



# BOARD OF SELECTMEN

Clifford J. Hurgin Municipal Center, 1 School Street  
Bethel, Connecticut 06801 Telephone: (203) 794-8501

*Matthew S. Knickerbocker, First Selectman*  
*Richard C. Straiton, Selectman*  
*Paul R. Szatkowski, Selectman*

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TOWN OF BETHEL  
TOWN CLERK

## MINUTES OF REGULAR MEETING

Tuesday, August 6, 2013  
7:30 p.m.

CJH Municipal Center – Meeting Room “A”

**PRESENT:** First Selectman Knickerbocker, Selectman Straiton and Selectman Szatkowski. Also in attendance was Town Counsel Martin Lawlor.

**Call to order/Pledge of Allegiance:** First Selectman Knickerbocker called the regular meeting to order at 7:32 p.m.

**Public Comments:** Cynthia McCorkindale (public hearing minutes – process and content), Kurt Dihoff (public hearing minutes), Frank Islip (public hearing minutes), AJ Bernard (public hearing minutes), J. Phillip Gallagher (transfer station fees, Public Utilities Commission and minutes), Tom Reed (public hearing minutes), (letter from Billy Michael – read by C. McCorkindale - attached)

### Correspondence –

Letter dated July 12, 2013 from American Legion - Bennett Park Fee consideration (Selectmen agreed to put this topic on a future agenda) (attached)

Letter dated August 4, 2012 from Cynthia McCorkindale – public hearing minutes (read during public comments) (attached)

Letter – Timber Oaks – request for sewer refund to be referred to the Public Utilities Commission (attached)

**Minutes of July 2, 2013 Regular Meeting:** Selectman Straiton made a motion, which was seconded by Selectman Szatkowski, to approve the minutes as presented.

**Minutes of July 5, 2012 Special Meeting:** Selectman Szatkowski made a motion, which was seconded by Selectman Straiton, to approve the minutes as presented.

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**Minutes of July 8, 2013 Public Hearing:** Selectman Straiton made a motion, which was seconded by First Selectman Knickerbocker, to accept the minutes as presented. Selectman Szatkowski abstained from voting as he was not in attendance. Vote, all in favor, motion unanimously approved.

**Minutes of July 16, 2013 Public Hearing:** First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to accept the minutes as presented. Voting in favor of the motion: First Selectman Knickerbocker and Selectman Straiton. Voting against the motion: Selectman Szatkowski. Motion passed.

Selectman Szatkowski had suggested tabling the minutes to reflect more of the tenor of the hearing and include additional comments. Selectman Straiton offered that he takes offense at massaging the minutes to have them sway one way or another; no way to detail every comment spoken. First Selectman Knickerbocker advised that at the beginning of each public hearing he stated that the purpose was to receive comments and answer questions, public hearing minutes have always been a summation of comments and answers, and perhaps for the future, we may consider just listing who spoke. Selectmen invited anyone to send in written statements if they felt their comments were not reflected properly.

**First Selectman Report:** First Selectman Knickerbocker reported on the recent STEAP Grant Award which provides \$250,000 for sidewalk and other improvements including the replacement of several sets of stairs into the Municipal Center, noting that these funds will be stretched as far as possible to make as many improvements as possible. First Selectman Knickerbocker also spoke of several items along the economic development front – the new Economic Development Commission Director has prepared a flyer for distribution, and the inclusion of Bethel in both CERC and CEDAS as part of the regional planning authority. He also spoke of an upcoming project that the Director is coordinating that has no cost to the town – a 10 minutes video profile on Bethel which can be linked to a variety of websites. He provided an update on the Walnut Hill Bridge Project, noting that the north pier is complete and they have begun excavation on the south pier; according to the contractor, they appear to be on track for a December completion. First Selectman Knickerbocker also reported on the ongoing paving projects, noting that several roads have already been completed and several more are scheduled to be done this paving year but cautioned that it is an aggressive schedule and relies on the weather cooperating.

### **New Business**

#### **1.) Consideration of Public Site & Building Committee update and request to proceed with Police Station site reviews**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to authorize the Public Site & Building Committee to proceed with a Request for Proposals (RFP)

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for the subterranean, geotechnical survey as well as a site review and survey for the Police Station Project. Vote, all in favor, motion unanimously approved. Selectman Straiton requested that survey work be done on the entire property as he is not necessarily in favor of the location of the police station as he believes it should be visible from the road.

### **2.) Consideration of Tax Collector's request for Tax Refunds**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski, to approve the Tax Collector's request dated July 10, 2013 and authorize Tax Refunds and Abatement in the amount of \$29,370. Vote, all in favor, motion unanimously approved.

### **3.) Consideration of Tax Collector's request for Abatement of Taxes - Bethel Housing Authority & Augustana Homes**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to approve the Tax Collector's request, dated July 10, 2013 and abate the taxes for the Bethel Housing Authority (\$117,611.92) and Augustana Homes (\$49,771.28) for the Grand List of October 1, 2012 for the total amount of \$167,383.80. Vote, all in favor, motion unanimously approved.

### **4.) Consideration of C-PACE Program**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to pursue a commitment to join the C-PACE Program upon satisfactory review by town counsel and tax collector. Vote, all in favor, motion unanimously approved.

### **5.) Consideration of Planning & Zoning resubdivision stipulation - Open space for Deer Run Estates, and, if approved, referral to Board of Finance and establish date for Special Town Meeting**

Town Counsel Martin Lawlor explained that as part of a Planning & Zoning approval (letter dated December 7, 2012) for a re-subdivision, a 25.21 acre parcel is to be deeded to the town.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to recommend to the Board of Finance, the acceptance of 25.21 acres of open space per the Planning & Zoning Commission approval of the subdivision plan, and, if approved by the Board of Finance, to establish a Special Town Meeting date of Tuesday, September 17, 2013 at 7:00 p.m. Vote, all in favor, motion unanimously approved.

### **6.) Consideration of 2013 (January 2014 Archery only) Bethel Controlled Deer Hunt**

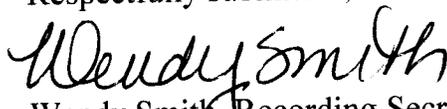
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First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to approve the request for the 2013 (January 2014 Archery only) Bethel Controlled Deer Hunt. Vote, all in favor, motion unanimously approved.

As there was no further business on tonight's agenda, First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to adjourn the regular meeting at 8:40 p.m. Vote, all in favor, motion unanimously approved.

Respectfully submitted,

  
Wendy Smith, Recording Secretary



# THE AMERICAN LEGION

## BETHEL POST 100

July 12, 2013

Office of the First Selectman  
Matthew Knickerbocker  
1 School St.  
Bethel, CT 06801

Dear Matt:

As the Adjutant for the Joseph W. Tarrant, Jr. Memorial Post 100, American Legion I am writing this request that the town of Bethel amend it's fee structure for the Bennett property to allow the veterans organizations from Bethel to pay the same rental fee's as the Boy Scouts currently pay.

Over the years I've asked various Selectmen and other town officials why we haven't had a reduced price and the answer has always been "because that's the way it is". When I recently approached you regarding this matter you suggested that I write a letter to have the Board of Selectmen put it on a future agenda. You personally thought that they would have no problem approving this request.

I personally think that this letter is wholly unnecessary and that the town should have done this a long time ago without us having to ask for it. While no one will dispute that the Boy Scouts are a fine organization, the veterans groups are in a class by themselves. Part of our credo is that we give back to the country, states and towns that have given us so much. It's also interesting to note that Post 100 has sponsored a Cub Scout Pack for more than 50 years.

Thank you for your consideration in this matter.

Sincerely,

Skip Clapp  
Adjutant Post 100  
Bethel, CT

To Be Attached & Recorded to the minutes

AUGUST 6, 2013

Attention Bethel Board Of Selectmen and B.P.U.C.

I am stating my dissatisfaction at the way the legal minutes of the July 8 2013 and July 16 2013 public hearings concerning the rejected sale of the Bethel Water Department characterize the proceedings.

I believe they have muted the opposition expressed by the town citizens and transformed the historic record into legal fiction.

As the last speaker of the July 8 hearing I stated my criticism of the way Selectman Knickerbocker's narrative changed from April 29 press release to the July 8 hearing.

His assertions that Aquarion could get the Eureka Water Tank built where the town of Bethel couldn't changed as Aquarion representatives dispelled any guarantee of successfully overturning the Danbury Planning Commission's opposition.

His statements about the \$4.5 million in water sale proceeds to be held in escrow for three years subject to legal and technical claims from Aquarion lost credibility when one resident pressed the Town Attorney on the possibility of a legal challenge by Aquarion. The \$4.5 million could not be guaranteed due to the fact that this was not an "as is" sale.

Lastly, I stated my objections to the way in which the July 16 public hearing was being portrayed as an additional venue for the public comment.

Scheduling the additional hearing was not a benign act by the selectmen to maximize the opportunity for public comment. It was crisis management in response to the failure of the Town Attorney to adhere to statutory warning requirements regarding the sale of publicly owned lands.

The July 8 Public Hearing was improperly warned and made the selectmen vulnerable to legal challenges hence the need for the July 16 Public Hearing that oddly followed the Town Meeting.

I believe that taxpayer comments should be reflected in the minutes of the meeting and since no protocol exists for a citizens' right to amend minutes I will work for a procedure that allows for a citizens' addendum procedure for Bethel public meetings.

Billy Michael

27 1/2 Fleetwood Ave

BETHEL

263-743-2456

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mccynth@gmail.com • 203.733-7554

## FAX MESSAGE:

August 4, 2013

Board of Selectmen  
Town of Bethel  
1 School Street  
Bethel, CT 06801

Fax: (203) 778-7520

RE: Minutes of Public Hearings on Proposed Sale of Bethel Water Supply to Aquarion  
07/08/2013 and 07/16/2013

To whom it may concern:

As a taxpayer, resident, and voter of the Town of Bethel and someone who attended both of the above-mentioned public hearings, I was shocked after reading the minutes as published on the Town website.

It was hard to believe that these were supposed to be the official record of the meetings I attended.

Page 1 of each document clearly declares the purpose of the hearings: **To receive public comments on the proposal to sell assets of the Town of Bethel Water Department to Aquarion Water Company.** I didn't see any text that said the purpose was to provide selected answers to some of the questions posed by the public.

In a recent conversation with Administrative Assistant Wendy Smith, I was told that only one or two comments were chosen for each speaker in order to keep the length of the document to a minimum. However, in the July 16<sup>th</sup> minutes, half the document's length is due to the fact that answers to the questions have been included. Why, if the purpose of the hearings was to "receive public comments" were ANY answers included? It would stand to reason that any priority regarding space consideration should be given first to public comments.

Perhaps the most unsettling aspect of these minutes is the minimization of the outrage was expressed by many of the participants – for the Sales Proposal AND the process. It's one thing to portray neutrality, but the way these minutes is more descriptive of a garden party with tea served in china cups, rather than the emotionally-charged four-hour hearings that I attended.

The referendum results which were known only two days following the July 16<sup>th</sup> hearing fly in the face of any defense that can be made for these minutes. The entire process needs to be reviewed, in order to ensure the accuracy of the historical record of these proceedings.

Sincerely,



Cynthia J. McCorkindale

THE VILLAGES AT



TIMBER OAK

6 Penny Lane  
Bethel, CT 06801  
August 2<sup>nd</sup> 2013

Mr. Matt Knickerbocker, Bethel First Selectman  
1 School Street  
Bethel, CT 06801

Dear Matt:

I am writing this letter to you on behalf of the Villages at Timber Oak Homeowner's Association and also as a Bethel resident. This is to request that the sewer charges contained in the four (4) water/sewer bills from December, 2012 through September, 2013 for account # 0514-200476 at 7 Grassy Plains Street – Clubhouse in the total amount of \$10,493.71 be considered for a significant refund.

In December, 2012 a major water leak was discovered from a one inch pipe located in the basement mechanical room which feeds both bathrooms in the clubhouse. This resulted in a significant increase in water consumption. However, since the leak was underground, this excessive amount of water did not enter the sewer system.

A second underground leak was also discovered in a half inch water line that feeds the back slop sink in June of this year. This too caused a significant increase in water consumption, but again the water did not end up in the sewer system.

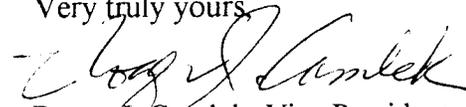
Instead, the water from both leaks went into the ground under the clubhouse where there is crushed stone under the slab. The water then seeped into the curtain drains which surround the clubhouse. From there the water flowed into the storm drains where it emptied into a water detention basin located on the east side of Grassy Plains Road.

There is no way of knowing how long these two leaks were active. However, I have attached an excel spread sheet which lists the water consumption in the clubhouse account dating back to 2008. The 96,900 gallons consumed during the December 1, 2012 billing period suggests that the first leak occurred sometime between July and Oct. 2012.

Our Board understands that the water usage portion contained in these four bills cannot be reduced. However, we also recognize as should you that the sewer charges represent unearned income by the Town of Bethel since there was no demand placed on the sewer treatment operation from these water leaks.

We would therefore appreciate your cooperation by arranging to have the Board of Selectman review this matter in its entirety. It is our Board's sincere desire that we reach an amicable settlement on this issue. If I can provide any additional information to assist your Board in its decision making process, please contact me at 203-792-2628. Thank you.

Very truly yours,



Roger J. Camlek, Vice President  
Timber Oak Homeowner's Assoc.

Date	Gallons	Reading	Total Cost	Water Portion	Sewer Portion
10/21/08-1/21/09	6,300	425,500	\$71.47	\$15.31	\$56.16
1/21/09-4/21/09	4,800	430,200	\$70.56	\$14.40	\$56.16
4/21/09-7/21/09	52,250	482,450	\$531.59	\$154.08	\$377.51
7/21/09-10/21/09	29,000	511,450	\$289.32	\$83.86	\$205.46
10/21/09-1/21/10			\$215.81		
1/21/10-4/21/10	7,800	650,950	\$76.00	\$19.84	\$56.16
4/21/10-7/21/10	55,450	706,400	\$564.91	\$163.74	\$401.17
7/21/10-10/21/10	25,900	588,000	\$257.03	\$74.50	\$184.53
10/21/10-1/21/11	17,750	834,400	\$172.13	\$49.89	\$122.24
1/21/11-4/21/11	14,050	848,450	\$133.55	\$38.71	\$94.84
4/21/11-7/21/11	28,450	642,650	\$283.60	\$82.20	\$201.40
7/21/11-10/21/11	9,400	652,050	\$85.11	\$24.67	\$60.44
10/21/11-1/21/12	9,100	661,150	\$90.31	\$32.09	\$58.22
1/21/12-4/21/12	3,750	664,900	\$75.60	\$19.44	\$56.16
4/21/12-7/21/12	49,700	714,600	\$556.50	\$197.74	\$358.76
7/21/12-10/21/12	9,500	811,500	\$1,027.76	\$300.19	\$627.57
10/21/12-1/21/13	25,500	1,231,000	\$4,465.86	\$1,894.76	\$2,571.10
1/21/13-4/21/13	723,100	1,954,100	\$7,317.68	\$3,118.18	\$4,200.44
4/21/13-7/21/13	29,500	2,000,000	\$3,118.18	\$1,254.68	\$1,863.50