



TOWN OF MIDDLEBURY

Office of the Selectmen

AGENDA

MEETING OF THE BOARD OF SELECTMEN

Monday, July 20, 2020 – 4:00 p.m.

REMOTE ATTENDANCE ONLY HELD CONCURRENTLY WITH ZOOM

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

Also Present: Attorney Robert Smith
Barbara J. Whitaker, Recording Clerk
Linda Zukauskas, Reporter – Voices
Marj Needham, Reporter – Bee Intelligencer

Call to Order with Pledge of Allegiance

The meeting was called to order by the First Selectman with the Pledge of Allegiance.

Approval of July 6, 2020 Meeting Minutes

First Selectman St. John MOTIONED to approve the minutes of the July 6, 2020 meeting; SECONDED by Selectman Strobel. Unanimous approval.

Tax Rebates

Porsche Leasing, Ltd., Atlanta, GA	\$2,005.97
Paul & David Babarik, Waterbury, CT	\$5.51
Paul T. Babarik, Waterbury, CT	\$92.38
Karol Czerwiowski, Middlebury, CT	\$33.77

First Selectman St. John MOTIONED to approve the above-mentioned tax rebates; SECONDED by Selectman Strobel. Unanimous approval.

Appointment

First Selectman St. John MOTIONED to appoint Janine M. Bowler (R), 190 North Farm Road as interim Treasurer; SECONDED by Selectman Strobel. Unanimous approval.

Discussion and Consideration

Recommendation of Final Changes from Charter Revision Commission

First Selectman St. John MOTIONED to approve the Charter Revision Commission's final draft of the Town Charter (attached); SECONDED by Selectman Strobel. Unanimous approval.

The First Selectman stated that the Charter Commission had their last meeting on July 13, 2020. He added that the question for the ballot will be created by the Town Clerk.

Public Comments

The First Selectman sent out the attached article published in the Republican American to various boards and commissions. He explained that Connecticut landfills are being closed and that all waste will be shipped out-of-state. The remaining plants in Connecticut are at capacity. The First Selectman anticipates that this change will incur additional charges for the Town of Middlebury.

First Selectman St. John explained that the Department of Public Works needs to replace the used backhoe loader as it is 20years old and was used when purchased at that time. The First Selectman asked that the Board give Dan Norton, Public Works Director permission to survey used backhoe loaders for sale to replace the current one. The Board agreed that the Public Works Director should begin the shopping process for a used backhoe loader.

Adjournment

First Selectman St. John MOTIONED to adjourn the meeting, SECONDED by Selectman Strobel. Unanimous approval.

These minutes are submitted subject to approval this 22nd day of July 2020.

Respectfully submitted,

Barbara J. Whitaker

Barbara J. Whitaker
Recording Clerk

**MIDDLEBURY CHARTER REVISION COMMISSION
Meeting of April 6, 2020
Discussed Revision:**

SECTION 202. ELECTED TOWN OFFICERS, BOARDS, COMMISSIONS AND AUTHORITIES.

The following officers and members of boards, commissions and authorities shall be elected for the terms herein specified commencing on the first Monday of December following their election, unless otherwise provided herein, to perform the duties prescribed in this Charter and in the General Statutes, including but not limited to the specific statutes herein referred to:

A. First Selectman and Board of Selectmen.

THE FOLLOWING SHALL BECOME EFFECTIVE FOR THE NOVEMBER 2, 2021 MUNICIPAL ELECTION:

A. (1) First Selectman:

The First Selectman shall be elected at the town election in the manner provided in Section 9-199 of the Connecticut General Statutes as the same may be amended from time to time for a term of four (4) years to perform the duties in Chapter III and IV of this Charter and Chapter 91 of the Connecticut General Statutes, as the same may be amended from time to time, except as modified by this Charter.

A. (2) Board of Selectmen:

Two (2) members of the Board of Selectmen shall be elected at the town election in the manner provided in Section 9-199 of the Connecticut General Statutes as the same may be amended from time to time, for a term of two (2) years to perform the duties in Chapter III and IV of this Charter and Chapter 91 of the Connecticut General Statutes, as the same may be amended from time to time, except as modified by this Charter.

No individual shall be eligible to be a candidate of the office of both First Selectman and Selectman during the same election cycle. The offices of First Selectman and Board of Selectmen shall constitute a three (3) member Board for the purposes of the provisions of minority representation as set forth in Sections 209 and 503 of this Charter. No political party shall nominate more than one (1) candidate for the office of Board of Selectmen. Electors may cast votes for a maximum of two (2) candidates.

THE FOLLOWING SHALL BECOME EFFECTIVE FOR THE NOVEMBER 2, 2023 MUNICIPAL ELECTION:

B. (2) Board of Selectmen:

Two (2) members of the Board of Selectmen shall be elected at the town election in the manner provided in Section 9-199 of the Connecticut General Statutes as the same may be amended from time to time, for a term of four (4) years to perform the duties in Chapter III and IV of this Charter and Chapter 91 of the Connecticut General Statutes, as the same may be amended from time to time, except as modified by this Charter.

The offices of First Selectman and Board of Selectmen shall constitute a three (3) member Board for the purposes of the provisions of minority representation as set forth in Sections 209 and 503 of this Charter. No political party shall nominate more than one (1) candidate for the office of Board of Selectmen. Electors may cast votes for a maximum of two (2) candidates.

Section 202:

H. Library Trustees

There shall be six (6) Library **Trustees**. At each biennial election two (2) **Trustees** shall be elected for terms of six (6) years on a rotating basis as terms expire. In addition to performing such duties and functions as are provided in the General Statutes, the **Trustees** shall be responsible for recommending a person to the Board of Selectmen for appointment as **Library Director Librarian**. Such person shall have such training and experience as specified in the position description on file with the Town Clerk.

SECTION 208. COMPENSATION.

Members of the Board of Selectmen, the Town Clerk, the Tax Collector, the Treasurer and the **Registrars of Voters** shall receive such compensation as shall be provided in the budget. All other elected Town officers, board members and commissioners shall serve without compensation.

SECTION 209. MINORITY REPRESENTATION.

Minority representation on any appointive or elective commission, committee, board, agency or similar body of the Town shall be determined in accord with the provision of Section 9-167a of the General Statutes:

<u>Column I</u>	<u>Column II</u>
<u>Total Membership of Board,</u>	<u>Maximum from</u>
<u>Commission or Committee</u>	<u>One Party</u>

3	2
4	3
5	4
6	4
7	5
8	5
9	6

More than 9 Two-Thirds of Total Membership.

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SECTION 212. VACANCIES.

Except as otherwise provided by the law of the State of Connecticut and with the exception of the provisions set forth in Section 302-b, any vacancy in any elective Town office, from whatever cause arising, shall be filled within ninety (90) days of such vacancy by appointment by the Board of Selectmen for the unexpired portion of the term of the person vacating office or until said office is assumed by a person elected at the next biennial election, whichever shall be sooner; When filling a vacancy of any officer, board or commission member who was elected as a nominee of a political party, the Board of Selectmen shall fill the vacancy with a person of the same political party as the vacating officer, commission or board member from a list provided by the Town Committee of the Political Party of the vacating officer, commission or board member. ~~provided that when the person vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by a member of the same political party.~~ The provisions of this Section shall not apply to vacancies on the Regional Board of Education.

SECTION 301. COMPOSITION.

The Board of Selectmen shall consist of the First Selectman and two (2) other members who shall be elected at the Town election for the term(s) as hereinbefore provided.

Section 306. Variations in Selectman's Compensation

SECTION 506. APPOINTED BOARDS, COMMISSIONS AND COMMITTEES.

P. Land Preservation and Open Space Acquisition Committee consisting of a minimum of seven (7) members appointed by the Board of Selectmen to whom it is responsible. For the purposes of (1) the ongoing management of Town-owned Fenn's Farm and other properties as acquired; (2) the encouragement of Middlebury residents to preserve existing open-space; (3) the acquisition, acceptance and inventorying of select parcels of open space; (4) the obtaining of public, private and/or corporate funds to assist in the acquisition/preservation of managed properties; and (5) developing and implementing programs to educate the public

as to the importance of open space acquisition.

Minority representation shall be in accordance with the provisions of Section 209 as herein-before provided

Section 702 BUDGET PROCEDURE

C. 3. ~~By the 1st Thursday in May~~ **At least five** weeks prior to the annual Budget Referendum as set forth below, the Board of Finance shall hold a joint meeting with the Board of Selectmen to discuss and vote on the proposed budget to be presented at the annual public hearing on said budget plan. Said proposed budget shall require an affirmative vote of both boards to be presented at the subsequent public hearing as set forth hereafter. Subsequent to said joint board meeting and at least (4) weeks prior to the annual budget referendum as set forth below, the Board of Finance shall hold a public hearing on the duly proposed budget at which all persons shall have the opportunity to be heard regarding the appropriations proposed for the ensuing year. A legal notice shall be prepared for publication in a newspaper having a substantial circulation in the Town at least five (5) days prior to the said public hearing.

D. Annual Budget ~~Meeting~~ **Referendum**.

The Budget shall be presented by the Board of Finance ~~to the Annual Budget Meeting for approval by Town Referendum~~, **on the 1st Wednesday** ~~4th Thursday after the 1st Monday in May~~ and shall be adopted by majority vote of those present and voting at said ~~Referendum meeting~~.

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~~Ten days prior to the Budget Referendum, a report on the proposed budget, containing substantially the information required by Section 702-C-2 of this Charter, shall be posted on the Town Website and shall, otherwise, be made available at the Town Clerk's Office, for email to, and pickup by, eligible voters. A notice of the Budget Referendum date, and of the availability (on the Town's Website and at the Town Clerk's Office) of said report, shall be published, on the same date as the Website Posting, in a newspaper having substantial circulation in the Town. Ten (10) days prior to the 4th Thursday~~ **1st Wednesday after the 1st Monday in May**, a report on the proposed budget containing substantially the information required by Section 702-C-2 of this Charter, shall be prepared for publication in a newspaper having substantial circulation in the Town and be available as published for the annual ~~Town Meeting~~ **Referendum**.

~~Copies of the budget to be presented to the Annual Budget Meeting~~ **Referendum** shall be available in the Town Clerk's Office not later than one (1) week prior to the **1st Wednesday after the 1st Monday in May**.

Following approval of the Annual Budget at the Annual Budget ~~Referendum~~ **Meeting**, the Board of Finance shall meet immediately and establish the mil rate on the taxable property of the Town for the next fiscal year.

Said Meeting shall have the power to decrease or delete any appropriation or item in any appropriation for the same purpose recommended by the Board of Finance. No appropriation shall be made exceeding in amount that for the same purpose recommended by the Board of Finance and no appropriation shall be made for any purpose not recommended by the Board of Finance.

In the event that the Annual Budget ~~Referendum Meeting~~ shall fail to adopt the Budget, the ~~Board of Finance and the Board of Selectmen, in accordance with Section 702 C. 3. , above, shall revise the rejected budget and submit the newly proposed budget to Referendum within two (2) weeks of the vote to reject. In the event of a subsequent rejection(s) at Referenda on the proposed budget, the Board of Finance and the Board of Selectmen shall follow the above scheduled process until such time as the proposed budget is approved by Budget Referendum Meeting shall be adjourned for not over two (2) weeks and appropriate notice shall be given of the adjourned Meeting as provided in Section 903-D.~~

SECTION 901. GENERAL.

The Town of Middlebury has a combined legislative body consisting of the Town Meeting and the Board of Selectmen. The Town Meeting shall be the legislative body for matters set forth in Section 7-193(a)(1) of the General Statutes and as further provided by this Charter. Eligibility to vote in Town Meetings and at any referendum held pursuant to the provisions of this Chapter shall be governed by Section 7-6 of the General Statutes. The term "voter" as used in this Charter means persons eligible to vote as set forth in said Section 7-6. All Regular and Special Town Meetings shall be called by the Board of Selectmen by a warning as provided by this Charter.

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Lamont, DEEP defend decision not to renovate trash-to-energy plant in Hartford

BY PAUL HUGHES
REPUBLICAN-AMERICAN

HARTFORD — Gov. Ned Lamont on Wednesday defended his administration's decision to refuse \$330 million in state financing to renovate the state's largest trash-to-energy plant in Hartford.

The Department of Energy and Environmental Protection informed the Materials Innovation and Recycling Authority of the rejection of its funding request in a letter dated Tuesday.

Lamont and DEEP Commissioner Katie Dykes said the proposed \$330 million

See MIRA. Page 12A

MIRA: 51 municipalities send trash to facility

Continued from Page One

commitment was a bad deal for the state, the city of Hartford, and the environment.

"It is a huge amount of money to invest in a plant that is in very bad condition," Dykes said.

Lamont and Dykes also rejected a MIRA alternative plan to convert its waste-to-energy-plant to a transfer station to send trash to out-of-state landfills, calling it a false choice.

The quasi-public MIRA's board voted in May to direct staff to start planning for the aging and ailing Hartford plant's shutdown and conversion to a transfer station if state government fails to approve the financial backing for modernizing the facility by Aug. 31.

Dykes said DEEP has asked MIRA to resubmit its annual plan of operations to include assessments of alternatives to trash incineration and exporting trash, including separation of food waste for composting, anaerobic digestion technology, and promotion of recycling.

"We're expecting and hope MIRA will provide us a new plan that addresses those opportunities because

we just didn't see how they had addressed any of that in what they submitted to us last month," she said.

Lamont and Dykes presented the rejection of MIRA's funding request as an opportunity to spur innovative and entrepreneurial solutions for managing the nearly 4 million tons of municipal solid waste that Connecticut generates annually.

"This is the kick start that we needed," Lamont said.

In the meantime, the governor and Dykes acknowledged Connecticut will likely have ship more trash out-of-state for disposal in a high-cost interim solution. How long will depend on the time it takes to stand up alternative means for waste disposal and recycling, they said.

"If we don't do something, if we don't take this moment to come together and seek from the marketplace and work hard to scale more sustainable and cost-effective solutions, the market will go towards export," Dykes said, "and over time we anticipate that landfills out of state that we would be relying on to take our waste from Connecticut will be reaching capacity and will be closing, and then that waste will have to be trans-

ported farther and farther distances to the Mid-West and elsewhere to find communities that are still willing to accept waste in a landfill."

There are 51 cities and towns that send their trash to the MIRA plant in Hartford. Towns with MIRA contracts are currently paying \$91 ton, up from \$83.11 per ton previously.

Without the \$330 million in state funding, MIRA estimated participating municipalities would have to pay as much as \$145 a ton for garbage disposal over 30 years to finance the modernization project.

Dykes and Lamont also acknowledged that there is no telling how long it will take to develop and scale up alternatives to incineration and landfilling capable of handling the levels of solid wastes and recyclables that Connecticut residents and businesses produce.

They spoke to reporters Wednesday at Blue Earth Compost, a Hartford-based company that collects and composts food scraps from residential and business customers.

"What we want to see is more Blue Earths," Lamont said.

It will take many more to handle the volume of trash that the MIRA does now, though.

Samuel King, Blue Earth's director of development, reported the company handles 35 tons of food waste a year. In contrast, the MIRA plant in Hartford's South Meadows annually processes about 650,000 tons of trash and recyclables — approximately one-third of Connecticut's waste stream.

King said he believes the state could invest a fraction of the \$330 million that MIRA requested in start-up companies like Blue Earth and achieve better results than upgrading the trash-to-energy plant.

State Rep. Geraldo Reyes Jr., D-75th District, a member of the Environment Committee, agreed the requested investment in the MIRA plant would be better invested in alternative means of disposal and recycling.

"I don't care for that technology. It is technology that has gone by," the Waterbury lawmaker said. "There are other Blue Earths out there that can pick up the ball. I don't believe in investing \$330 million into this type of technology any more."