

**DRAFT**  
**MONROE TOWN COUNCIL**  
**Monroe, Connecticut**  
**Regular Meeting**  
**September 26, 2011 8:00 P.M.**  
**Council Chambers**

A regular meeting of the Monroe Town Council was held on Monday, September 26, 2011 at 8:00 p.m. in the Council Chambers of the Monroe Town Hall.

**PRESENT:** Chairman Enid Lipeles  
Vice-Chairman Tony Unger  
Councilmember Chris Catropa  
Councilmember Jeffrey Guttman  
Councilmember David Halliwell  
Councilmember Deborah Heim  
Councilmember DeeDee Martin  
Councilmember J.P. Sredzinski

**ALSO PRESENT:** First Selectman Stephen J. Vavrek

**ABSENT:** Councilmember Michele Mount

The Monroe Town Council held a Regular Meeting on Monday, September 26, 2011 at 8:00 p.m. in the Council Chambers at the Monroe Town Hall.

**CONSENT CALENDAR**

- A. Motion to approve the minutes and voting record of the Regular Meeting held on September 12, 2011 (Session 2011-15).

*Chairman Lipeles noted the unanimous approval of the consent calendar.*

**AMEND AGENDA**

**Motion:** (T. Unger)

To amend the agenda to add to the Town's General Statutes, the ability for municipalities to be exempt from taxation when property is used exclusively for the purposes of the municipality.

**Second:** (D. Halliwell)

**Motion passed 8 to 0.**

**COMMUNICATIONS**

There were no communications.

## **PUBLIC PARTICIPATION**

*Lois Spence, 29 Partridge Drive* commented that she did not know Mr. Paniccia, but she Googled him and found that it showed he was a real estate developer. She said that there is a difference in ideology between a developer and a Wetlands Commissioner, "A developer, by definition – develops; whereas a Wetlands Commissioner would see a forest or vernal pool as a priceless resource that should be preserved and nurtured, and a developer sees a shopping mall." She went on to say that there is a conflict of interest here. Another concern she had was that most applications are brought by a developer. This could lead to frequent recusals from hearings by Mr. Paniccia, who may know them in some way thus leaving the commission short-handed. She also expressed a concern that having a developer on the commission could lead to lawsuits being filed by people who are looking for any excuse to sue when a decision does not go their way and this can cost the town thousands of dollars.

*Sue Koneff, 7 Georges Lane,* commented that Mr. Paniccia is semi-retired and spends 90% of his day volunteering with adults with autism. When Mr. Paniccia met with the First Selectman, he assured him that he would recuse himself if anything could be seen as a conflict of interest. She is concerned about the scrutiny of the Democratic appointments as opposed to the Republican appointments. Mrs. Koneff stated that there are some members on the Inland Wetlands Commission, who have violations on their own properties and let's treat this fairly. She also stated that they interview people quite intensively and we pick the best people for the job in our estimation and to be constantly second guessed.

*Dominic Paniccia, 25 Easton Road,* in his statement to the Town Council voiced his passion for protecting our water environment and to focus on storm water resulting from rain or snow that runs off the surfaces of paved roads containing contaminants and is on the Long Island Sound Advisory and has shown he is passionate about protecting the water. *Mr. Paniccia* said that he is not a developer. He continued to go on saying that when he went to school he was a student; that he had been a teacher at one time, as well as a soldier in the Army but he said that this doesn't mean that he is any of those things now. He said that he has a commitment to clean water and protecting plants and wildlife. He said that his experience in construction makes him knowledgeable in how to contain runoff from streets, preventing it from flowing into wetlands.

*Patty Ulatowski, 71 Old Zoar Road,* commented that she wanted to reinforce what was stated by Mrs. Koneff. She reinstated that Mr. Paniccia is not a real estate developer and if you Googled her, you might see that she is still the Town Clerk of Stratford and she has not been Stratford's Town Clerk for several years. She said, you cannot go by what Google says. Mr. Paniccia has said that he is not a real estate developer and should any interest arise he will recuse himself. She said that everyone should come out, Republicans and Democrats and have all their properties inspected.

*First Selectman Vavrek,* stated that he is sick and tired of the politics in this town and he is tired of being referred to as someone who takes the scrutiny over Republicans. First Selectman Vavrek stated that Mr. Paniccia is a man with a lot of talents. He told him that he would recuse himself every time from any hearings with perceived conflicts and I believe him because this man is a gentleman.

## **APPOINTMENTS**

**Motion:** (D. Martin)

To enter the name of *Domenic J. Paniccia (D)* of 25 Easton Road as an appointment to the *Inland Wetlands Commission* for a term ending February 24, 2015.

**Second:** (D. Halliwell)

**Discussion:** Mr. Paniccia is a resident of Monroe with over forty years of experience in the construction and construction management fields. Mr. Paniccia has served on the Long Island Sound Advisory Commission and has a special interest in the protection of inland-wetlands and water courses from undesirable and unregulated usage, wildlife habitat protection, and balancing the need for economic growth while at the same time protecting Monroe's environment. Mr. Paniccia has a BS from Sacred Heart University and has done graduate studies at Fairfield University and NYU. This appointment replaces the vacancy created by Michael Sohon.

*Councilmember Martin* said she understands where First Selectman Vavrek is coming from and that she does feel that there is an issue of fairness.

*Vice Chairman Unger* stated, we are here to discuss a motion, not the reasons or feelings behind the motion. We are here to discuss the capabilities of this individual not the reasons of why he was put up or not put up.

*Councilmember Martin* stated that she wished to speak on Mr. Paniccia's credentials that she believes speak for themselves. He has special interests in wildlife and protection in inland wetlands. We can take his word that he will do the best job in a volunteer position that we ask him to and I wholeheartedly support this nomination.

*Vice Chairman Unger* asked, is there anything else in his background besides the Long Island Commission and also do we know what his degrees are in or are they focused at all in this process?

*Councilmember Martin* said, do we ask someone sitting on a board or commission if their degree fits with this particularly?

*Councilmember Catropa* said, he was in support of Mr. Paniccia and that he doesn't see why anyone should be excluded from serving in town government because of their occupation.

*Councilmember Halliwell* said he thinks the inclusion of someone with a construction background can add a new dimension.

*Chairman Lipeles* said she did not want the members of the town to have a reason to sue the town for having a developer on the Inland Wetlands Commission.

*Councilmember Sredzinski* said he takes no joy in denying anyone from serving the town and that he has supported nominations for both Republicans and Democrats. If this was for the Economic Commission, he would be for it but he is concerned that Mr. Paniccia is a developer.

*Councilmember Martin* wondered if there was similar scrutiny on other commissions such as over a Realtor serving on Planning & Zoning. "Where do you stop that? Do you not put a lawyer on something or other? I can't believe we're having this discussion over someone who wants to serve."

*Councilmember Guttman* said he has never met Mr. Paniccia either, and it is not so much that he was a developer, but it is the fact that he has to recuse himself if people come up that he has worked with or has an association with and then how effective would it be if we are going to have a Commissioner that has to recuse himself.

**Motion failed 4 to 4. (Opposed: E. Lipeles, T. Unger, J. Guttman, J.P. Sredzinski)**

## **ACTION ITEMS**

### **Town Council Committee on Finance, Education, Health & Public Safety Matters**

*Councilmember Heim* said they met this evening. The Board of Education approved that John Battista was the Interim Assistant Superintendent. The EMS are working on the cues for our new inland service. The past contract service expired with the previous servicer and they are working on getting bids. This has to be done by December and they are also working on the oxygen regeneration system and getting numbers from the Police Department. The Fire Departments - Oct. 9th is Safety Day, Noon to 4 P.M. at Monroe Firehouse. The Youth Commission is working on the Job Bank and have the Intern from Sacred Heart and will be working on Alcohol Awareness Program starting in October. The Senior Deferral Program is getting input from the Commission on Aging and waiting for their proposal. They will be approving tonight the abatement for Town Police Properties to approve the Town Statute to be added to our statute. The next meeting will be next month sometime and is still to be determined.

### **Town Council Committee on Planning & Zoning, Public Works & Recreation Matters**

*Councilmember Guttman* handed out the minutes and stated for Councilmember Martin that the last meeting was on June 14th. They also did have a meeting tonight. The meeting consisted of himself, Mr. Catropa and Interim Director Frank Bent. They had a detailed discussion about what is going on in the parks and how well they did, how Chalk Hill is doing, and how the Daycare Center enrollment is going up on a daily basis. Brochures are being mailed out with 80 plus programs and lots will be at Chalk Hill. The Summer Fun Days Camp, before, during, and after camp brought in over \$140,000. The pool has been emptied, the cover is up, and there are no leaks in the new pool. They are extending the pool patio around it an extra 5 feet because of drainage issues. This will help to fix the problem. The numbers for the pool and lake have not been completed yet but are around the same as last year. Last year was a tremendous year because it was a new pool. They are discussing a fee schedule for the Parks and Recreation Department. They did have lots of repair due to Hurricane Irene. The parks lost over 150 trees and had power lines down at lake side and therefore had to close. People were not respectful of the closures and drove cars through the caution tape and walked through closed gates. EMS is moving their offices and training facilities to Chalk Hill. They will be leaving the ambulances and their vehicles at the Jockey Hollow Fire Station. The Board of Education has emptied out almost everything they had in the building and are using a little of basement area for storage. Presently, the Girl Scouts will be using the facility for their Friday afternoon meeting. The Rotary Chamber and Lions Club are thinking about

having meetings in the building as well. *Councilmember Guttman* is waiting to hear from Mr. Bent on a date for next meeting.

*Councilmember Sredzinski* was told there is almost virtually a river that runs underneath the pool area and that this was the problem causing the collapsing of the infrastructure.

*Councilmember Guttman* stated that was corrected when they built the pool and put in drainage. We don't have more problems but are trying to prevent a bigger problem from coming along. They will need to budget for this because they have not put it in the current budget.

*Councilmember Martin* asked how this would be budgeted as well, and referred to the June 14<sup>th</sup> minutes and old business on the park, it stated that around the edge of the pool that budget was short for concrete decking, is this the same issue you are talking about?

*Councilmember Guttman* said they were looking into it back then and thought it might be a problem and after the season had ended it showed up to be a problem and it will have to be added to the budget.

#### **Town Council Committee on Legislative & Administrative Matters**

*Councilmember Sredzinski* said they have not met since the last Town Council Meeting. The next meeting is scheduled for October 6th at 5:30 P.M. and on the Agenda will be the Auction Code and the Demolition Ordinance.

#### **Trumbull/Monroe Health District - Ray Knapp, Liaison**

*Ray Knapp, Board of Directors*, update following the storm that the Health District inspected over 109 food establishments. This had to be done on an almost daily basis while the power was off and they had to prove that they had fresh daily deliveries if they did not have power on. The Health District had to relocate to Trumbull Police Headquarters and reopened Monday following the storm. They did have to bring in two part-time sanitarians because of all the inspections that had to be done. All establishments were checked at least once if not multiple times. Ongoing flu clinics are posted on the website, most are held at the District Headquarters and some are at Monroe Senior Center, Grace Episcopal in Trumbull, and Porricelli's in Trumbull. If you can't make one of those clinics you can call the Health District directly and make an appointment. You need to bring Medicare Part B and any private insurance with you when you go.

*Councilmember Sredzinski* asked if they had lost power at their office and also if there were any vaccines on site that needed to be removed. Heard that they use a small generator in some towns in cases like this to help with refrigeration of medication and asked if the Health District had one.

*Ray Knapp* said that the office had no power and no phone lines. He said that anything that needed refrigeration was taken care of. He will find out about the generator but believe they have something.

#### **First Selectmen's Update**

*First Selectman Vavrek* said he was not happy and that there needs to be some trust around here. We have done, in this grid alone, 24.16 miles overall of road work. They

are moving forward on the roads. He shared a list of new businesses and expansions since January 1, 2011. This has been very trying times for all over the state and country. Currently, the Town of Monroe has 29 new businesses in the past year that have either opened or expanded. Mr. Lee Hossler, from the Monroe Economic Development Commission will host the Annual Monroe Means Business. This year they have Howard Baldwin from the Hartford Whalers as the speaker. The Capital Projects Matrix is up and running. In the past 3 years it will have a piece in the budget and will help to move the town forward. There have been numerous volunteers that have gotten involved. The Police Station renovation is moving forward. The Board of Finance has a subcommittee under old business and are doing lots with the Board of Finance. The Economic Development Commission's list of Pepper Street Business Park owners shows that 26 out of 31 lots are owned and hopefully will be built on soon. In the Monroe Courier, The Greater Bridgeport Transit is working to get a bus line up Route 25 and into upper Pepper Street Industrial Park. This is a green energy idea to improve on public transportation. They are also working with Yankee Gas and Jim Himes' office, to work on additional gas lines into our town buildings and also The Greater Bridgeport Regional Planning on a Regional GIS which has been in the budget for years but has been cut out. The CEO's of all towns are in charge of the Greater Bridgeport and Valley Metropolitan Planning Organization and because of this we have a better handle on what is going on in our communities. There was a public hearing on the replacement of the bridge on Beardsley Brook and that funding has been approved and this will start most likely in 2012. Another exciting project in 2012, we will see the Pepper Street reconstruction and widening from Jockey Hollow to Cambridge Drive and grants upwards of over \$2,000,000 and this is from being involved with the Regional Development. First Selectman Vavrek has been named to the CCM Policy Committee on Transportation and Infrastructure, thus, the interest in the Greater Bridgeport Regional Planning and Greater Bridgeport Transit. Also, we are planning to recover as much metal from our dial-a-dump program which we have never done before and this should save us a significant amount of money.

*Councilmember Martin* asked Mr. Vavrek about her concern about CL&P and the issue prior to the storm. He said there was a lot of underground work that was done and this was supposed to be addressed.

*Town Attorney Jack Fracassini* has contacted CL&P, because Mrs. Martin's and his house are on the same grid. He was told by them that there had been an ongoing problem with underground wires and what they called a conductor for a number of years that they did not properly fix and the work that was done prior to the storm was as a result of complaints being made to CL&P to rectify the problem because their grid has lost power at least half a dozen times this year that have not been weather related. The work that was done in the neighborhood was done as a result of a complaint that he had made as a homeowner as to why they were having constant service interruptions and he was told that it was a problem that CL&P had not properly addressed and that was why construction work was done on the road.

*First Selectman Vavrek*, said the storm actually showed CL&P lacking in the whole region. One thing Monroe had that a lot of other towns didn't have was that we are one of 70 towns that have a liaison with CL&P. They met twice a week with area representatives and Saturday he met with the liaison, area representative and district

representative for 2 hours with Doug and the highway people. Two of the transfer stations are in Newtown and one is in Monroe. The liaison came to us and was frustrated with the upper management and trying to call in experienced the same frustration. The CL&P representatives in the town identified lots of problems and hopefully they will fix them. Hopefully these issues will be addressed.

*Councilmember Martin* said they need to continue to pressure them because she doesn't see the issue getting any better and we need to continue to be a thorn in their side and if it's happening in her neighborhood it has to be happening in other towns as well.

## **UNFINISHED BUSINESS**

### **62 Hunter Ridge Road**

*Town Attorney Jack Fracassini* has contacted the attorneys involved in this matter. He spoke to the Attorneys for Mrs. Azevedo, the administrator for the estate, and the Attorneys for the private insurance company. He has letters from both Mrs. and Mr. Azevedo's estate waving any objection to the demolition of the property. Attorney Fracassini states that there is no "hold harmless" and has no problem with it not being in the letter. It has to be understood that the demolition order that is issued by Mr. Sandor also indicates that the town is not liable for any action they take in taking steps to make sure a building that may be in danger of collapsing is taken down and proper steps are taken. The third attorney represents Danbury Fire Insurance. When Attorney Fracassini sent a letter to him he received a call from him saying that he doesn't have the ability to make that type of representation but he would contact Danbury Fire Insurance and get back to him. He got back to him saying that in federal litigation it has been an ongoing problem. Mr. and Mrs. Azevedo were fraudulent in stating a claim that there were items of personal property that were damaged or destroyed as a result of the fire and in the Fire Insurances opinion this never existed. As part of federal litigation he was asked if a videotape could be made of the demolition when it was approved or took place. It would be considered but with the understanding that if Town Officials or officials of the demolition company felt it was not a safe process or operation to undertake then they would not be allowed on the property. Attorney Fracassini has no problem with it being videotaped as long as under the instruction of Town Officials or the demolition company there are no problems with the safety of any parties involved. The attorneys reply was to find out who is taking the video, when it is being taken, and who would pay for the cameraman because the town has no responsibility for that and has nothing to do with this particular operation. This has to do with the defenses that the insurance company is claiming against the Azevedo's claim. Attorney Fracassini, has negotiated a contract and is waiting for the final form to come back from TMK demolition out of Shelton. They have the lowest bid of \$21,600 and he met with the President of company, Thomas Bardenelli, who indicated that he is very aware of the procedures and paperwork that needs to be done. If this goes forward he has to send papers up to the State of Connecticut, then the DEP will send back the approval to go forward. When the approval comes back there is a 2 week waiting period before anything can be done to the property. There will be notices sent out to the property owners. Attorney Fracassini's intention is to have the contract signed and go forward with the demolition because he is satisfied with the letters from Mr. and Mrs. Azevedo's attorneys. One additional statutory section had to

do with a conversation he had with Mrs. Mount due to the use of 12-169b in regards to obtaining the money back whether there is any statutory section we are relying on. Statute 49-73b allows a municipality that has to expend money to install, repair, or demolish a property as a result of a fire to place a lien against the property owner. Once the work has been done the lien will be placed within 30 days after the finishing of the work to protect the town. There will be notices sent as soon as the work is completed. Documentation will be provided to the Tax Collector and liens will be placed on the properties. Once the work is completed they will go to the estate. The sole owner of the property is the late Joao Azevedo. Mrs. Azevedo does not have a legal interest in this property. Attorney Fracassini has the waivers from 2 of the parties but doesn't have one from the Fire Insurance Company but, in his opinion, this was not necessary anyway.

*Councilmember Martin* asked for an explanation of why a “hold harmless” is not necessary for this.

*Jim Sandor, Chief Building Inspector* said there are statutes that basically indicate that the property owner is totally responsible for any expenses or claims arising out of the demolition of the property itself and doesn't believe hold harmless is necessary. He doesn't expect or would expect an attorney in Mr. Wayne's position or Mrs. Azevedo if she was an owner of the property. They agree they have no objection to it but if I were them I wouldn't give you hold harmless language but as far as I'm considered there is statutory protection for this town. The town is allowed to do what we are asking and there are liens that can be placed against the property, which can be treated as back property taxes. As far as he is concerned the town is fully protected and they have a licensed demolition company who he is comfortable with and has checked with other people on the work they have done and he is fully qualified to do the work. He will be subject to overview of the Fire Marshall, Building Department, and the State of Connecticut.

Attorney Fracassini read the letter from Attorney Thomas J. Weihing of Bridgeport, Connecticut who is the appointed administrator for the estate of Joao Azevedo, dated September. 26, 2011.

Dear Attorney Fracassini,

As representative of the estate of Joao Azevedo we agree and also take the position of Attorney John Carangelo that we have no objection to the Town of Monroe undertaking the demolition of 62 Hunter Ridge Road in Monroe property. However, we will not provide the town with a hold harmless agreement. Thank you for your attention to this matter. Very truly yours, Attorney Thomas J. Weihing

*Councilmember Sredzinski* asked, do we have language and a motion that we are prepared to make? *Vice-Chairman Unger* asked, can we just take the previous motion and exclude the hold harmless piece of it?

*Councilmember Sredzinski* stated that a motion was already made, seconded and passed and from what he remembers a different makeup of the council at the time and obviously this council has the power to undue anything the council did earlier this year.



*Vice-Chairman Unger* said it would have to be a new motion to accept these letters without that statement and would have to be a new motion to override the old one.

*Mr. Sandor* shared that the Town Attorney has been very diligent in researching the proper extensions that go along with the demolition of this unsafe structure, that it is unhealthy and there is more liability for the town knowing that this condition exists and that no action has been taken at this time. He would urge they have it taken care of. A statute does exist that allows the town to take this action. That in itself relieves the town from its responsibility.

*Councilmember Martin* asked who has the authority to initiate this action, who has the authority to say this must be demolished?

*Vice-Chairman Unger* said there seems to be a problem with knowing exactly where the authority came from and no one was able to answer that question last time.

*Mr. Sandor* said that the town has the authority through the building officer or official and that a demolition was ordered under state statute to do so.

*Vice-Chairman Unger* said the problem was not with Mr. Sandor's statement but with the difference in the statutes. It was indicated that Mr. Cambra had initiated this.

*Attorney Fracassini* mentioned the question that was brought up by Councilmember Mount regarding 12-1.69. She thought there had to be a statute of which she called remedy. It is not a remedy. The town has the right under 49-73b to put a lien against the property and also has the right to take those expenses and treat them as back taxes under 12-1.69b. He can put liens against the property and foreclose those liens as if he is a foreclosing party. The town in his opinion is fully protected in regard to this matter.

*Vice-Chairman Unger* said why did they specifically say in the letter they would not issue a hold harmless?

*Attorney Fracassini* said at this particular point, they are waiving any objections to the property being taken down. Mrs. Azevedo doesn't even have the right to do it in his eyes because of the fact she is not the legal owner. It can be argued that as an heir of her husband's estate, (he had no will), she can claim that she is an heir of the estate and has pending litigation that she has a right to make an objection and he will accept her letter on that basis. Hold harmless basically means that if Mr. Bardinelli's employee does something wrong and someone gets hurt they don't want to be held responsible. There will be sufficient insurance coverage because Mr. Bardinelli has \$1 million or \$2 million in coverage.

**Motion: (T. Unger)**

To approve the removal in the original motion, the term "hold harmless", accept the letters from the attorneys and to authorize that the First Selectman sign on behalf of the town the contracts for the demolition of the property at 62 Hunter Ridge Road.

**Second: (J.P. Sredzinski)**

**Motion passed 8 to 0.**

### **Roads Update**

This has already been discussed under First Selectman's update.

### **0-5 Kiddie Center Visit**

*Chairman Lipeles* stopped into the program being run at Chalk Hill School and was very impressed with what she saw. One room had 8 cribs in it and the other room had 3 and 4 year olds playing.

### **Town Hall Roof**

*Chairman Lipeles* wanted to make sure this becomes part of the police project. She shared an email she and First Selectman Vavrek received from Rick Zini:

*Just so everyone is on the same page CIFAP met this past week, as did the police station building committee. I was in attendance at both meetings in relation to the police station project and the remaining projects within the town hall. We have jointly asked Carl Tomchik and also the project architect with the police station to create a master list of where the police station project work limits start and stop. In relation to the remaining renovation projects pertaining to the town hall building, this would include mechanical systems, roofing, site work, any hazardous material, abatement, rip-off and re-roofing, etc. Once that focus is more physically delineated around the building, there will be a better handle on what the volume of work will be on the remainder of town hall outside of work being done for the police station project. As the police station is interfolded into an existing building, it is complex to determine which systems start and stop where. This delineation will be reviewed further by CFAP for prioritization. Please advise if anyone has questions.*

### **Municipality Taxation**

**Motion:** (T. Unger)

To approve a motion to add to town general statutes pursuant to Connecticut General Statute 12-81 section 58 that any real or personal property leased by any part of the Monroe municipality shall be except from taxation when the property is used exclusively for the purpose of such municipality.

**Second:** (D. Halliwell)

**Discussion:** After a brief discussion, it was decided the First Selectman will ask the Town Attorney to review and approve any ordinances and the Town Council will vote on this at their next meeting.

### **NEW BUSINESS**

There was no new business.

### **ADJOURNMENT**

**There being no further business, Chairman Lipeles adjourned the meeting at 9:20 p.m.**

Respectfully submitted,

Katharine Bobel  
Town Council Clerk