



TOWN OF MIDDLEBURY

Board of Selectmen

RECEIVED FOR FILING

April 5, 2023 at 11:30 a.m.

TOWN CLERK'S OFFICE
MIDDLEBURY, CT

MINUTES

Meeting of the Board of Selectmen
Monday, April 3, 2023 – 4:00 p.m.
Town Hall Conference Room

Marj Needham
TOWN CLERK

Start - 4:02 p.m.

End - 4:16 p.m.

Present:

Edward B. St. John, First Selectman
Elaine Strobel, Selectwoman
Ralph Barra, Selectman

Dana D'Angelo, Town Attorney
Marj Needham, Middlebury Bee Intelligencer
Liana St. Germain, Recording Clerk

Call to Order with Pledge of Allegiance

The meeting was called to order by the First Selectman at 4:02 p.m. with the Pledge of Allegiance.

Approval of March 20th, 2023 Meeting Minutes

First Selectman Edward B. St. John MOTIONED to approve the March 20, 2023 minutes
SECONDED by Selectman Ralph Barra. Unanimous approval.

Tax Rebates

Marni & Joseph Baroli - \$450.74
Enterprise FM Trust - \$150.30

First Selectman St. John has requested these rebates take their usual course. Selectman Strobel
MOTIONED to accept the tax rebates, SECONDED by Selectman Barra. Unanimous approval.

Resignation

None

Appointments

None

Discussion and Consideration

Highland Funding – Town Attorney Dana D'Angelo, explains that she is on the Board at the Flanders Nature Center, Woodbury, and she runs their land acquisition committee. In this capacity, she has taken multiple courses one being the Highlands, noting it would be helpful with some property the town may be looking to acquire. During the course, she realized that the Town of Middlebury could be eligible for some funding. A federal law that was passed in 2004 designated from Pennsylvania up to the northwest corner of Connecticut a highlands region, those communities were eligible for federal funding to purchase open space. An omnibus bill was passed last year that increased the number of towns that could be eligible for funding. (see attached) Selectman Strobel asked what the next steps were, to which Attorney D'Angelo noted the Board needs to vote on it and write to the Commissioner of DEEP to say we voted and wish to be considered for Highlands funding. Selectman Barra questioned if there would be any conflict with the land trust to which Attorney D'Angelo stated no there should not be.

MINUTES – BOARD OF SELECTMEN MEETING

Monday, April 3, 2023, at 4:00 pm

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First Selectman St. John MOTIONS to dispense from reading the resolution (see attached), SECONDED by Selectman Strobel. Unanimous approval.

First Selectman St. John MOTIONS to approve the Highlands Conservation Act SECONDED by Selectman Barra. Unanimous approval.

Fair Housing – First Selectman St. John states this is an annual update (see attached). First Selectman St. John MOTIONS to approve the Fair Housing Resolution SECONDED by Selectman Barra. Unanimous approval.

Public Comments

None

Executive Session

None

Adjournment

First Selectman Edward St. John MOTIONED to ADJOURN the meeting at 4:16 p.m.; SECONDED by Selectman Elaine Strobel. Unanimous approval.

The next meeting is slated for Monday, April 17, 2023, at 4:00 p.m.

These minutes are submitted subject to approval.

Respectfully Submitted,

Liana St. Germain

Recording Clerk

WHEREAS, the Highlands region, encompasses more than three million acres of Pennsylvania, New York, New Jersey, and Connecticut; and

WHEREAS, the Highlands region is an area of national significance, possessing substantial natural beauty, containing contiguous forest and productive farmland, numerous cultural and historic sites, plentiful recreation opportunities, and the protection and supply of important drinking water sources for over fifteen million people; and

WHEREAS, the U.S. Congress, in bipartisanship, passed the Highlands Conservation Act, Public Law 10-421 that was signed into law by the President of the United States on November 30, 2004, designating the Highlands as a significant national conservation priority region; and

WHEREAS, the Highlands Conservation Act authorizes the Secretary of the Interior and the Secretary of Agriculture to provide financial assistance to Highlands States to preserve and protect high priority conservation land in the Highlands region; and

WHEREAS, the United States Fish and Wildlife Service manages a voluntary grant program to assist Highlands States, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region in coordination with willing sellers; and

WHEREAS, land preservation efforts in the Highlands region should link the parks, historic sites, wetlands, wildlife habitats, streams, rivers, reservoirs, watershed, trails, scenic and natural lands and other protected areas unique to the region for the enjoyment of future generations; and

NOW THEREFORE BE IT RESOLVED that the Town of Middlebury, acting herein through its Board of Selectman, supports being officially included in the federal Highlands boundary, as maintained by the U.S. Fish and Wildlife Service for the Highlands Conservation Act grant program, thereby qualifying for financial and technical assistance provided by the U.S. Congress.



Highland Hills Greenprint Collaborative

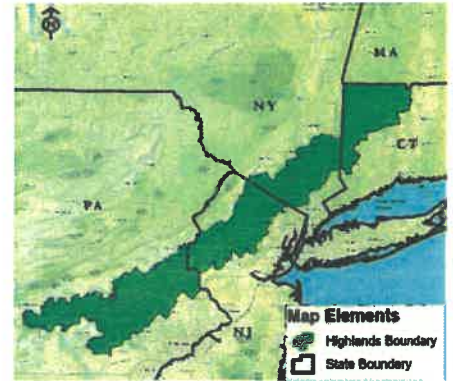
COULD YOUR TOWN BE A HIGHLANDS TOWN?



Highlands Conservation Act Objectives:

- * Clean drinking water
- * Healthy forests
- * Thriving wildlife populations
- * Productive agriculture
- * Abundant recreational opportunities

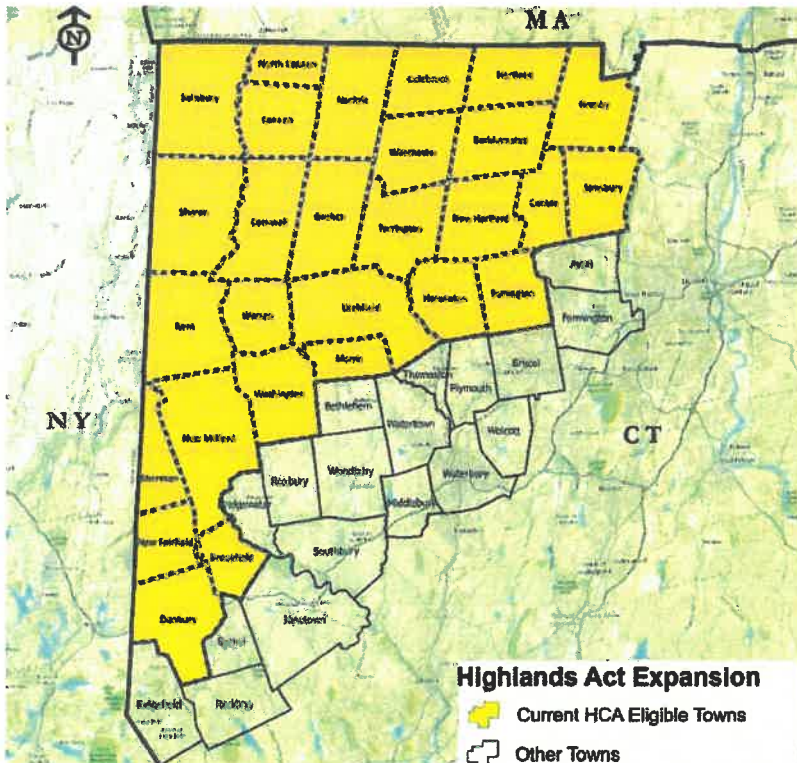
Background: The Highlands region spans 3.4M acres across four states: Connecticut, New York, New Jersey, and Pennsylvania. The Highlands Conservation Act was first passed by Congress in 2004 to conserve lands with important natural resources in this region. Since that time, it has brought *over \$80 million dollars* in federal conservation funding to the four states for use in Highlands communities. Administered by the U.S. Fish and Wildlife Service, funds are dispersed by state agencies (in CT, the Department of Energy and Environmental Protection), to support land conservation projects that advance Highlands Conservation Act Objectives.



In December 2022, the Highlands Conservation Act was reauthorized with some significant new provisions:

- **Additional Highlands Eligible Towns:** The area eligible for Highlands Conservation Act funding can be expanded to include new towns in the region.
- **Newly Eligible Conservation Interest Holders:** County and municipal government entities can now be recipients of Highlands Act funding for land conservation.
- **Highlands Resource Updates:** U.S. Fish and Wildlife will update its project eligibility criteria in alignment with the conservation objectives, best available data and current science.

What New Towns May Be Eligible For Highlands Act Funding?



The original Highlands Conservation Act identified 28 Northwest CT towns as part of the Highlands Region. Communities southeast of the Rte. 202 corridor in Western Connecticut were left out, although many of these towns have natural resources supporting the conservation objectives the Highlands Act aims to protect. Similarly, in the other three states, towns with Highlands conservation resources were excluded from the Highlands Region.

The reauthorization of the Highlands Conservation Act expansion of the Highlands Region boundary to include additional towns that contain Highlands resources.

We can help your Town apply for inclusion in the Highlands Region (if it is not already) and attract federal conservation dollars for qualified land protection opportunities in your community.

Frequently Asked Questions

- (1) **What does my town need to do?**
Town leadership (town council, first selectman, mayor) needs to state (e.g. through a letter or resolution) willingness to be added to the Highlands Region.
- (2) **How can my town position itself to be eligible for Highlands Act funding?**
Indicating your town's willingness to be added to the Highlands Region is the first step in enabling conservation projects in your town to receive Highlands Conservation Act funds.
- (3) **Does this commit my town to anything?**
No. It will enable your town to be eligible for funding only. It does not commit the town to applying for funding, nor does it guarantee funding.
- (4) **Would this impact the town's grand list or mill rate?**
No. Being included in the Highlands Region allows for the potential use of federal Highlands funding in efforts to protect property with willing landowners in the community. The funding passes through to qualified state, county or municipal government entities that will purchase conservation land (through ownership, conservation easement, or both in combination).
- (5) **Does this add regulations or oversight in my town?**
No. If your town is added to the Highlands Region, there will be no additional regulations or oversight, just the potential to access federal funding.
- (6) **Is every undeveloped parcel in my town potentially eligible?**
The U.S. Fish and Wildlife Service has eligibility criteria based on the Highlands conservation objectives. These criteria are being updated based on the 2022 reauthorization language. We expect along with this update, the criteria will expand to new Highlands towns.
- (7) **What happens next?**
If your town leadership indicates willingness to be added to the Highlands Region, the letter or resolution will be forwarded to the Connecticut DEEP. The State will make a recommendation to the U.S. Fish and Wildlife Service. The Director of U.S. Fish and Wildlife will have final approval.
- (8) **Is there a deadline or a window of opportunity to state my town's willingness to be added?**
There is currently no deadline to indicate your willingness to be added to the Highlands boundary. We anticipate U.S. Fish and Wildlife Service will review requests periodically. There is likely benefit to indicating willingness sooner (e.g. Spring 2023) rather than later.
- (9) **How does my town become a conservation interest holder? What does that entail?**
While permitted in the 2022 reauthorization language, the details of municipal and county governments receiving Highlands funds for land conservation are still being worked out.

Who can I contact with additional questions?

Housatonic Valley Association
Tim Abbott
(860) 605-5625 | tabbott@hvatoday.org

Flanders Nature Center & Land Trust
Vince LaFontan
(302) 263-3711 ext 13
vince@flandersnaturecenter.org



Town of Middlebury
Department of Social and Elderly Services
Shepardson Community Building
1172 Whittemore Road
Middlebury, CT 06762
Phone 203-577-4166
Website: www.middlebury-ct.org

E Mail lcappelletti@middlebury-ct.org

FAIR HOUSING RESOLUTION

TOWN OF MIDDLEBURY

- 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 realized 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 RESOLVED, 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 April 3rd 2023


Edward B. St John, First Selectman



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TOWN OF MIDDLEBURY

AFFIRMATIVE ACTION POLICY STATEMENT

As CHIEF ELECTED OFFICIAL 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 this 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 McInnis Inc. 203 Broad Street, Milford, CT 06460 Tel # 203 8762110

4/4/23
Date


Edward B. St John
First Selectman



Town of Middlebury
Department of Social and Elderly Services
Shepardson Community Building
1172 Whittemore Road
Middlebury, CT 06762
Phone 203-577-4166
Website: www.middlebury-ct.org

E Mail jcappelletti@middlebury-ct.org

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 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 First Selectman is responsible for the enforcement implementation of this policy. The First Selectman may be reached at 203-758-2430.

Complaints pertaining to discrimination in any program funded or administered by this town of Middlebury may be filed with the First Selectman. 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 FHDEO, 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 complaining party has not signed a conciliation agreement and 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.

Date

4/4/23

Edward B. St. John
First Selectman



Town of Middlebury
Department of Social and Elderly Services
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Phone 203-577-4166

Website: www.middlebury-ct.org

E Mail pcappalotti@middlebury-ct.org

Municipal Grievance Procedure

The 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 /designee as soon as possible but no later than 60 calendar days after the allege violation to:

Town of Middlebury
Peter Vaccarelli , ADA Coordinator
Tel # 203 577-4170

Within 15 calendar days after receipt of the complaint, the ADA coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the 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 the Town of Middlebury and offer options for substantive resolutions of the complaint.

If the response by the ADA coordinator does not satisfactorily resolve the issue, the complaint and his/her designee may appeal the decision of the ADA coordinator within 15 calendar days after receipt of the response to the mayor or his or her designee.

Within 15 calendar days after receipt, the First Selectman or his or her designee will meet the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the mayor or his 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 the ADA coordinator, appeals to the First Selectman or his or her designee, and responses from the ADA coordinator and First Selectman or his or her designee will be kept by the Town of Middlebury for at least three years.

Date

4/4/23


Municipality's Chief Executive Officer



Town of Middlebury
Department of Social and Elderly Services
Shepardson Community Building
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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 t

The policy is effectuate through the methods of administration outlined in the Town of Middlebury 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



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LETTER TO LOCAL LENDERS

Dear _____

The Town of Middlebury is committed to the principle and practice of Fair Housing in the development and implementation of its housing related programs and policies.

As part of that commitment, we wish to encourage and support the Fair Housing efforts of financial institutions such as yours.

Please provide us with information on your activities within our community relating to Fair Housing and your activity in supporting and providing affordable housing.

We look forward to your response and to working with you to promote Fair Housing for all residents.

Please also find enclosed, copies of the Fair Housing complaint procedure. Please keep this material for future reference and call us if you have any questions.

If you have any questions, please don't hesitate to contact our Community Development Program Consultant, Peter Testa, 203 518 2054 or peter@aesgrpilc.com.

Very truly yours,


Edward B. St. John
First Selectman



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FAIR HOUSING LETTER TO BOARD OF REALTORS/LOCAL REALTORS

Dear _____

The Town of Middlebury is committed to the principle and practice of Fair Housing in the development and implementation of its housing related programs and policies.

As part of that commitment, we wish to encourage and support the Fair Housing efforts of businesses and groups such as yours.

Please advise of any Fair Housing actions you are making during the month of April, Fair Housing Month and what practices you carry out throughout the year

Please also find enclosed, copies of the Fair Housing materials and the Fair Housing Complaint Procedure. Please keep this material for future reference and call us if you have any questions.

Very truly yours,

Edward B. St. John
First Selectman



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AMERICANS DISABILITIES ACT OF 1990 NOTICE

The Town of Middlebury does not discriminate on the basis of disability in admission to, access to, or operation 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 by Title II of the Americans with Disabilities Act of 1990.

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


Peter Vaccarelli -- ADA Coordinator
pvaccarelli@middlebury-ct.org
203-577-4170

Individuals who need auxiliary aids for effective communication in programs and services of Town of Middlebury are invited to make their needs and preferences known to the ADA Compliance4 Coordinator.

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

Date

4/4/23



Edward B. St John
First Selectman