

**MONROE TOWN COUNCIL
Monroe, Connecticut
FINAL MEETING MINUTES**

November 26, 2012 – 8:00 PM – Council Chambers

Present: Chairman Enid Lipeles
Vice Chairman Deborah Heim
Councilmember Debra Dutches
Councilmember Nick Kapoor
Councilmember Raymond Knapp, Jr.
Councilmember Frank Lieto
Councilmember Dee Dee Martin
Councilmember Tony Unger

Absent: Councilmember J.P. Sredzinski

Also Present: First Selectman Stephen J. Vavrek

A regular meeting of the Monroe Town Council was held on Monday, November 26, 2012 at 8:00 p.m. in the Council Chambers of the Monroe Town Hall.

CONSENT CALENDAR

Motion to approve the minutes and voting record of the special meeting held on November 13, 2012 (Session 2012-19).

The Consent Calendar was passed unanimously to the November 13, 2012 Town Council Special Meeting.

EXECUTIVE SESSION

Motion: (T. Unger)

To go into Executive Session at 8:03 p.m. for the purpose of discussing the Bellsite Development vs. Town of Monroe (pending litigation) and CIRMA (pending litigation). Invited to attend were First Selectman Stephen J. Vavrek, and Town Attorney, John Fracassini.

Second: (N. Kapoor)

Motion passed 8-0

Returned to Open Session at 8:15 p.m.

NEW BUSINESS

Motion: (D. Heim)

To have the town based on the title search, take ownership, and have the First Selectman take ownership on behalf of the Town of Monroe at 45 Lovers Lane from the NIHE Corporation for \$881.71.

Second: (N. Kapoor)

Discussion: Emmanuel Cambra, Jr., Tax Collector was present and stated NIHE Corporation came forward and would like to donate the property at 45 Lovers Lane in lieu of paying the delinquent taxes. He would like to have the Town Council give the First Selectman the “*go ahead*” to enter into negotiations after a title search has been done. Vice-Chairman Heim asked if the Town looked into this property to make sure there were no environmental issues. Mr. Cambra stated there was none. Mr. Cambra stated the estimated cost for a title search could be approximately \$350.00. Mr. Cambra also stated there are two choices to be made. One is to put this land into a Tax Sale which would require a title search, legal notices, and legal expenses, and this would be costly, or we can acquire the property by just giving up the taxes. Councilmember Dutches stated then it would exceed the assessed value of \$7,980.00 if we put it up for a Tax Sale. Mr. Cambra noted, if acceptance is given, the Town of Monroe will only pay for a title search and a contract will be written up with NIHE Corporation and he will suspend the taxes. He also noted any abandoned property should not stay on the tax roll. Councilmember Lieto asked if there were any environmental surveys done on the property. Mr. Cambra stated about 15 years ago a building permit was denied and property was changed to a building lot because of serious water problems. Councilmember Lieto expressed some concerns that we may be taking on a problem. He stated, “though it shows an immediate savings, this could cost the town a lot of money if water is on the property while a neighboring property has an underground oil tank that leaks on that property and potentially goes onto another property”. He noted this can be a serious issue that could cost the town thousands of dollars. Councilmember Lieto feels he would like to have more information. Councilmember Lieto also requested Vice-Chairman Heim to re-state the motion.

Motion Restated

Motion: (D. Heim)

On behalf of the Town of Monroe acquire property at 45 Lovers Lane owned by the NIHE Corporation for \$881.71 to transfer to the Town of Monroe based on the title search.

Councilmember Martin requested, if possible, to change the motion to reflect and authorize the First Selectman to negotiate and ask them to pick up the title search.

MOTION WITHDRAWN

Motion: (D. Heim)

To have the First Selectman go into negotiations about acquiring 45 Lovers Lane in lieu of Tax Sale of this property.

Second: (F. Lieto)

Discussion: Attorney John Fracassini was present and stated he does not know how to enter into negotiations without a title search on this property and to find out what the status is on this

property. Councilmember Lieto stated to have NIHE Corporation provide the title search. Mr. Cambra also noted any property that is 3 years in arrears goes into a Tax Sale.

Amended Motion

Motion: (D. Heim)

To have the First Selectman enter into negotiations to obtain 45 Lovers Lane based on the back taxes on the property of NIHE Corporation.

Second: (F. Lieto)

Motion passed 8-0

COMMUNICATIONS

Chairman Lipeles stated Attorney Fracassini handed her a letter for Communications which was strictly about CIRMA.

Memo from the First Selectman to the Town Council Chair dated November 8, 2012 regarding STEAP Grant Reclaim and Pave Timothy Hill Road (resend).

Memo from the First Selectman to the Town Council dated November 20, 2012 regarding a Land Donation 45 Lovers Lane.

Memo from the First Selectman to the Town Council Chair dated November 21, 2012 regarding an appointment to the Commission for the Aging.

Memo from the First Selectman to the Town Council Chair dated November 21, 2012 regarding an appointment to the Commission for the Aging.

PUBLIC PARTICIPATION

Daniel Hunsberger, Commissioner of Inland/Wetlands spoke regarding the Town of Monroe and Valley Medical Services Inc. (VEMS). He stated the agreement provides the Town of Monroe with long-needed paramedic level emergency medical services. He stated it was obvious not all of the Town Council had an opportunity to review the agreement prior to their meeting and voting. Several members had copies missing every other page, requiring First Selectman Vavrek to reprint the contract/agreement in it's entirety for those Council members. Mr. Hunsberger stated while the Town Council cannot be faulted for voting for paramedic level emergency medical services, it seems the contract/agreement was not carefully vetted and scrutinized as several issues that should have been dealt with in the agreement appear to have been overlooked. First and foremost, the agreement does not stipulate performance standards for response times. The agreement stipulates that the town agrees, as compensation, to pay VEMS for the providing of paramedic service on a 24/7, 365 day per year basis. After reading the contract, the agreement fails to stipulate the acceptable response times for Monroe's paramedic to get on the road after the initial callout. In addition, there is no stipulation that Monroe's paramedics remain in Town and available when not on a town call (i.e. "joy riding"). The agreement also fails to state that the Monroe's paramedics remain in Town for Monroe calls and not on mutual aid to surrounding communities. He stated this is a significant issue because of Sections 2 and 4 of the agreement. Section 2 of the two-year agreement stipulates VEMS as the "sole provider" and the "primary provider of paramedic service and that VEMS shall be called whenever a paramedic is needed by or on behalf of the Town is determined by the policies of properly authorized town communications agency." Section 4 addresses the issue of "mutual Aid Paramedics" without

addressing when Mutual Aid Paramedics would be called and that “the issue of compensation and/or billing shall be the subject of a separate contract and that VEMS may participate in the bidding process for said contract and if awarded said contractor dispatch by Bridgeport Command then VEMS will build directly as has been the practice of the Town.” The separate agreement for mutual aid paramedics was not presented to the Town Council as part of the agreement presentation. He stated would that separate agreement not have a significant impact on the Town’s cost of providing paramedic level service to the taxpayers of Monroe? The agreement doesn’t seem to prevent the absurd scenario of Monroe’s paramedic being dispatched on mutual aid to another town and then another VEMS’ paramedic being dispatched on mutual aid to Monroe with the Town being billed additionally for the mutual aid paramedic. The agreement does not give the Town the control and supervision the town should have concerning paramedic level emergency medical services. Section 4 states the following: “VEMS undertakes performance of the services as an independent contractor under this Agreement and shall be wholly responsible for the methods of its performance under this Agreement. The Town shall have no right to supervise the method used, but the Town shall have the right to observe such performance.” The language seems to eliminate any control or supervision of VEMS providing paramedic services to our community. Mr. Hunsberger noted during the Council meeting, the issue of discipline was questioned by the Council and received an answer that the issue was addressed. However, given Section 4, the agreement seems to fail to stipulate and insure that Monroe EMS officers have the right to request an unsatisfactory paramedic be removed from serving in the Town if the officers believe the paramedic is unsuitable for service in Monroe. The agreement for advanced paramedic level medical care in Monroe is long overdue. However, critical issues seem to have been left out of the final version of the agreement. Town Council and Monroe’s EMS officers should carefully review the mutual aid agreement before approval. Mr. Hunsberger urges Monroe’s EMS officers to track response times and mutual aid responses to insure compliance with the spirit (if not the letter) of the new paramedic agreement.

APPOINTMENTS

Motion: (D. Heim)

To approve the appointment of Jeanette Benson (R) of 22 Todd Drive to the Commission for the Aging for a term ending July 2, 2014.

Second: (D. Dutches)

Discussion: Jeannette is a long time resident of Monroe who has always been committed to furthering the interests of the citizens of Monroe. Most recently, Mrs. Benson served as the Republican Registrar of Voters until her recent retirement. She remains active in the community and will be an asset to the Commission on Aging. This appointment replaces the vacancy created by Nadine Richardson.

Motion passed 8-0

Motion: (D. Heim)

To approve the appointment of Dorothy Woerner (R) of 109 Highland Drive to the Commission for the Aging for a term ending July 2, 2015.

Second: (T. Unger)

Discussion: Dorothy Woerner is a dedicated volunteer having served the town of Westport on various municipal boards and commissions and remains dedicated to volunteerism in Monroe

especially amongst the aging community. She will serve the town well in her position on this commission. This appointment replaces the vacancy created by Louise Wishneski.

Motion passed 8-0

ACTION ITEMS

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

Vice Chairman Heim reported they met and there was not much activity because the Board of Finance and Police Department are not meeting until Wednesday, November 28, 2012. She stated the EMS Commission had two people they were interviewing for the part-time position, and the Youth Commission is meeting Thursday, November 29, 2012 for the freshman students. Vice-Chairman Heim also stated the Commission on Aging is reviewing their usage policy because it is going off the grant for the senior citizens. She noted the fire cisterns had no information regarding the grant but will possibly be available at the next council meeting. The next scheduled meeting is Monday, January 14, 2012. Councilmember Dutches reported when a place becomes an emergency shelter that there is someone who takes on the supervisory responsibilities of the shelter. She stated the Senior Center Director was directing the shelter and believes this goes back to emergency management. Councilmember Dutches also feels our seniors are the neediest of the services in an emergency. She noted the Senior Center Director should be directing those needs. Councilmember Dutches also stated she asked several times for the 2012 financials and has yet to see them and is at a loss on how the 2012 financials can be put in front of Council. Vice-Chairman Heim spoke about the alternate for the Board of Finance which was also discussed along with the Charter. She stated there are alternates on other things but our appointed boards have appointed alternates, and the elected boards have elected alternates. She stated she would like to look into it more but this might need a Charter change. Councilmember Kapoor stated *“I was hoping to attend but had my own sub-committee this evening, but I thank you for addressing it. In your further discussion on it, if you read the first sentence of the statute it says; any town in addition to such powers as it has in the provisions of the general statutes, any special act or municipal charter shall have the power to provide by ordinance for the appointment or election of alternate members. So I am not reading with lawyer eyes, but I’m reading as an addition to our charter; the statute says we can adopt an ordinance to create alternates. So in your discussion of this going further, I hope to attend the meeting but just look at the first line as it gives us the power to do that.”*

Town Council Committee on Planning & Zoning, Public Works and Parks & Recreation Matters

Councilmember Unger reported they met and reviewed the progress of the Town Hall roof and the Roof Committee. He noted, as a result of this progress, a vote was made to authorize a second progress payment to Dolphin Construction. Councilmember Unger stated they completed the roof and went further by replacing more plywood on the roof that was in the contract and are not being charged for it. He also learned they are not going to use the contingency that was in the contract. The committee authorized that we add an alternative as discussed and that was furnishing and installing the rain leaders for the roof. In addition, Councilmember Unger received input from Inland/Wetlands on the Ordinance for Violations. He stated they have taken that along with the formats for the anti-blight and Planning & Zoning violations and will be trying to put together standard processes for those things to go forward. Councilmember Unger

requested Councilmember Kapoor for updates. Councilmember Kapoor stated Mrs. Russell from the Planning & Zoning Department sent out a letter to all in attendance for the first public workshop for the zoning regulation and re-write at Masuk High School. The Commission moved their original scheduled second public workshop meeting on November 28, 2012 to after the New Year, due to Hurricane Sandy and the holiday season. He also stated the Commission has made four policy decisions concerning the direction of the zoning updates. They have no immediate plans to create village districts or overlay zones. The plan to is to keep two main business districts, and they are looking to update the limited uses of the office district on lower Route 111. Councilmember Kapoor concluded they are also trying to establish a site plan review process for certain commercial uses to streamline the zoning process. Councilmember Unger stated the next scheduled meeting will be on December 10, 2012 at 6:15 pm.

Town Council Committee on Legislative & Administrative Matters

Councilmember Sredzinski was not present. Chairman Lipeles briefly read minutes from the meeting. A discussion on the Inland/Wetlands Ordinance review was done and Ms. Spence was present during that meeting. They are awaiting other subcommittees review as they want to put the three ordinances together and make them more consistent. These ordinances are: inland wetlands, anti gap blight ordinance, and the zoning enforcement regulation ordinance. She stated a discussion on the code book review was also done and asked First Selectman Vavrek which ordinances needed to be worked on. Also, L&A has to review the contract from Honeywell.

Trumbull/Monroe Health District

Councilmember Knapp reported they met and the proposed budget for 2013-2014 was approved and authorized for the Director to send to the First Selectman. He also stated the flu clinic is still ongoing and is accessible on the website for dates and times.

First Selectman's Update

First Selectman Vavrek gave a moment of silence for Adele Kusnitz who passed away November 11, 2012. She was a 5 term consecutive State Representative when it was still Monroe and part of Huntington during 1981-1989. Councilmember Kapoor was confused about the building where we appropriated \$75,000 in the budget and asked where that is and where is it going. First Selectman Vavrek stated possibly seeing RFP next meeting. Councilmember Dutches was anticipating an update on Jockey Hollow Firehouse and First Selectman Vavrek noted he had not heard from the appropriate departments as yet. He stated this will this will be put on the next Council meeting. Councilmember Martin asked about the 2012 financials. First Selectman Vavrek stated he does not believe we should be giving out unaudited versions of it. Councilmember Kapoor asked if this was public information. Mike Manjos, Vice Chairman, Board of Finance was present and made some explanations.

UNFINISHED BUSINESS

Motion: (D. Heim)

Resolved, that First Selectman Stephen J. Vavrek be, and hereby is, authorized to accept on behalf of the Town of Monroe, a 2013 Connecticut STEAP Grant in the amount of \$110,000 to Reclaim and Pave Timothy Hill Road; and further resolved, that First Selectman Stephen J. Vavrek is hereby authorized to enter into and execute any and all agreements, contracts and documents necessary to obtain said 2013 STEAP Grant with the State of Connecticut.

Second: (T. Unger)

Discussion: Discussion was made at the November 13, 2012 Special Meeting.

Motion passed 8-0

Honeywell Presentation

Terry Guiry and Doreen Hamilton, Energy Account Executives were present at the meeting to discuss and answer questions regarding Honeywell's Energy Performance Contracting Services. The town would spend \$5.4 million making energy-related upgrades to 18 buildings as recommended by Honeywell Building Systems, with the projected future energy savings then generating the income needed to pay the cost of the contract. The actual cost to the town would be lower than \$5.4 million due to a onetime \$820,000 incentive rebate from a state utility program. The first-year saving in fiscal year 2013-2014 should be \$511,000. Mr. Guiry stated you generate positive cash flow in year one. The company has conducted thorough inspections of the buildings to calculate the expected energy savings. Most of the work would be done on school buildings. All five active school building would see improvements. Also town buildings would benefit from upgrades, including the Town Hall, the library, the Senior Center, three firehouses, and public works, animal control and park facilities. They stated no work will be done on Chalk Hill because of the uncertainty about its future. Most of the work involves mechanical systems, automated management systems, lighting, and weatherization. Masuk High School and the Town Hall would change to natural gas, switching water heaters to propane; putting in new boilers at Stepney Elementary and installing a new roof at the Jockey Hollow fire station. Mr. Guiry and Ms. Hamilton noted all work could begin soon after the contract is signed. In the schools, work initially would be done at night and weekends and then during the day in the summer. They stated this is a job of tremendous value which makes perfect sense for the district to move forward. All Council members asked questions about the draft contract. Some issues raised were who would be responsible if unknown asbestos is found, the potential for change orders or cost over-runs, how much the natural gas hookups would cost, and what would happen if buildings covered by the contract should be closed. Chairman Lipeles requested Council to come back with their questions on December 10, 2012 whereas Councilmember Dutches requested the Finance Director, Public Works Director, and Planning and Zoning for guidance. First Selectman Vavrek noted there are many maintenance problems with government structures in town. He stated "because of the bad overall building maintenance over the years, we are in this mess."

Chalk Hill Building

First Selectman Vavrek handed out a Chalk Hill Overview and Project Plan to all Council members. He spoke about the public-private partnerships and revenue generation models along with profit sharing. He also stated he had a meeting with Mr. Kimball and discussed some of the YMCA options. First Selectman Vavrek noted at the next meeting, Council should have a timeline and will have time to ask questions.

2ND PARTICIPATION

John Salvatore, Chief of Police stated comments were made at the sub-committee meeting on Planning & Zoning, Public Works and Parks & Recreation Matters on October 15, 2012. During public participation there were comments attributed to the Planning & Zoning Chairman about

the Police Department projects, and stated he basically proposed that project over the years. Comments were made about the leniency towards the project. He stated he wanted to make it clear for the record, during the proposal of this project, the Town Building Committee and Town Hall officials that are involved in this project, have complied with all conditions, codes, and regulations of Planning and Zoning, Building, and Public Health. He stated he had no idea where the comment came from or possibly it was incorrectly reported. Chief Salvatore wanted to take exception to these statements and have them put on the record.

Councilmember Unger wanted it to be perfectly clear the statement came specifically from Public Participation, Planning & Zoning Chair.

Steve Kirsch, 35 Applegate Lane, stated it would be appreciated if the public could have access to all the documents that are handed out to Council during a meeting. He noticed that there are not many people from the public or press at meetings, but those who do attend, have no idea when Council is referencing to their documents if copies are not handed out to the public as well. He noted it makes it easier to understand. Mr. Kirsch also stated he was pleased about the questioning on the Honeywell contract and appreciates Council was prepared and appropriately reviewed the material.

Next Town Council Meeting will be scheduled on Monday, December 10, 2012

ADJOURNMENT

Motion: (T. Unger)

To adjourn the meeting at 11:20 p.m.

Second: (R. Knapp)

Motion passed 8-0

Respectfully submitted,

Donna Cerreta
Town Council Clerk