



TOWN OF MIDDLEBURY

Board of Selectmen

MINUTES
Board of Selectmen
October 2, 2023 – 4:00 p.m.
Town Hall Conference Room

RECEIVED FOR FILING
October 4, 2023 at 3:37 pm.
TOWN CLERK'S OFFICE
MIDDLEBURY, CT
Mary Beth Lubinski Costello
TOWN CLERK

Start – 4:00 p.m.

End – 4:58 p.m.

Present:

Edward B. St. John, First Selectman
Elaine Strobel, Selectman
J. Paul Vance, Selectman
Curt Bosco, Zoning Enforcement Officer
Terry McAuliffe, Economic Development,
Chairman
Marj Needham, Middlebury Bee Intelligence
Sarah Shelton, Voices

Liana St. Germain, Recording Clerk

Also Present:

Steve Huebner
Peggy Gibbons
Jennifer Mahr
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 September 20th, 2023 Meeting Minutes

First Selectman St. John MOTIONED to approve the minutes from September 20th, 2023, SECONDED by Selectman Vance. Unanimous approval.

Tax Rebates

CCAP Auto Lease LTD – \$207.56
Daimler Trust - \$527.35
JP Morgan Chase Bank NA - \$566.20
JP Morgan Chase Bank NA - \$566.20

First Selectman St. John MOTIONED that these rebates take their usual course, SECONDED by Selectman Strobel. Unanimous approval.

Discussion and Consideration

Approval of 2024 Meeting Schedule

First Selectman St. John stated we were developing a calendar for our meeting schedule for next year, and the First Selectman asked if Selectman Strobel had a comment, to which Selectman Strobel stated some of the dates needed to be adjusted. It is still too early to approve a schedule. First Selectman St. John noted that there has been discussion on times, dates, and

this has been changed many times over the years to accommodate anyone's schedules when needed. First Selectman St. John MOTINED this to be tabled for now SECONDED by Selectman Strobel. Unanimous approval.

Selectman Strobel would like to state for the record,

“It has always been my policy not to interfere with the duties of Boards, Commissions, and Committees that I have a hand in appointing because, as a Selectman, I have a responsibility to protect the Town. Any action on my part perceived as attempting to influence the independent decision-making of any such group poses a serious financial risk to the community I serve. I share many of the same concerns, such as noise and traffic, regarding the Southford Park proposal that have been brought to light over the past several months. I must leave the process to the competent individuals whom have been tasked to make these important decisions.”

Selectman Vance stated that he has lived in Connecticut for over 50 plus years. Selectman Vance is a full-time Connecticut resident. Selectman Vance says that he has been on the board for the past five months, enjoys serving the town, can serve the town transparently, and can support all sides of all issues. Many issues have not been discussed, and as time goes on, we will have the opportunity to discuss the problems affecting our town. Selectman Vance noted that he also has many questions about the project. Selectman Vance has read everything regarding the project, and the process has to go how it is slated to go. Selectman Vance went on to note that we will see what the other state agencies have to state regarding this project, who will also have a tremendous input and impact on any decisions being made.

Public Comments

Economic Development Commission Chairman Terry McAuliffe stated regarding the schedule, if possible, when sending out the Town-scheduled Holidays, to send out a list of all holidays and highlight the ones the Town observes. Mr. McAuliffe stated that one of their scheduled meetings was accidentally scheduled on the Holiday of Yom Kippur. First Selectman St. John asks when the Commission usually meets, to which Mr. McAuliffe stated they meet the fourth Monday at 6:30 p.m.

Mr. McAuliffe stated that meeting in the Town Hall Conference Room would be ideal for the Economic Development Commission because they always have something to look at and can't always rely on the one in room 26 at Shepardson, and if that doesn't work then they have to rely on everyone looking at a laptop, and that's not ideal. First Selectman St. John stated the problem for this commission meeting in the Town Hall Conference Room would ultimately be space, and this room does not accommodate a large group of people.

Mr. McAuliffe stated the Economic Development Commission would be doing a promotional video. On Wednesday, October 4, 2023, a videographer will be coming in during the day to do a B-roll.

Mr. McAuliffe reiterated his offer to assist with the town website and posting anything about volunteerism to the Board of Selectman.

First Selectman St. John speaks with Mr. Huebner regarding his email. First Selectman St. John advised that the email was forwarded to the proper parties for a response back to him.

Peggy Gibbons states that Southford Park is on everyone's mind. Ms. Gibbons came today to ask the Board of Selectman what exactly is going in there. First Selectman St. John responded that she would need to ask them, I don't know. Ms. Gibbons questioned that she would need to contact Mr. Drubner and asked how she would find this information. First Selectman St. John asked when is Mr. Drubner coming in with his proposal. Marj Needham stated this Thursday night, October 5th, 2023 at 7 p.m. First Selectman St. John said that, hopefully, they will be there to answer all your questions. First Selectman St. John stated that the Board of Selectman does not review those applications, and if there is an application on file, you can come in and review those files; it is all public information. Ms. Gibbons asked the First Selectman why has Mr. Drubner not told the Board of Selectmen what may be coming into town. First Selectman St. John stated they are not obligated to inform the Board of Selectmen. Marj Needham noted that she has contacted Amazon personally, and they have confirmed that Amazon will not be coming to Middlebury. Ms. Gibbons notes that the unknown has agitated many residents and that the Board of Selectmen doesn't know. First Selectman St. John stated that they are not required to submit anything to the Board of Selectmen and that everything is done through the Planning and Zoning Office.

Mr. Steven Huebner noted how they can move forward. The town must first agree to accept the easement they are proposing. First Selectman St. John stated for the record that no one has proposed giving the of Middlebury anything and that no one has addressed the Board of Selectmen on accepting any easement property. Mr. Huebner asked that they want approval to start digging. Where First Selectman St. John stated they are looking for site plan approval. First Selectman St. John asked Mr. Huebner to attend Thursday evening's Planning and Zoning Commission meeting to ask all his questions.

Ms. Gibbons stated we all need this fog lifted. Selectman Vance noted that he agrees everyone would like to know, but unfortunately, no one has an answer for everything that he has read and talked to.

Mr. Peter Trincherro asked why we keep hearing that a food distribution center is coming. First Selectman St. John noted that we do not know and do not play a role in that process.

During a Conservation Commission meeting, Mr. Bob Marages told Selectman Vance that they asked what was going in there, but they did not answer. Selectman Vance noted, but did they have to? Mr. Marages stated, but they wouldn't. Mr. Marages pointed out that they would only say they would not put explosives there. Mr. Trincherro clarified that it was Attorney Fitzpatrick who would not give any information during those meetings. Selectman Vance noted that he understands and agrees, and he would also like to know what is going in there, and he's sure everyone would like to know.

Selectman Strobel stated she also has concerns with the noise and the traffic, but we need to let the process take its course. The reason is years ago, we were sued when Straw Pond was proposed. They wanted to put in a three hundred-plus unit apartment complex on 30 acres. They looked like they were going to shoehorning this project on the side of a cliff, and the Board of Selectman voted no. Selectman Strobel noted that the Board of Selectman was then sued because they were unfriendly and hostile and caused a loss of profits. This is why we now walk to the neutral line and let the capable Commissioners handle this process. Straw Pond cost the town a lot of money, and we had to buy the property. Selectman Strobel stated, of course, we all have concerns. Selectman Strobel noted that she has two grandchildren, one of whom already attends a school nearby.

Mr. Marages commented on the Code of Ethics. The Ethics state that someone can not form an opinion on what they think, for or against, if they are a member of a Board. What is the consequence if someone is for or against something? First Selectman St. John stated that it is spelled out in the Code of Ethics and would be up to the Ethics Commission.

Mrs. Jennifer Mahr noted that under the Archive of the minutes on the Board of Selectman page, there are no 2021 meeting minutes; for 2022, there is only one. Selectman Strobel stated that 2021 will be looked into, and all minutes are available in the Town Clerk's Office.

Mrs. Mahr asked if there is an update on the RFP Solar Project and its progress. First Selectman St. John stated that our Zoning Enforcement Office has been working on this and requested he give the update. Mr. Curt Bosco noted this project has been broken down into two phases, and the first phase will be public works. We expect to receive a proposal for placing solar panels on public works buildings to generate enough electricity to meet their needs within the next ten days. Mrs. Mahr asked if many companies were interested. Mr. Bosco stated that many companies were interested, and hopefully, we get several competitive bids. As of right now, we have a definite one. After that point, if the Board of Selectman awards the bid, it will go into an auction. As a municipality, there is a program called the SAM Program, State Agricultural Municipal Program and you get a preference from Eversource because they run the auction. They decide who gets awarded the bid.

First Selectman St. John stated to Mr. Huebner regarding the easement and property the town owns. The town's property is far more extensive than what the land trust owns, and most residents don't realize this. Mr. Huebner's concern with this easement is with the land purchaser giving the easement property to the town. The town would assist with enabling the land owner with the proper land size.

Ms. Gibbons stated that as we blindly move forward, what happens if all gets approved, and we then find out what is coming in is something that no one wants, such as a chemical waste plant? Mr. Bosco noted to Ms. Gibbons, as a member of the Conservation Commission, that one of the conditions put in place is that there could never be any volatile organic compounds (VOC) stored on the property.

Mr. Bosco stated starting Thursday, October 5th, 2023, at 7 p.m., the public hearing will commence for Southford Park LLC. Please come and bring all your questions and concerns that evening.

Mr. Bosco clarified that they have three separate applications. One is a Site Plan Application for one building at 35 feet and the other at 42 feet. The 35-foot one does comply with our regulations, so they have a right to make that Site Plan Application: the two other applications, one for a clear span inside. A clear span (Height Plan) in an industrial building requires 35 feet. This means you take the 35 feet plus the four feet or so for the trusses and the roof structure to handle robotics, bringing you to 42 feet. They are asking for a modification, a change in the zoning regulation to expand from 35 feet to 42 feet. The Commission may or may not grant that. The third application is for grading and excavation. This is required in any case, commercial or industrial, where 1000 cubic yards of material will be moved on-site, off-site, imported or exported, or moved on-site.

First Selectman St. John stated that this may or may not all be approved. This then has to go to the state level, OOST, Office of State Transportation, and this can take a year or years; they have many requirements, and nothing can get done on that site until the state signs off.

Executive Session

None

Adjournment

First Selectman Edward B. St. John MOTIONED to ADJOURN the meeting at 4:58 p.m.; SECONDED by Selectman Elaine Strobel. Unanimous approval.

The next meeting is slated for Monday, October 16, 2023, at 4:00 p.m.

These minutes are submitted subject to approval.

Respectfully Submitted,

Liana St. Germain

Recording Clerk

