

MINUTES  
REPRESENTATIVE TOWN MEETING  
Regular Meeting  
June 6, 2016

RECEIVED FOR RECORD  
WATERFORD, CT

16 JUN -9 AM 10:35

ATTEST: *David L. Conpo*

The June 6, 2016 Regular Meeting of the Representative Town Meeting was called to order by Thomas J. Dembek, moderator, at 7:30 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Thomas F. Ammirati, Marc Balestracci, Ryan Cairns, Edward Carboni, Timothy R. Condon, Thomas J. Dembek, Susan Driscoll, Steven D. Garvin, Paul S. Goldstein, Jeremy Grabel, Bruce Kruszewski, Julia Kushigian-Secor, Brian F. Lynch, Calley Merriman, Richard F. Muckle, Valerie A. Muckle, Jennifer S. Mullen, Francisco Ribas, Brian Rheaume.

ABSENT: Michael Perkins, Michael Rocchetti.

EX-OFFICIO MEMBERS PRESENT: First Selectman Daniel M. Steward, Selectmen Robert J. Brule and Chair of the Board of Finance Ronald R. Fedor.

EX-OFFICIO MEMBERS ABSENT: Selectman Peter W. Davis; Chair of the Board of Education Jody Nazarchyk.

PUBLIC COMMENT

NONE

AGENDA ITEM D – April 4, 2016 Minutes.

MOTION by R. Muckle, seconded by Driscoll, to accept the minutes of April 4, 2016 regular meeting.

VOTING IN FAVOR: Unanimous.

AGENDA ITEM E – May 2, 2016 Minutes.

MOTION by R. Muckle, seconded by Kushigian-Secor, to accept the minutes of the May 5, 2016 Annual Budget Meeting with the following correction: Remove Susan Driscoll from being marked absent.

VOTING IN FAVOR: Unanimous.

AGENDA ITEM F – Correspondence:

From Robert Nye, Town Historian, regarding The Town Hall window replacement project (See Attachment).

Correspondence received just prior to April 4 , 2016 Regular Meeting regarding the status of paid firemen. (See attachment)

Moderator Dembek referred the issue to the Public Protection & Safety Committee.

Correspondence received from Avena & Kepple, LLC regarding "Proposed Chapter 12.05 Obstructions in Towns Right of Way". (See Attachment)

Moderator Dembek will refer to a committee later in the week.

AGENDA ITEM G – Committee Reports.

MOTION by Driscoll, seconded by R. Muckle to accept committee reports.

VOTING IN FAVOR: Unanimous.

AGENDA ITEM H – Transaction of business on the call.

CALL ITEM 1 – Committee Appointments Resulting From Resignations.

MOTION by Driscoll, seconded by Condon, to appoint the new members (Edward Carboni & Sheri Cote), elected by special election prior to the meeting to assume the vacated standing committee assignments left by Theodore Olynciw and Gerard Gaynor as follows:

Sheri Cote: Public Works, Planning & Development.

Edward P. Carboni: Public Protection & Safety.

VOTING IN FAVOR: Unanimous.

CALL ITEM 2 – Nevins Cottage Hazardous Materials Testing.

MOTION by Driscoll, seconded by Lynch, to approve a request from the Board of Finance for an appropriation of \$2,380 from Capital and Non Recurring Designated Line Item #20511-57767 Nevins Cottage Structural Repairs for payment of hazardous materials testing at the Nevins Cottage, based upon its consistency with the Capital Improvement Program.

VOTING IN FAVOR: Unanimous.

CALL ITEM 3 – Quaker Hill Boiler Replacement.

MOTION by Driscoll, seconded by Kushigian-Secor, to approve a request from the Board of Finance on behalf of Fire Services for an appropriation of \$5,000 from Capital and Non Recurring line Item # 20523-57753 Boiler Replacement and an appropriation in the amount of \$15,000 from Capital and Non Recurring Line Item # 20500-31520 Undesignated Fund Balance for a total appropriation of \$20,000 for the boiler replacement at Quaker Hill Fire Company, based upon its consistency with the Capital Improvement Program.

VOTING IN FAVOR: Unanimous.

CALL ITEM 4 – Jordan Fire Station Electrical Upgrade

MOTION by Driscoll, seconded by Lynch, to approve a request from the Board of Finance on behalf of Fire Services for an appropriation of \$5,000 from Capital and Non Recurring Designated Line Item # 20523-57751 Electrical Upgrade – Jordan, for the first phase of the electrical upgrade at Jordan Fire Station, based upon its consistency with the Capital Improvement Plan.

VOTING IN FAVOR: Ammirati, Balestracci, Cairns, Carboni, Dembek, Driscoll, Garvin, Goldstein, Grabel, Kruszewski, Kushigian-Secor, Lynch, Merriman, R. Muckle, V. Muckle, Mullen, Ribas, Rheaume.

ABSTAINING: Condon.

CALL ITEM 5 – Cohanzie Fire Station Windows And Door Replacement.

MOTION by Driscoll, seconded by Condon, to approve a request from the Board of Finance on behalf of Fire Services for an appropriation of \$7,000 from Capital and Non Recurring Designated Line Item # 20523-57760 Cohanzie Windows and Door Replacement, for replacement of an interior door and the addition of two card reader points to the existing access control throughout the Cohanzie Fire Station, based upon its consistency with the Capital Improvement Program.

VOTING IN FAVOR: Unanimous

CALL ITEM 6 – Cohanzie Fire Station Masonry Repairs.

MOTION by Grabel, seconded by Driscoll, to approve a request from the Board of Finance on behalf of Fire Services for an appropriation of \$24,000 from Capital and Non Recurring Designated Line Item # 20523-57778 Cohanzie Fire Station Building Renovations, for masonry repairs at the Cohanzie Fire Station based upon its consistency with the Capital Improvement Program.

VOTING IN FAVOR: Unanimous.

CALL ITEM 7 – School Building Committee Vacancy.

MOTION by R. Muckle, seconded by Cairns, to appoint Francisco Ribas to the School Building Committee (Term ending 06/30/2020).

VOTING IN FAVOR: Unanimous.

CALL ITEM 8 – Connecticut Neighborhood Assistance Act.

MOTION by Ammirati, seconded by Cairns, to approve an application from the Eugene O’Neill Theater Center for submission based upon a recommendation from the Education Committee.

VOTING IN FAVOR: Unanimous.

CALL ITEM 9 – Registrar of Voter Salary.

MOTION by Goldstein, seconded by Balestracci, to recommend to the Board of Selectmen to adopt and request funding to support the Finance, Wage and Personnel Standing Committee report to be effective July 1, 2016. (See Attachment)

VOTING IN FAVOR: Unanimous.

MODERATOR RECOMMENDATION

MOTION by R. Muckle, seconded by Lynch, to move New Business up to accommodate a possible executive session.

VOTING IN FAVOR: Unanimous.

NEW BUSINESS

MOTION by R. Muckle, seconded by Balestracci, to reduce fees for entering Waterford Beach Park based on the State of Connecticut’s decision to rescind the tax that had been placed on vehicles entering parks in the State of Connecticut. (See Attachment)

VOTING IN FAVOR: Unanimous.

CALL ITEM 10 – Executive Session to Discuss Strategy and/or Negotiations.

MOTION by Goldstein, seconded by Ribas, that the members of the Representative Town Meeting , together with First Selectman Daniel Steward, Director of Human Resources Joyce Sauchuk, Chief Brett Mahoney, Finance Director Maryanna Stevens, and Labor Counsel Eileen Duggan go into executive session at 8:31PM for the purpose of discussing strategy and/or negotiations with respect to collective bargaining with multiple bargaining units. This action is taken without prejudice to the RTM’s right to discuss these matters in a private meeting pursuant to Connecticut General Statutes §1-200 (2).

VOTING IN FAVOR: Unanimous.

MOTION by R. Muckle, seconded by Lynch, to come out of executive session at 8:54PM.

VOTING IN FAVOR: Unanimous.

CALL ITEM 11 – Waterford Police Union Contract.

MOTION by Goldstein, seconded by Cairns, that the members of the Representative Town Meeting approve the expenditure of funds necessary to implement the tentative agreement between the Town and the United Public Service Employees Union/Connecticut Organization for Public Safety Division (UPSEU/COPS) Waterford Police Union effective July 1, 2015- June 30, 2019.

VOTING IN FAVOR: Unanimous.

MOTION by R. Muckle, seconded by Grabel, to adjourn at 8:58PM.

VOTING IN FAVOR; Unanimous.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "David L. Campo". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David L. Campo  
Town Clerk

April 12, 2016

Thomas J. Dembek  
RTM Moderator  
63 Goshen Road  
Waterford, CT 06385

RECEIVED FOR RECORD  
WATERFORD, CT  
16 APR 14 AM 9:37  
WITNESSED  
Blawie L. Cooper  
TOWN CLERK

Dear Tom,

I want to thank you for letting me speak at the April 4<sup>th</sup> meeting. I also appreciated the Town Clerk receiving my statement and the two renderings of the proposed window replacement project at Town Hall and posting them with the minutes on the town's website.

I realize the RTM cannot take action on the matter but as the body closest to the people I thought it important for you to understand the ramifications of what is called for in the specifications and why I and the Historic Properties Commission believe they are historically and architecturally inappropriate.

The Board of Selectmen is faced with a once in a lifetime opportunity to establish a lasting legacy for a landmark building, one of only four owned by the town. (The others are the Hall of Records, the Jordan Park House (1928 Library), and the Nevins Tenant Cottage). Tentatively scheduled for April 19<sup>th</sup>, the board will vote on the bid award for the project. I hope that members of the RTM – and their constituents – who feel strongly one way or the other will attend the meeting.

There is absolutely no reason why my and the HPC's objections to the specifications called for by the town should have turned into an eleventh hour appeal. From early on it was clear how we felt about the importance of restoring the windows to their original appearance. Beginning with a letter to Mr. Steward dated November 17, 2014, I wrote that "[R]emoval of the original 6 over 1, double-hung windows [in 1983] have compromised an important defining element" of the building, adding "I will be happy to provide additional information and/or answer any questions you may have." I received no response. Then from the minutes of the May 12, 2015 HPC meeting: "[T]he commission strongly recommends that the replacement windows (proposed) match the original six over ones and fill the entire opening – at least in the front of building." Further, in July of 2015 I submitted photographs to the Facilities Maintenance Coordinator (who was primarily responsible for drafting the specifications) of the Montville Town Hall, the former Uncasville School, showing how the drop ceiling inside was designed to accommodate the original, full height of the windows. Again, no response. Then from a February 11, 2016 memo to Mr. Steward from the HPC: "[T]he specifications for the Town Hall window replacement project should be discussed in a more open, transparent, and inclusive forum. ... In the meantime the window project should be placed on hold." Again, no response.

At this late hour, without ever having invited the HPC and myself to the table, the only responsible recourse is for the Board of Selectmen to postpone their vote on the bid award (the 60-day window is open until May 21) and give serious consideration to the HPC's proposal. If new RFPs have to be sent out then so be it. This project is far too important and far too long-lasting to be treated as a routine maintenance matter.

I would also like to respond to two matters I feel were misrepresented by Mr. Steward at the April 4<sup>th</sup> meeting. First, no options to the plan have been presented to the Historic Properties Commission. Hence there were no options to reject. I will also add that the architect Mr. Steward referred to was hired as an as-needed consultant to advise strictly on the technical aspects of the specifications – not the design.

The other matter relates to the Hall of Records (YSB) window project. There was indeed a second RFP in order to clarify the specifications calling for restoration of the window sashes. Regarding bid submission, among the several contractors who participated in the walk-through, as well as myself, only two of them met the professional qualifications. The others specialized in window replacement, not restoration. Deschene & Cooper, for whatever reason, chose not to submit a bid. Thus the contract was awarded to Kronenberger & Sons. (It's important to know that there are no more than a handful of qualified restoration contractors in the entire state). Why Mr. Steward believes that I am responsible for the project costing the town an additional \$30,000 I don't understand. Regardless Kronenberger & Sons did a beautiful job.

Thank you for your interest.

Sincerely,



Robert Nye, Municipal Historian

cc.: RTM members  
Board of Selectmen  
Director of Planning & Development  
Facilities Maintenance Coordinator  
HPC members  
Board of Finance  
Director of Finance  
Purchasing Agent  
Design Review Board  
Town Attorney  
Town Clerk

Tom Martin  
21 Devonshire Drive  
Waterford, CT 06385

Representative Town Meeting  
15 Rope Ferry Rd  
Waterford, CT 06385

4/1/16

To whom it may concern:

I am writing to the Board of RTM requesting that a committee review town ordinance 2.116.090 *Status of the paid firefighters*. I am currently employed as a career firefighter for the town of Waterford and I am making this request both as an employee and as a resident of the Town of Waterford.

I am concerned with the language specifically in the sentence: *Consistent with these ordinances, the firefighter will be subject to the direction of the chief when providing on-scene ground operations at fire scenes and fire stations*. Typically by the By-Laws of the Town's volunteer fire companies, the Fire Chief position is elected on a two year basis by the membership of the fire company. This By-Law allows for a lack of consistency between both the administration and the firefighters. In my opinion, often there are times when a volunteer chief is not available to deal with day-day operations, and while I understand the Director of Fire Services does not have the ability to have on scene operational direction; I believe the Director of Fire Services should give day to day direction while the firefighters are in the station.

Thank you for your consideration into this matter.

Respectfully,



Tom Martin

RECEIVED FOR RECORD  
WATERFORD, CT  
16 APR -1, PM 3:40  
TOWN CLERK  
Teresa [Signature]  
TOWN CLERK

## **2.116.090 Status of paid firefighters.**

Firefighters receiving direct compensation from the town shall be employees of the town, shall be under the overall supervision of the Director of Fire Services, and shall operate consistent with and pursuant to Town ordinance in support of Volunteer Firefighters as determined by the Town's Director of Fire Services. Paid firefighters maybe assigned to a volunteer company or department only upon request or agreement of the company or department concerned, which agreement shall not be unreasonably withheld. Selection of a firefighter to fill such a position shall be made from a list of applicants, compiled by the Director of Human Resources. All applicants must have successfully passed the town's applicant testing process administered by the town's Human Resources Office. Consistent with these ordinances, the firefighter will be subject to the direction of the chief when providing on-scene ground operations at fire scenes and fire stations. Direction and supervision of these employees shall be in accordance with all town employment-related policies and procedures, applicable collective bargaining agreements and shall be in compliance with all applicable laws. (Prior code §7-10)

# AVENA & KEPPLER, LLC

ATTORNEYS AT LAW

ROBERT A. AVENA  
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PARALEGAL  
LISA A. PILLMEAR  
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May 25, 2016

Thomas Dembek  
RTM Moderator  
Town of Waterford  
15 Rope Ferry Road  
Waterford, CT 06385

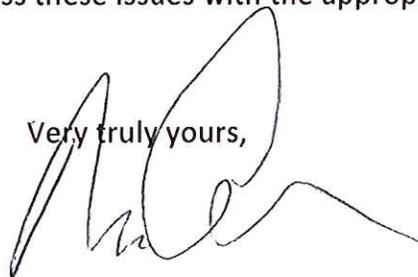
RECEIVED FOR RECORD  
WATERFORD, CT  
16 JUN - 1 AM 9:54  
TEST: David L. Lopez  
TOWN CLERK

RE: Proposed Chapter 12.05: Obstructions in Town Rights of Way

Dear Tom:

On behalf of the Public Works and Police departments, I enclose a draft Obstructions in Town Rights of Way ordinance – Chapter 12.05 for your referral to the proper RTM standing committee. Over the years, the Town has experienced road obstructions and great exposure to liability due to the presence of sporting equipment, walls, fences, and other obstructions in the Town's rights of way. This proposed ordinance addresses some of these concerns, and we will be please to further discuss these issues with the appropriate standing committee.

Very truly yours,



Robert A. Avena

Cc: Dan Steward  
Kristin Zawacki  
Abby Piersall  
Brett Mahoney

# DRAFT

## Chapter 12.05 – OBSTRUCTIONS IN TOWN RIGHTS OF WAY

### Sections:

#### 12.05.01 - Purpose

The unauthorized encroachment and/or placement of obstructions within a public right of way in the Town of Waterford is detrimental to the health, safety, and general welfare of the community. Such obstructions constitute an attractive nuisance to children and imperil safety, create dangerous situations by obstructing the view of pedestrians or motorists, damage town property and depreciate property values. The control and use of the town rights of way is hereby regulated for the preservation of the health, safety, and general welfare of the community.

#### 12.05.02 - Definitions

For the purpose of this chapter, the following terms and phrases shall have the meanings set forth in this section, unless a different meaning is clearly indicated by the context:

- A. Encroachment: any permanent fixture or addition, such as a wall or fence, berm, shrubbery, planting, bushes or trees (except grass) which illegally intrudes into or invades a portion of the public right of way, obstructing or diminishing the width or area of the same but without closing it to public travel.
- B. Obstruction: any permanent or temporary hindrance, obstacle, or barrier, including but not limited to fences, posts, structures, containers, and sporting equipment such as basketball hoops, skateboard ramps, etc., positioned in or near a public right of way which in any manner impedes or interrupts free passage along the same. Trash and recycling barrels shall be permitted in the public right of way only for the purpose and time periods listed in chapter 8.04 *et seq.* of these regulations.
- C. Private underground system: any permanent underground device installed for private use, such as but not limited to underground irrigation systems or in-ground electric pet fencing systems.
- D. Property Owner: the holder of the title in fee simple of the real property on or adjacent or abutting to the location where an unlawful encroachment or obstruction is situated.
- E. Public right of way: the land occupied or intended to be occupied by a street, road, avenue, highway, including the walkway and/or sidewalk areas thereof, for the full width of the dedication thereof, used or intended to be used for the passage or movement of vehicles or pedestrians and members of the public and owned, or dedicated for such use, by the Town of Waterford or State of Connecticut. The right of way includes all related property of the Town or

state, inclusive of the road, sidewalk, and unpaved and/or planted areas, and town easements for public utilities, including such easements over private properties.

- F. Public utilities: include but are not limited to electrical and communication lines, sanitary sewers, storm sewers, and water lines.
- G. Town official: the officer or officers, who are authorized by this chapter to exercise the powers prescribed herein, including the First Selectman, Director of Public Works, Fire Marshall, Fire Services Administrator or designated agents, and any police officer of the Town.
- H. Utility easement: any designated land area occupied or intended to be occupied by a public utility line, sanitary sewer, storm sewer or water line.

#### **12.05.03 - Encroachments or Obstructions in Public Right of Way Prohibited**

It shall be unlawful for any person to cause, permit, or maintain any encroachment to or obstruction of any public right of way, utility easement, or other public place unless and only to the extent and duration specifically authorized by an appropriate town official. Any such encroachment or obstruction shall be deemed malicious if repeated or continued after the person committing such act has been notified of the violation. All use of the town rights of way for placement of utility lines of any kind is prohibited without approval by the appropriate town officials and receipt of the proper right of way excavation permits.

#### **12.05.04 - Notice of Violation**

In the event that an encroachment or obstruction which violates this chapter is identified, the town official shall notify the property owner by certified mail and/or abode service, and request the removal thereof.

#### **12.05.05 - Removal of Encroachments or Obstructions by Town; Costs of Removal Charged to Property Owner**

If within 15 days after having received notice the property owner has not complied with the terms of this chapter, a town official may remove or cause removal of such encroachment or obstruction, and the property owner shall be charged by the Town of Waterford for the reasonable cost of said removal. If such costs are not paid within 30 days or notification to the property owner, the town is authorized to seek payment and costs through court process and judicial liens.

#### **12.05.06 - Private Underground Systems or Personal Property in Public Right of Way**

The Town of Waterford assumes no responsibility for or liability arising out of the installation, care, operation, future maintenance, or repair of any portion of a private underground system installed without a permit from the town, or any personal property, such as sporting equipment, trees and other plantings, in a public right of way or utility easement in violation of this chapter.

### **12.05.07 - Penalties for Offenses**

Notwithstanding the provisions of section 12.05.05 above, the failure of the property owner to remove such obstruction within 10 days of receiving notice shall constitute an offense punishable by a penalty of \$50 per day, and each day said owner fails to remove it shall be a separate and distinct offense.

*(R.T.M.)*

*(Amend. of)*

**Date:** 6/3/16

**To:** Tom Dembek, RTM Moderator

**From:** Paul Goldstein, Chairperson, Finance, Wage, & Personnel Standing Committee

On June 2, 2016 the Finance, Wage and Personnel RTM Standing Committee met to review the Registrar of Voters Salaries. Please add/modify to June 6, 2016 RTM Agenda item the following recommendations regarding Registrar of Voters Salaries that was unanimously voted out of committee. These recommendations are based on the information that was brought to our attention that the Registrar of Voters have been working much more hours than they were originally elected for. The added responsibilities were due to State Legislation as well additional tasks that are required of the registrars. For example, increased state mandated training and same day voter registration. If the Registrars were found by the state to not fulfill their responsibilities, they could be fined by the state personally. Therefor, due to the increased amount of hours and responsibilities the following recommendations were made for action by the full RTM.

- 1) To increase the registrar of Voters Salaries from \$17,689 to \$21,840 which is based on a 15-hour work week at \$28.00 per hour. The previous rate was based on a 10-hour work week at \$34.02 per hour. It has been about 8 years since this base salary was raised/reviewed thoroughly.
- 2) To increase the Registrar of Voters Stipend from \$250 to \$700 for primaries or referendums. The stipend has not been raised or thoroughly reviewed since about 2008. This is based on about 25 hours of extra work for running and getting ready for primaries or referendums.

Sincerely,  
Paul Goldstein, Chairperson

RECEIVED FOR RECORD  
WATERBURY, CT  
16 JUN -3 PM 12:23  
TOWN CLERK  
Paul Goldstein

WATERFORD RECREATION AND PARKS COMMISSION

June 3, 2016

To: Mr. Thomas Dembek, RTM Moderator  
From: Brian Flaherty, Director, Recreation and Parks  
Re: Tax at Gatehouse

Tom:

We have just learned that the Governor has rescinded the tax that had been placed on vehicles entering parks in the State of Connecticut. As you know this past winter the Recreation and Parks Commission went before the RTM asking that new fee's to include tax be implemented on parking at Waterford Beach Park.

We are asking at this time that the RTM go back to the following fees for entering Waterford Beach Park. Non residents would pay \$20 week days and \$30 on weekends (currently it is \$22 and \$32), residents will pay \$2 on week days and \$5 on weekends (currently it is \$3 and \$6), picnic people from out of town will pay \$7 on weekdays and \$10 on weekends (currently it is \$8 and \$11). This makes a big difference as the petty cash would be less and we would not have to continue to bring extra \$1 bills. In one weekend we went through over \$400 in \$1 bills. Purchased beach stickers would go back to \$20 for residents first car and \$10 for each additional in the same family and household (currently \$22 and \$11) and \$100 for out of town (currently \$107)

Thank you for your consideration to this request.

This what we are asking to be voted in by RTM.

New Entrance Fees: \$20 out of town week days

\$30 out of town weekends

\$2 residents week days

\$5 resident's weekends

\$7 out of town picnic week days (going to a scheduled picnic have paid for pavilion)

\$10 out of town picnic weekends (going to a scheduled picnic have paid for pavilion)

Purchase Fees: \$20 for resident's first car/ \$10 each additional in the same family household

\$100 for out of town sticker for each vehicle

These new fees would remove the tax that the State of Connecticut had implemented and rescinded.

Thank you for your attention to this matter.

RECEIVED FOR RECORD  
WATERFORD, CT  
16 JUN -3 PM 4:06  
TOWN CLERK  
TEST: *David L. Lopez*