



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, September 2, 2014
7:30 p.m. or immediately following the Public Hearing
CJH Municipal Center – Meeting Room “A”

RECEIVED

2014 SEP -4 P 3:34

TOWN OF BETHEL
TOWN CLERK

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 meeting to order at 7:42 p.m.

Public Comments: David Glahn

Correspondence: None that was not already on tonight's agenda.

Minutes of August 19, 2014: Selectman Szatkowski made a motion, which was seconded by Selectman Straiton, to approve the minutes as presented. Vote, all in favor, motion unanimously approved. First Selectman Knickerbocker abstained from voting as he was not in attendance at the meeting.

Minutes of August 27, 2014: Selectman Szatkowski made a motion, which was seconded by Selectman Straiton, to approve the minutes as presented. Vote, all in favor, motion unanimously approved.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to add to tonight's agenda, New Business - Consideration of resolution – update to previously adopted resolution – Water Storage Tank. Vote, all in favor, motion unanimously approved.

First Selectman Report: Selectman Straiton discussed the Teen Center and the move towards establishing a permanent space for the center. He advised that, in the grant funds, there are

funds allocated for design and that he has been working with different architectural firms to create the drawings.

First Selectman Knickerbocker advised that work continues on road paving projects, town crews are now working on Hoyt Road and Shelter Rock Road. Letters were sent to residents of Cindy Lane and Meckauer Circle advising them that their roadway work will be moved until spring to accommodate some utility work.

First Selectman Knickerbocker also advised that the C&H lawsuit against the Town of Bethel has been settled in Connecticut Supreme Court with a full defendants ruling in favor of Bethel.

He also noted that today, both he and Comptroller Robert Kozlowski had a positive bond rating conference call with representatives from Fitch.

Old Business

1.) Consideration of replacement of the Municipal Center boiler – referral to Board of Finance, waiving of the bidding procedure and establish a Special Town Meeting date.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to recommend to the Board of Finance, funding an appropriation of \$64,880 for the emergency replacement of one of the Municipal Center boilers. Vote, all in favor, motion unanimously approved.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to establish a Special Town Meeting date of Wednesday, September 10, 2014 at 7:30 p.m. in the CJH Municipal Center, Meeting Room "A". Vote, all in favor, motion unanimously approved.

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, 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 a contract for the purchase and installation of a Buderus 515/12 cast-iron scotch-marine boiler as a replacement boiler for one of the two boilers at the CJH Municipal Center in an amount not to exceed \$64,880 (Sixty Four Thousand Eight Hundred and Eight Dollars) for the following reasons from Connecticut Combustion Corporation

- 1.) With the upcoming heating season, the existing operating boiler # 1 (Burnham V-11 – serial # 64175834 (right side) is insufficient to properly heat the CJH Municipal Center on its own due to an *intermediate section failure* (Boiler # 2 Burnham V-11 – serial # 64175835 – left side) which requires the immediate installation of the replacement boiler for the malfunctioning second boiler.

- 2.) The waiving of this bid will result in substantial time savings which will allow for the installation of the boiler prior to the onset of winter weather conditions and will prevent the disruption of critical daily operations for the CJH Municipal Center.
- 3.) That Connecticut Combustion Corporation is currently providing services and materials to the Town's Education and Municipal Buildings; and, the Town has had previous past dealings and experiences with Connecticut Combustion Corporation which services provided have proved satisfactory.
- 4.) That the installation of this replacement boiler is being recommended by the Town's Public Works Department and the Town's mechanical and engineering consultant, the process to replace needs to begin immediately.

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 subject to approval by the Bethel Board of Finance and a Special Town Meeting.

Vote, all in favor, motion unanimously approved.

New Business

1.) Consideration of appointment – Public Site & Building Commission

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to appoint Robert Durkin as an Ad-Hoc Member of the Public Site & Building Commission for the Police Station Project. Vote, all in favor, motion unanimously approved.

2.) Consideration of adoption of Ordinance – Western Connecticut Council of Governments

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to adopt the Western Connecticut Council of Governments Ordinance as prepared and published. Vote, all in favor, motion unanimously approved.

The ordinance is as follows:

Chapter 18. WESTERN CONNECTICUT COUNCIL OF GOVERNMENTS

WHEREAS, the Town of Bethel, Connecticut ("Town") has heretofore been a designated member municipality of the Housatonic Valley Planning Region; and,

WHEREAS, the Town is a member of the Housatonic Valley Council of Elected Officials (“HVCEO”), a regional council of elected officials and regional planning agency serving the Housatonic Valley Planning Region; and,

WHEREAS, the current member municipalities of the Housatonic Valley Planning Region are the Town, Bridgewater, Brookfield, Danbury, New Fairfield, New Milford, Newtown, Redding, Ridgefield, and Sherman; and,

WHEREAS, the State of Connecticut has determined that a reorganization and redesignation of planning regions shall be completed on or before January 1, 2015; and,

WHEREAS, pursuant to C.G.S. § 16a-4c(b) (as amended by Public Act 13-247, § 249), the member municipalities of HVCEO and of the South Western Regional Planning Agency (“SWRPA”) have agreed to consolidate the Housatonic Valley Planning Region and the South Western Planning Region into a single planning region; and

WHEREAS, on or about December 6, 2013, the Office of Policy and Management of the State of Connecticut (“OPM”) redesignated the Housatonic Valley Planning Region and the South Western Planning Region as the Western Connecticut Planning Region; and,

WHEREAS, Public Act 13-247, § 250 requires that each regional planning agency and regional council of elected officials within a planning region restructure as a single regional council of governments on or before January 1, 2015; and

WHEREAS, HVCEO and SWRPA have determined, subject to the municipal approvals referred to herein, to restructure themselves as the Western Connecticut Council of Governments, which shall commence operations at the end of the Transitional Period (as defined herein); and,

WHEREAS, the Town desires to participate in the establishment of the Western Connecticut Council of Governments as the regional council of governments for the Western Connecticut Planning Region by (1) approval of an ordinance by its legislative body pursuant to C.G.S. §4-124j adopting C.G.S. §§4-124i through 4-124p; (2) filing by the Town Clerk of a certified copy of the adopting ordinance with the Secretary of OPM; and (3) upon certification by the Secretary of OPM that the Western Connecticut Council of Governments has been duly established as the regional council of governments for the Western Connecticut Planning Region, participating in the operation of the Transitional Executive Committee of the Western Connecticut Council of Governments during the Transitional Period, as defined herein; and,

WHEREAS, the Town desires to (1) remain a member of HVCEO as it continues to operate and wind down as a council of elected officials and regional planning agency during the Transitional Period, as defined herein, and (2) participate with the other former members of HVCEO after the Transitional Period as an unincorporated association to administer and assume any and all

rights, privileges and obligations of HVCEO that the Transitional Executive Committed deems unacceptable for assumption by the Western Connecticut Council of Governments; and

WHEREAS, HVCEO has been designated since 1981 pursuant to federal and state law as the Metropolitan Planning Organization (“MPO”) for the municipalities comprising HVCEO; and

WHEREAS, on or about June 19, 2014, HVCEO created a transitional MPO board (“Transitional MPO Board”) to succeed to the rights and responsibilities of HVCEO as an interim MPO beginning on January 1, 2015 and continuing until a new MPO has been designated for either the former Housatonic Valley Planning Region or the Western Connecticut Planning Region, and the Town desires to have the First Selectman serve as a member of such Transitional MPO Board.

NOW THEREFORE BE IT ORDAINED, AS FOLLOWS:

§18-1. Creation of Western Connecticut Council of Governments.

The Town hereby joins with such other adopting municipalities of the Western Connecticut Planning Region to create a regional council of governments to be known as the Western Connecticut Council of Governments (“WCCOG”), by adopting the provisions of C.G.S. §§4-124i – 4-124P, as amended by Public Act 13-247, and further amended by Public Act 14-217, §§ 228 and 256.

§18-2. Certification by the Secretary of OPM; Transitional Executive Committee and Transitional Period.

- A. Upon certification by the Secretary of OPM that at least sixty percent of the municipalities in the Western Connecticut Planning Region have adopted ordinances creating a regional council of governments, as required by the Connecticut General Statutes, the Western Connecticut Council of Governments shall be established.
- B. Upon such certification, a transitional period (hereafter the “Transitional Period”) shall commence, and shall conclude no later than January 1, 2015. During such period the First Selectman shall participate as a member of the Transitional Executive Committee, as defined and for the purposes set forth in Section 4-124I(b) of the Connecticut General Statutes, as amended by Public Act 14-217, §§ 228 and 256. The legislative body of the Town shall appoint, in the manner provided by ordinance, an elected official to serve as an alternate member of the Transitional Executive Committee in the absence of the First Selectman. The First Selectman also may send a representative in his or her stead; however, such representative shall not be a member of the Transitional Executive Committee.

- C. Except as provided in Section 6 below, at the conclusion of the Transitional Period, the Transitional Executive Committee shall cease to exist, and the Western Connecticut Council of Governments shall succeed to and be responsible for all of the rights, privileges and obligations of HVCEO and SWRPA, whether statutory or contractual, relating to such active programs as may be recommended by the Transitional Executive Committee and adopted by the Western Connecticut Council of Governments following appropriate due diligence and good faith negotiations during the Transitional Period.

§18-3. Membership in the Western Connecticut Council of Governments.

At the conclusion of the Transitional Period, the Town shall be a member of the Western Connecticut Council of Governments.

§18-4. Powers and Duties of the Western Connecticut Council of Governments.

Except as provided in Section 6 below, the Western Connecticut Council of Governments shall have such powers, purposes, rights, duties and responsibilities of regional councils of governments as are set forth in the Connecticut General Statutes, currently and as they hereafter may be amended.

§18-5. Representative to the Western Connecticut Council of Government.

The First Selectman shall be the representative of the Town to the Western Connecticut Council of Governments. The legislative body of the Town may appoint, in the manner provided by ordinance, an elected official to serve as an alternate representative in the absence of the First Selectman. The First Selectman may send the alternate to meetings in his or her stead; and the alternate in that instance shall be entitled to the same rights and privileges as the First Selectman. The Town shall notify the Western Connecticut Council of Governments in writing of the appointment of an alternate under this section. Each City/Town shall be entitled to one vote in the affairs of the Western Connecticut Council of Governments.

§18-6. HVCEO's Continued Existence During Transitional Period.

The Town shall remain a member of HVCEO as it continues to operate and wind down as a regional council of elected officials and regional planning agency until the end of the Transitional Period. After the Transitional Period ends, the Town also may create, together with the other former HVCEO member municipalities, an unincorporated association to assume and administer all rights, privileges and obligations of HVCEO that the Transitional Executive Committee, in its sole discretion, deems unacceptable for assumption by the Western Connecticut Council of Governments. The First Selectman shall be the Town's representative to such association.

§18-7. First Selectman to serve on Transitional Metropolitan Planning Organization Board.

The First Selectman shall serve as a member of the Transitional MPO Board, which has been created by HVCEO to temporarily perform the functions of the MPO for the municipalities in the former Housatonic Valley Planning Region beginning on January 1, 2015 and until such time as the Governor redesignates an MPO to serve that former region or the Western Connecticut Planning Region pursuant to 23 U.S.C. § 134.

§18-8. Withdrawal from HVCEO; Repeal of Prior Ordinances. Pursuant to § 8-36a of the Connecticut General Statutes, the Town hereby withdraws as a member of HVCEO, effective as of the expiration of the Transitional Period. The following ordinance provisions regarding HVCEO are repealed effective as of the end of the Transitional Period, Ordinance RE: Council of Chief Executives, dated and approved on December 12, 1968, except that the Transitional MPO Board referred to in Section 7 hereof shall continue in existence for such time period as determined by its members.

3.) Consideration of appointment – Interim Public Works Director

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to appoint Robert Dibble as the Interim Public Works Director. Vote, all in favor, motion unanimously approved.

4.) Consideration of resolution – update to previously adopted resolution – Water Storage Tank

First Selectman Knickerbocker advised of the need to reaffirm/recertify the resolution that was passed (12/6/07) by the previous Board of Selectmen, and updated in August 2010 for the contract with the State Department of Health for a \$500,000 loan to be applied to the earlier grant that was received by the Department of Economic Development (\$600,000) to construct a water Storage Tank at Eureka Park.

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

BE IT RESOLVED, that it is in the best interested of the Town of Bethel to enter into contracts with the Department of Public Health.

IN FURTHERANCE of this Resolution, Matthew S. Knickerbocker, First Selectman is duly authorized to enter into and sign said contracts on behalf of the Town of Bethel. Matthew S. Knickerbocker, First Selectman is further authorized to provide such additional information and execute such other documents as may be required by the State in connection with said contracts and to execute any amendments, recisions, and revisions thereto.

5.) Consideration of appraisal – 68A Maple Avenue (*Executive Session anticipated*)

First Selectman Knickerbocker made a motion, which was seconded by Selectman Straiton, to go into Executive Session at 8:10 p.m. for the purpose of discussion of the appraisal. Town Counsel Martin Lawlor was invited into the Executive Session. Vote, all in favor, motion unanimously approved.

Executive Session ended at 8:42 p.m. No action taken.

Selectman Straiton made a motion, which was seconded by Selectman Szatkowski, to adjourn tonight's meeting at 8:43 p.m. Vote, all in favor, motion unanimously approved.

Respectfully submitted,

Wendy Smith, Recording Secretary