



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

MINUTES OF REGULAR MEETING

Tuesday, June 15, 2010
7:30 p.m.
CJH Municipal Center – Meeting Room “A”

RECEIVED
2010 JUN 17 P 2:46
TOWN OF BETHEL
TOWN CLERK

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

Call to order/Pledge of Allegiance: First Selectman Knickerbocker called the regular meeting to order at 7:30 p.m.

Public Comments: J. Philip Gallagher and James Roden spoke.

Correspondence: none

Selectman Straiton made a motion, which was seconded by Selectman Szatkowski, to add to tonight's agenda, under Old Business – Consideration of Transfer Station. Vote, all in favor, motion unanimously approved.

Minutes of May 25, 2010 Special Meeting: Selectman Straiton made a motion, which was seconded by Selectman Szatkowski, to approve the minutes as presented. Vote, all in favor, motion unanimously approved.

Minutes of June 1, 2010 Regular Meeting: Selectman Szatkowski made a motion, which was seconded by Selectman Straiton, to approve the minutes as presented. Vote, all in favor, motion unanimously approved.

Minutes of June 8, 2010 Special Meeting: Selectman Straiton made a motion, which was seconded by Selectman Szatkowski, to approve the minutes as presented. Vote, all in favor, motion unanimously approved.

First Selectman Report: First Selectman Knickerbocker reported that the town engineer and building official are still reviewing the Masonic Temple. First Selectman Knickerbocker noted that the two bridge projects are back on track and both are anticipated to begin in 2011.

Old Business**1.) Consideration of Transfer Station**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski, to rescind the Board of Selectmen action of June 1, 2010 which adopted the July 1, 2010 rate structure for the Transfer Station. Vote, all in favor, motion unanimously approved.

Also discussed was the concern about the discrepancy in the dates for the Transfer Station permits. Town Charter reads January 1st, however, the town has been issuing them for June 1st for many, many years. Town Counsel Martin J. Lawlor will clean up the language for the ordinance change to read that the dates will be compatible with the town's fiscal year.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski, to establish a Public Hearing date of Tuesday, June 29, 2010 at 7:00 p.m. in the CJH Municipal Center for the proposed changes to the Transfer Station ordinance. Vote, all in favor, motion unanimously approved.

New Business**1.) Consideration of Tax Collector's request – Tax Abatement and Refund for Augustana Homes**

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to approve the Tax Collector's request, dated June 14, 2010 to abate taxes on the Grand List of October 1, 2008 in the amount of \$37,370 for Augustana Homes. Vote, all in favor, motion unanimously approved.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to approve the Tax Collector's request, dated June 14, 2010 and refund \$37,370 to Augustana Homes as a result of the abatement of taxes on the Grant List of October 1, 2008. Vote, all in favor, motion unanimously approved.

2.) Consideration of request – LaZingara, 8 PT Barnum Square – placement of handicap accessible ramp

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to approve the location and proposed construction of an ADA ramp in the public right of way on the Town's sidewalk located at 8 P.T. Barnum Square as shown on a certain plan entitled "Project: LA ZINGARA RESTAURANT ADDITION Drawing: PARTIAL ELEVATION @ RAMP Date: 06/14/10 Scale: ¼"= 1'" by LUCA", consisting of two sheets. The approval is granted in conjunction with the Planning & Zoning site plan approval for the location with the stipulation upon recommendation by the Town's Building Official that an ADA ramp be constructed and located within the Town's right of way.

The approval is subject to the following:

The plans as submitted shall be approved by the Building Official. In the event it is necessary to make changes to the plans and/or the actual construction of the ADA ramp, any such changes must be approved by the Building Official

The approval is subject to the Town of Bethel granting and executing an easement for the ADA ramp. The easement shall be in recordable form with an accompanying location survey to be filed in the office of the Town Clerk and shall be prepared by LaZingara or its principals at their sole cost and expense.

The easement shall indemnify and hold the Town of Bethel harmless from any injuries and/or property damage as a result of the construction, location or use of the ADA ramp in the Town's right of way.

The Town of Bethel shall not be responsible to maintain, repair or replace the ADA ramp. The easement shall affirmatively make provisions for the permanent maintenance, repair or replacement of the ADA ramp by parties other than the Town of Bethel.

The easement shall be subject to review and final approval by Town Counsel as to both form and content.

3.) Consideration of request - "51 & 53 Apollo Road/Toll Brothers stone wall plan"

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to approve the location and proposed construction of stone walls within the Town of Bethel right of way, Apollo Road, as shown on a certain plan entitled "N/F G&N Chelsea, LLC., 51-53 Apollo Road Stone Wall Plan", dated March 26, 2008, revised May 17, 2010 and prepared by Benjamin Doto, PE, LLC subject to the following:

The plans as submitted shall be approved by the Director of Public Works. In the event it is necessary to make changes to the plans and/or the actual construction of the stone walls, any such changes must be approved by the Director of Public Works.

The approval is subject to the Town of Bethel granting and executing an easement for the stone walls. The easement shall be in recordable form with an accompanying location survey to be filed in the office of the Town Clerk and shall be prepared by Toll Brothers at its sole cost and expense.

The easement shall indemnify and hold the Town of Bethel harmless from any injuries and/or property damage as a result of the construction, location or use of the stone wall in the Town's right of way.

The Town of Bethel shall not be responsible to maintain, repair or replace the stone walls. The easement shall affirmatively make provisions for the permanent maintenance, repair or replacement of the stone walls by parties other than the Town of Bethel.

The easement shall be subject to review and final approval by Town Counsel as to both form and content.

4.) Consideration of recommendation to the Board of Finance – Road Renewal Plan and/or establishing a Public Information Session date.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to establish a Public Information Session, to be held on Wednesday, July 14, 2010 for the purpose of presenting the Road Renewal Plan to the public.

5.) Consideration of request from the Ad-Hoc Bethel High School Track & Field Committee – waive bidding procedure and award track surfacing bid.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, that:

RESOLVED that the Board of Selectmen, in accordance with the provisions of the Town of Bethel Charter, Section C8-13(C)(4)iii, finds that it is in the public interest and the public economy to waive the bidding requirements with respect to the award of the Bethel High School Track Surfacing Contract for the Bethel High School Track & Pavilion Project, (“Project”), for the following reasons:

- 1.) Time for completion of this Project is crucial with the same to be substantially completed prior to the start of the Fall, 2010 school term.
- 2.) The waiving of this bid will result in substantial time savings which will aid in the Project’s completion prior to the start of the Fall, 2010 school term.
- 3.) The funds being utilized for this Project are private funds and not those of the Town of Bethel.
- 4.) In lieu of bids, a Proposal has been submitted by Action-Track (Copeland) to provide the above referenced services and/or materials in the amount of \$ 192,100, and the Proposal as submitted has been reviewed and approved by the BHS Track and Pavilion Committee and is hereby accepted and approved.

And it is further **RESOLVED** that the First Selectman, and or his designee(s) on behalf of the Board of Selectmen, is hereby authorized to execute any documents and to take any actions necessary or appropriate to effectuate and finalize the foregoing.

6.) Consideration of authorizing the First Selectman to negotiate and execute any and all contracts and agreements regarding Musco Sports Lighting, LLC and Musco Financing, LLC.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to authorize Matthew S. Knickerbocker, First Selectman, to negotiate and execute any and all

contracts and agreements regarding Musco Sports Lighting, LLC and Musco Financing, LLC. Vote, all in favor, motion unanimously approved.

7.) Consideration of resolution – authorization to proceed with Safe Routes to School Project

First Selectman Knickerbocker made a motion, which was seconded by Selectman Szatkowski, that:

“WHEREAS, the Town of Bethel has published a legal notice display ad, and mailed a formal letter to abutting property owners, announcing a public informational meeting for the proposed Safe Routes to School project, and mailed notification to a number of officials and agencies,

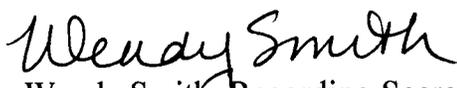
WHEREAS, a public informational meeting was held on June 2, 2010 at which meeting residents had an opportunity to voice their concerns; and

WHEREAS, the Board of Selectman has considered the concerns of the residents from the public informational meeting and finds that the proposed project is in the best interest of the Town of Bethel, and will promote the health, safety and general welfare of its residents and provide for convenience and safety of the motoring public.

WHEREAS, the Town of Bethel, based on the above information, and by virtue of this resolution, hereby fully supports the proposed project.

As there was no further business on tonight’s agenda, Selectman Szatkowski made a motion, which was seconded by Selectman Straiton, to adjourn the meeting at 8:15 p.m. Vote, all in favor, motion unanimously approved.

Respectfully submitted,


Wendy Smith, Recording Secretary