



TOWN OF MIDDLEBURY

Board of Selectmen

RECEIVED FOR FILING

December 11, 2023 at 2:05 p.m.

TOWN CLERK'S OFFICE
MIDDLEBURY, CT

MINUTES

Special Meeting of the Board of Selectmen
December 7, 2023 – 4:00 p.m.
Town Hall Conference Room

Mary Beth Lachance
TOWN CLERK

Start – 4:05 p.m.

End – 5:10 p.m.

Present:

Edward B. St. John, First Selectman
J. Paul Vance, Selectman
Jennifer Mahr, Selectman
Robert Smith, Town Attorney
Dana D'Angelo, Town Attorney
Curtis Bosco, Zoning Enforcement Officer
Patricia Kurze, Safety Committee, Chairman
Rita Smith – Library Board of Trustees –
Chairman, PD – Commissioner, BOF-member
Vincent Cipriano – BOF, chairman

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

Also Present

Steve Huebner
Peter Trincherro

Call to Order with Pledge of Allegiance

The meeting was called to order by the First Selectman at 4:05 p.m. with the Pledge of Allegiance.

Approval of the November 20th, 2023, Meeting Minutes

First Selectman St. John MOTIONED to approve the minutes from November 20th, 2023, SECONDED by Selectman Vance with an amendment to a correction to his name on the 3rd page from John Vance to J. Paul Vance due to an autocorrect.

Tax Rebates

Toyota Lease Trust - \$793.38
ACAR Leasing LTD - \$788.95
Enterprise FM Trust - \$144.59
Enterprise FM Trust - \$198.79
Enterprise FM Trust - \$225.11
Enterprise FM Trust - \$258.24
Enterprise FM Trust - \$306.63

Enterprise FM Trust - \$232.50
Enterprise FM Trust - \$225.11
Enterprise FM Trust - \$47.49
Enterprise FM Trust - \$476.45
Toyota Lease Trust - \$1,091.36
Toyota Lease Trust - \$953.61
Toyota Lease Trust - \$863.92

First Selectman St. John reviewed the Tax Rebate process.

First Selectman St. John read each rebate and MOTIONED that it takes its usual course SECONDED by Selectman Vance. Unanimous approval

Discussion and Consideration

2024 Board of Selectmen Meeting Schedule

First Selectman St. John noted no issues with holding the Board of Selectmen meetings on the first and third Monday of the month. First Selectman St. John stated that a question came up about the time and what was convenient, and one of the suggestions was that we rotate. One was in the afternoon, and the other was in the evening. First Selectman St. John noted that it wouldn't work out this month as Selectman Vance has a conflict with a prior engagement. First Selectman St. John stated that the first meeting of the month would be held at 4:00 pm, and Selectman Vance had some suggestions for the second meeting. Selectman Vance suggested a 6:00 pm meeting time. One reason is that we especially like having the press present. That's one way of keeping things transparent and open. Selectman Vance notes that it would be advantageous to have the meeting at 6:00 or 6:30 and, if possible, make it available via ZOOM. First Selectman St. John stated that this has been done in the past, and we can certainly do it again. Selectman Mahr said a 6:30 pm meeting start time would give residents more time to get home from work and be able to attend the meeting.

First Selectman St. John MOTIONED to adopt the Board of Selectmen Calendar, and starting in January, the first meeting will be held at 4:00 pm, and the 2nd meeting will be held at 6:30 pm SECONDED by Selectman Mahr. Unanimous approval.

Acting First Selectman

First Selectman St. John noted this is required by charter (Section 302-A). First Selectman St. John nominates Selectman Vance, as Selectman Vance is more senior. Selectman Mahr requests to discuss this. Selectman Mahr asked if Selectman Strobel was the previous Acting First Selectman, to which First Selectman St. John noted yes. First Selectman St. John pointed out that she was the most senior and had the same political affiliation. First Selectman St. John pointed out that he is leaning towards the more senior route with this choice.

First Selectman St. John MOTIONED to appoint Selectman Vance as Acting First Selectman SECONDED by Selectman Vance. Favored by First Selectman St. John and Selectman Vance, opposed by Selectman Mahr.

Attorney Dana D'Angelo – Modification of the Rochambeau Realty Company Six Lot Subdivision – Authorization

Attorney D'Angelo stated that she was present today for the approval of the Authorization. First Selectman St. John requested that Attorney D'Angelo bring Selectman Vance and Selectman Mahr up to speed on Lawrence Janesky and the Rochambeau property. First Selectman St. John opened a property map to show Selectman Mahr where the Rochambeau Memorial is. Attorney D'Angelo stated there is a Rochambeau monument on town property located on Breakneck Hill Road. This monument is very difficult to access. The historical society has been working for the last couple of years and has been in negotiations with the town and Mr. Janesky to build a new monument in one of the town parks. There is a design all done up. Attorney D'Angelo stated that the Historical Society will present at the Planning and Zoning Commission meeting this evening. Before this reached Attorney D'Angelo, the plan was for the town to sell the property after it

went through all the proper committee, commission, board, and town meetings to Mr. Janesky, and the money would be used to fund the new monument. Attorney D'Angelo stated that once this got to her desk and once, we started the process through the land use boards. Attorney D'Angelo said it was brought to her attention that this was a property that we (the town) didn't just acquire from an arms-length transaction. It was part of a subdivision. It was the open space requirement in a subdivision. So, this isn't something we can turn around and sell like regular property. Attorney D'Angelo stated that our Zoning Enforcement Officer, Curtis Bosco, came up with a creative idea to modify the subdivision to pay a fee in lieu of open space, and that would take the property off the open space role and at least begin the process to see if we can sell the property to Mr. Janesky, but this still has to go through many hurdles. Tonight, there is a public hearing on the modification of the subdivision at the Planning and Zoning meeting, where Mr. Janesky is the applicant. However, he does not own the property. In order to speak on behalf of the town, he must have authorization. First Selectman St. John stated he was in conversation very early on with Robert Rafford and Lawrence Janesky. The problem with the current Rochambeau site is that it is virtually inaccessible. First Selectman St. John noted that his suggestion was to see an alternate location for the site. We looked into property across the street, land trust property, directly on the Rochambeau trail, and unfortunately, that wouldn't work out with the land trust due to different requirements needed compared to the town. First Selectman St. John noted that this property was appraised at \$175,000.00 and offered to all abutting properties. The Historical Society made a series of conditions that the existing monument be moved closer to the street, and a new monument would also be located at Meadowview Park. We have determined that Park and Recreation is on board with this. They have found a great location for it. First Selectman St. John noted that this is all still an if. Selectman Mahr asked Attorney D'Angelo if this was being changed to having to pay a fee. Does someone have to pay that fee? Attorney D'Angelo stated yes, that would be Mr. Janesky, and that money would go into the open space fund and have to be used to purchase new open space. Selectman Mahr questioned if Mr. Janesky was doing anything on this property or if it remained the same. Do we know what his plans are for this property? Attorney D'Angelo stated that Mr. Janesky will discuss this at the Planning and Zoning meeting later this evening. What he has communicated to us is that he will allow public access to the monument. He will move the monument closer to the road to make it more accessible. Attorney D'Angelo stated that the trail to the monument is so overgrown that no one can get to it as of right now. First Selectman St. John said in previous conversations with Mr. Janesky that he was very excited to be involved in helping. Mr. Janesky is concerned that the monument will be reconstructed in another location. First Selectman St. John stated that a site has been located, but we currently do not have the funding.

Selectman Vance MOTIONED to appoint Lawrence Janesky of Artillery Road, Middlebury, Connecticut, to act as Agents for the Town of Middlebury to appear before Land Use boards or commissions and any other agencies of the Town of Middlebury, SECONDED by Selectman Mahr. Unanimous approval. (see attached)

First Selectman – Updates on Budgets and Projects

First Selectman St. John stated he would review this list at every meeting with updates as they happen. The first one on the list is preparing for the budget preparation for the year 2024-2025. The second item on the list under our Police Accountability Bill in our current police building is that they did not dedicate an area to the Youth and Evidence. Fortunately, there is space inside the building. It is currently out for professional design. The following item is some money that has been put away for the automatic fire

protection (sprinklers) for the Fire Department Headquarters and upgrades to the Middlebury Recreation Area at Quassy. We are waiting for the property survey from Scott Myers, and we will be able to move forward. That is a susceptible area, and we are considering possibly replacing the original cottage that has been that way since the town acquired the property. Next on the list is developing some local training facilities for our Fire Department. Due to a long lead time to replace our fire apparatus, we need to speed up our purchase, lease, or buy of used apparatus. The following item is the upgrades to our security systems, which are ongoing. The problem with this is that it is becoming costly. Up next, Fenn Farm, which we hold in preservation, the Horse Barn needs structural repairs. The STEAP Grant for the sidewalk project is ongoing, and hopefully, the design will be finished soon. That will go from Shepardson Community Center to Pies and Pub to the tunnel. The Connectivity STEAP Grant for Bristol Park was denied in this cycle in talking with our consulting engineers. The town may be ok in the next cycle. Next on the list is the Police Department, and they will continue to purchase two new vehicles a year to keep their fleet up. The problem is that the vehicles are on backorder for two or three years. Also, there is a staffing issue, especially on our second shift, and trying to add additional personnel, and as we all know, it is costly when we try to do this. But in the interim, we have Reserve Officers, and we have a budget for this, and we should use this on a temporary basis. Lastly, under Public Works, as far as equipment goes, they usually rebuild most of their equipment. The budget they get for capital equipment is either used as part of the rebuilding or any excess for ultimately new equipment. (see attached)

Selectman Mahr asked if it is possible to publish police statistics. Selectman Vance that the town can, it is legal and public information. First Selectman St. John noted that Rita Smith is present and is a Police Commissioner. Mrs. Smith stated that the information is provided to the commissioners at the monthly meeting. Mrs. Smith noted it is up to the Police Chief to decide how he would like to disseminate that information. Marj Needham stated she has requested this information from the Police Department on multiple occasions. Attorney Smith noted that this information is presented monthly to the commissioners and is a public record.

Selectman Mahr stated she had received a number of letters and emails regarding the proposed rental housing development—the Metro Realty Application for Planning and Zoning. Selectman Mahr requested they discuss adding rental housing as a development overlay to our planning and zoning regulations at a future meeting. This would have an impact on Region 15. We would probably want to hear their input. I imagine it would impact on our emergency services. The larger discussion is whether this idea complies with our conservation and development plan. Selectman Mahr feels this is a conceptual conversation that should be had before planning and zoning making any decision. First Selectman St. John asked who Selectman Mahr would suggest making a presentation, as he is not versed on this matter. Selectman Mahr stated we could start by contacting Region 15, and they would have an opinion on the enrollment capacity. Selectman Mahr asked if we have a liaison with the Region 15 Board of Education. First Selectman St. John noted that if Selectman Mahr wants to take this on, she could be the liaison. First Selectman St. John stated we could contact the applicant and have them come into a Board of Selectmen meeting to present their proposal. Selectman Mahr noted what she means is from the town's perspective, not the applicants. This is currently housing that we do not have in town. If we consider this a change to our regulations from our perspective as a town, is there anything we should consider? Selectman Vance noted that we would need to hear from the developer before we can formulate an opinion on whether we can agree or disagree. Let the developer come in and present what they are proposing. Selectman Vance stated that he agreed with Selectman

Mahr Region 15 may be impacted. Public safety is another huge one, and traffic issues are extremely important. I have read what I can, but that's not enough. I would like to hear from the developer. First Selectman St. John stated what Selectman Mahr is requesting shouldn't be an issue. The First Selectman asked Attorney Smith if there would be any problems moving forward. Attorney Smith noted that it does interfere with Planning and Zoning regarding traffic and things along those lines. Attorney Smith stated that to hear what they have planned and how it would impact the school system, he believes it shouldn't interfere with any Planning and Zoning issues. Attorney Smith has requested to look into this and will speak with Attorney D'Angelo before moving forward. Selectman Mahr stated she sat through Metro Realty's presentation, and the data and information have remained the same. Selectman Vance noted Metro said they would even be willing to have one-on-one meetings with individuals.

Peter Trincherro stated they had a meeting last week, and two more were scheduled. Mr. Trincherro noted that he would bring in the traffic people and different designs at these meetings.

Selectman Mahr stated her question would be, since this is an open application before Planning and Zoning, we don't want to take any wrong steps. Attorney Smith said he would speak with Attorney D'Angelo and confirm the parameters of that meeting and what they are going to decide so that there is no crossover. First Selectman St. John stated that we could also have the Police and Fire Chief present at this meeting.

Marj Needham requested to share information from a Metro Realty meeting that she had attended, and they provided information on school-age children. They have similar apartments in Farmington, West Hartford, and so on. West Hartford has 190 apartments, and they have 12 school-aged children. Farmington has 120 apartments, and they have 13 school-aged children. Rocky Hill has 144 apartments, and they have 11 school-aged children. Glastonbury has 114 apartments, and they have 15 school-aged children. Ms. Needham stated they could provide all the data for school-aged children. Selectman Vance noted this was all good information. This is beneficial information.

Selectman Mahr stated she believed there might be one issue with the property and asked Attorney Smith about it being right next to the old Timex and where they were required to remediate the groundwater pollution. Selectman Mahr noted the pollution got onto the property, but it is unclear as to what the status is. Attorney Smith stated they have to keep monitoring the groundwater and see if the groundwater contamination lessens or is eliminated. Selectman Mahr said, but that's what's unclear for the property in question. What is the EPA clean-up status. Attorney Smith stated a contractor is required to monitor the site, and this has been going on for tens of years now with no end in sight, and this is only to check on groundwater.

Selectman Vance would also like to say Happy Hanukkah to our residents. The Board of Selectmen, before this meeting, were all on Green attending the lightening ceremony.

Selectman Vance wanted to formally welcome Selectman Mahr to the Board of Selectmen and looks forward to working together. Selectman Vance would also like to give Selectman Mahr credit for posting on social media and discussing upcoming meetings. Yes, the meetings are on the Town Website, but Selectman Mahr took it further and listed the week's meetings. Selectman Vance stated the 2024 meeting schedule is in the process of being put together. Keep an eye on the Town Website; the residents need to come out and come to the meetings.

Public Comments

None

Executive Session

None

Adjournment

First Selectman St. John MOTIONED to ADJOURN the meeting at 5:10 p.m.; SECONDED by Selectman Vance. Unanimous approval.

The next meeting is slated for Monday, December 18, 2023, at 4:00 p.m.

These minutes are submitted subject to approval.

Respectfully Submitted,

Liana St. Germain

Recording Clerk

STATUS

To: Board of Selectmen

From: Edward B. St. John – First Selectman

Re: Updates on the Budget & Projects

Date: December 7, 2023

1. Prepare Budget 2024-2025 – Submission February 2024
2. Evidence & Youth Areas at the PD
3. Automatic Fire Protection (sprinklers) for Fire Department Headquarters
4. Upgrades to the Middlebury Recreation Area at Quassy – waiting for the property survey
5. Developing some local training facilities for our Fire Department
6. Because of the long – lead time to replace our Fire Apparatus, we need to speed up our purchase, lease, or buy of used apparatus.
7. Upgrades to our Security Systems
8. Fenn Farm – Horse Barn Project.
9. STEAP Grant – Sidewalk Project (Town Center)
10. Connectivity Grant – STEAP GRANT, Bristol Park (Denied in this Cycle).
11. Police Dept. – Continue to purchase two vehicles (per year)
12. Public Works - Equipment- rebuilds rather than new (within budget)

AUTHORIZATION

THE TOWN OF MIDDLEBURY, by its Board of Selectman, hereby appoints LAWRENCE JANESKY, of Artillery Road, Middlebury, Connecticut to act as Agents for the Town of Middlebury to appear before Land Use boards or commissions and any other agencies of the Town of Middlebury, as well as any other municipal, regional state or federal agencies as required during the application process for a Modification of the Rochambeau Realty Company Six Lot Subdivision, Approved November 2, 1995. Specifically, said Modification of the Subdivision is request to the Open Space to Fee in Lieu of Open Space. The Open Space parcel is currently owned by the Town of Middlebury.

Dated at Middlebury, Connecticut, this 7th day of December, 2023.

Witnesses:

TOWN OF MIDDLEBURY

By _____

STATE OF CONNECTICUT)

) ss. Middlebury

December 7, 2023

COUNTY OF NEW HAVEN)

Personally appeared, before me, Edward St. John, Signer and Sealer of the foregoing instrument, and acknowledged the same to be his/her free act and deed and the free act and of the Town of Middlebury.

Commissioner of the Superior Court
Notary Public:
My Commission Expires:

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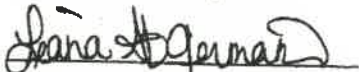
Dated at Middlebury, Connecticut, this 7th day of December, 2023.

Witnesses:

TOWN OF MIDDLEBURY


Dana D'Angelo

By 


Lana St. Germain


STATE OF CONNECTICUT)

) ss. Middlebury

December 7, 2023

COUNTY OF NEW HAVEN)

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Dana D'Angelo
Commissioner of the Superior Court
Notary Public:
My Commission Expires:

