? The houses that are no longer out there were part of the "Crash Zone," this does not include that. It was a total of 71 homes. Mr. Marages stated, but doesn't this property abuts it? First Selectman St. John noted that it does abut it but does not include it; if it did, the state would own it, and the town would have nothing to do with that property.

Executive Session

None

Adjournment

First Selectman Edward B. St. John MOTIONED to ADJOURN the meeting at 4:25 p.m.; SECONDED by Selectman Mahr. Unanimous approval.

The next meeting is slated for Tuesday, January 16, at 6:30 p.m.

These minutes are submitted subject to approval.

Respectfully Submitted,

Liana St. Germain

Recording Clerk

CALABRESE ENGINEERING

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

Town of Middlebury
Board of Selectmen
1212 Whittemore Road
Middlebury, CT 06762

December 27, 2023

Hunting Ridge Estates – Bond

Dear Mr. St. John:

Hunting Ridge Estates Subdivision located on Christian Road has been inactive for many years and now has become active. The 23 lot subdivision that will be accessed by new roads that will eventually become Town of Middlebury roads.

The approved plans are titled Hunting Ridge Estates, Christian Road, Middlebury, Connecticut, Prepared for P.J. Moore, by Smith & Company dated 6-26-04, revised to 3-28-05.

Prior to the Town accepting the roads all work must be completed per the approved plans (referenced above) and the Road and Drainage Regulations, Town of Middlebury, Connecticut, Board of Selectmen, dated March 27, 1978 and revised to March 26, 2007.

Up to this point much of the construction has been completed and the process has begun to complete remaining items in order for the roads to be accepted by the Town.

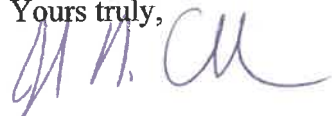
I recommend that the Board of Selectmen set a bond in the amount of \$300,000.

The work required per the above bond amount but not limited to the following prior to road acceptance

- Completion of road pavement from the existing binder course to final pavement (per the direction of the Public Works Director)
- Repair and replacement of existing damaged curbing
- Removing existing pavement in areas to allow stormwater flow into catch basins and maintain proper curb height.
- Street light
- Street trees
- Street signs
- As-built plans and engineer's certification

Please contact me if you have any questions or comments.

Yours truly,

A handwritten signature in blue ink, appearing to read "J. N. Calabrese". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John N. Calabrese P.E.

CALABRESE ENGINEERING

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

Town of Middlebury
Board of Selectmen
1212 Whittemore Road
Middlebury, CT 06762

December 31, 2023

Cumberland Farms – 1680 Straits Turnpike -Bond Release

Dear Mr. St. John:

The Town of Middlebury currently holds 3 bonds for the Cumberland Farms located at 1680 Straits Turnpike.

The Bonds are as follows:

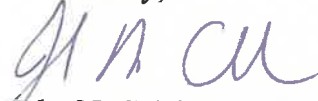
- Erosion and Sedimentation Control \$5841.00
- Landscaping \$34,687.00
- Driveway \$1000.00

These bonds were posted prior to construction (November 2020) and the project has been completed and a request by Cumberland Farms has been received to release the 3 bonds.

The Board of Selectmen can release all 3 bonds listed above.

Please contact me if you have any questions or comments.

Yours truly,



John N. Calabrese P.E.

