

**SALEM BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY, JULY 5, 2016, 7:00 P.M.
SALEM TOWN OFFICE BUILDING**

PRESENT

Kevin Lyden, First Selectman
Edward Chmielewski
Stuart Gadbois
David Kennedy
Robert Ross

ABSENT

none

1. CALL TO ORDER:

First Selectman Lyden called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

A. June 7th, 2016, Regular Meeting

M/S/C: Ross/Gadbois, to approve the Regular Meeting Minutes of June 7, 2016 with the following amendments:

item 3A Approval of Minutes, 2nd and 3rd correction:

A. Massage Ordinance (Action Item) – The proposed ordinance will be posted ~~online~~ ~~on-line~~ 2 weeks...

C. Request ~~C-Request~~ for additional appropriation...

item 5B Blight Ordinance, 2nd and 3rd paragraph:

E. Chmielewski... in the ordinance. *He also proposed slowing the process down to provide an opportunity for public input and to further discuss the ramifications caused by the potential fines to property owners.*

R. Ross stated he would like *a provision to have to see something in writing given* to the resident after they have complied with *enforcement of* the ordinance.

item 4 Correspondence/Public Comments:

...of Hartford Road *supporting concerning* a blight ordinance.

Discussion: None. Voice vote, 4-0-1. Voting in Favor: Selectmen Chmielewski, Gadbois, Lyden, and Ross. Voting in Opposition: None. Voting in Abstention: Selectman Kennedy.

4. CORRESPONDENCE/PUBLIC COMMENTS:

Vernon Smith, 169 Norwich Road, questioned the possibility of bringing the Blight Ordinance before the Planning & Zoning Commission for review. First Selectman Lyden stated that the Board of Selectmen is tasked with creating and introducing and discussing Ordinances with the public at a Town Meeting. Members of the Commission are welcome to discuss the Ordinance as a member of the public at that time. The matter will be further discussed under the agenda item.

5. AGENDA:

- A. Appoint George Householder to Emergency Management Committee – (Action Item)
While Mr. Householder will be a fine addition and he looks forward to having him serve on the Committee, First Selectman Lyden proposed tabling the item pending further clarification regarding the Charter describing the Emergency Preparedness Committee and the Ordinance.

Selectman Chmielewski proposed discussing the process by which a member is appointed to a Board, Commission, or Committee. While Mr. Householder is a great choice, he recommended that all openings be announced to the public. Interested candidates can, then, be interviewed, selected, and appointed by the Board of Selectmen.

- B. Submit to Town Meeting Disposition Real Property at 316 Witch Meadow Road – (Action Item) (*see attached*)

M/S/C: Ross/Chmielewski, to submit to Town Meeting disposition of Real Property located at 316 Witch Meadow Road. Discussion: The property, which was foreclosed upon due to back taxes, was deeded to the Town. Because the Town has no use for the property and has already expended approximately \$7,000.00 in legal-related fees, First Selectman Lyden is requesting that the Board submit the disposition of the property, which must be voted upon by the residents, to a Town Meeting. A licensed real estate broker would determine the selling price of the property. Voice vote, 5-0, all in favor.

- C. Approve Three Year Contract for Road Salt (Action Item) (*see attached*)

M/S/C: Chmielewski/Gadbois, to approve the Three-Year Contract for Road Salt. Discussion: The Board reviewed a copy of the estimate, provided by DRVN Enterprises, Inc., Wethersfield, CT, for 500 tons of road salt at a rate of \$85.00/ton for three years, totaling \$127,500.00. Public Works Director Donald Bourdeau stated that the contract would guarantee the Town at least 500 tons of salt, which would help them get through any

future tough winters. Though more expensive, he also proposed making a commitment to purchase a minimum amount of salt through the State bidding process to ensure that the Town has an adequate amount of salt. First Selectman Lyden expressed his support in reserving the salt with the stipulation that it is not pre-paid. It is unknown as to the number of Towns that have made such a commitment. The motion was amended to read:

M/S/C: Chmielewski/Gadbois, to approve the Three-Year Contract for Road Salt as long as there is no pre-payment required. Discussion: None. Voice vote, 5-0, all in favor.

- D. Endorse Addition Appropriation of \$24,500 for Resident State Trooper contract Line 5-210-216. (*see attached*)

M/S/C: Lyden/Ross, to endorse an additional appropriation in the amount of \$24,500.00 for the Resident State Trooper contract line 5-210-216. Discussion: The additional appropriation is for fiscal year 2015-2016 due to the State's increase of the Resident State Trooper contract from 70% Town/30% State to 85% Town/15% State after the passing of the municipal budget. Their endorsement/request will go to the Board of Finance for final approval. The Town has been able to save some funds by hiring junior officers, both of whom have been doing a very good job. Selectman Chmielewski commended the Troopers, who not only support the community, but also receives the community's support, adding that he has heard nothing but positive praise for both Troopers. Voice vote, 5-0, all in favor.

- E. Blight Ordinance (Discussion item) (*see attached draft*)

First Selectman Lyden stated that the Ordinance, which was modeled after the CT General Statutes, has been revised as suggested by the Town Attorney. Over 100 municipalities have instituted a Blight Ordinance and some of the Townspeople have been expressing the need for such an Ordinance. The institution of an Ordinance would provide the Town with legal recourse should the property owner fail to comply and provides an acceptable amount of time in which the property owner must comply and offers some leniency to those who are elderly or disabled. It also includes a provision for the Blight Enforcement Officer to investigate a complaint in the interest of the abutting property owner(s) who, for fear of repercussions, may choose not to submit a signed, written complaint (Complaints, notice of violation, item A). The recently passed Blight Ordinance for the Town of East Lyme was also provided for reference (*attached*).

While it was felt that the Ordinance is simple and easy to understand and provides some discretion and an opportunity for appeal, discussion ensued regarding the possibility of engaging either the Planning & Zoning Commission, Zoning Board of Appeals, or the like with subject matter expertise for additional input. Concern was also raised regarding the fine of \$50.00/day for each violation and the property liens for noncompliance. It was noted that the Ordinance, once finalized by the Board, would be introduced to the residents via a Town Meeting for further discussion and vote, as dictated by Charter.

The following revisions were proposed:

Definitions., item F:

- F. ~~It is~~ *A structure or premises containing* a fire hazard as determined by the Fire Marshall ~~or documented by the fire department.~~

DEBRIS

Anything that of a period of ~~15~~ 30 days or longer remains in public view...

DILAPIDATED:

Delete additional period at end of second sentence.

Designation and authority of blight enforcement officer., first sentence:

First Selectman shall ~~assign the position of the~~ *designate a* Blight Enforcement Officer,...

Complaints, notice of violation., add item D:

- D. ~~Upon compliance, the owner shall be provided with a written confirmation letter of compliance.~~

Appointment of citation hearing officer., first sentence:

The First Selectman of the Town shall appoint one or more citation hearing officers to conduct the hearing provided by CT General Statutes §124-9C ~~of this ordinance.~~

Following the revisions, the Ordinance will be reviewed by the Board and, if no other corrections are proposed, will be voted upon to bring the Ordinance before a Town Meeting.

While not opposed to a Blight Ordinance, Selectman Chmielewski reiterated the importance of instituting a process so as to avoid any abuse of power/authority and ensure that the property owners' rights are not infringed upon. He recommended the Blight Enforcement Officer and the Appeals panel be appointed by the Board of Selectmen to allow for additional collaboration and input. He also suggested the utilization and expending of all other avenues, including State Statutes, Zoning

Regulations, Fire Marshal Regulations, Building Regulations, etc. prior to resorting to the Ordinance.

It was noted during discussion that such avenues tend to be bureaucratic and expensive.

If allowable by the CT General Statutes, the following revision was also proposed:

Appointment of citation hearing officer, first sentence:

The ~~First Selectman~~ *Board of Selectmen* of the Town shall appoint one or more citation hearing officers to conduct the hearing provided by CT General Statutes §124-9C.

It was recommended that at least three (or five) citation hearing officers be appointed to allow for checks and balances and ensure the fairness of the process. The First Selectman, as the hiring authority for the Town, would appoint the Blight Enforcement Officer. The position would be assigned to an existing employee; the additional task is estimated to take only a few additional hours per week. Selectman Ross recommended the Board review the Ethics Policy regarding the Appeals process and their appointment.

Extending the Ordinance to include businesses was also raised. It was noted that any business blight would fall under the Zoning Enforcement Officer. In addition, the Ordinance may be amended in accordance to the Town's needs.

6. REPORTS:

A. First Selectman

The RFP (Request for Proposal) for the Multi-purpose Path Bridge was opened and will be funded, in part, by the Recreational Trails Grant. The Lions Club has been trimming and helping maintain the path. Kathryn Giannetti held a successful two-day Vintage Market; she will also be hosting a Craft Fair in the Fall. He met with the new Salem School PTO Vice-President Kimberly Kreft who will be discussing ideas for upcoming events with the PTO members. He noted that the Pavilion is available for normal group activities to any Town organization, free of charge. The Pavilion is, otherwise, rented at a per day charge. With an estimated 82% of the Town's population being projected to be 65 years and older over the next ten years, the Planning & Zoning Commission is in the process of reviewing and revising the current regulations for age-restricted/elderly housing. The Salem Volunteer Fire Company will be hosting the Salem Seniors' Annual Summer Picnic on July 12, 10:30 a.m. at Witch Meadow Campground. The Salem Cemetery Association, which runs the Town-owned cemetery, has smoothed out the area in the back that was used for the storage of dirt. A shed has been installed for tools and excess dirt is now being stored on the Zemko property. Additional work will be conducted on the property, with possible help from the Public Works Department.

Water to the cemetery is now available. The Lions Club awarded the Grange Citizenship Award to an 8th Grade student and has awarded \$2,000.00 scholarships to two graduating high school seniors. The Lions Club also funded the cake for the 5th and 8th grade D.A.R.E. graduating students.

1. Board of Education (BOE)

BOE Chairman Stephen Buck will be stepping down. He was thanked for his leadership and the execution of the 20-year contract with East Lyme High School. The vacancy has been publicized and any interested residents are welcome to apply.

2. Board of Finance

Preliminary work for the Town's annual audit has been completed; current numbers indicate that the Town is under budget by over \$125,000.00. The numbers are not yet finalized and may be affected by the additional appropriation for the Resident State Trooper. Funds were transferred last month to cover two (2) Capital items totaling approximately \$100,000.00.

B. Economic Development

Selectman Gadbois reported that the Economic Development Commission is continuing to work with the Assistant Assessor to determine the available business-zoned properties in preparation for a brochure.

First Selectman Lyden commended the Commission for filling a number of vacant properties and stated that their challenge will include the expansion of the Town's business district, which, according to the UConn study, would be located up Route 82 due to water restrictions.

A recent resignation on the Commission will be filled with an Alternate member and a vacancy for an Alternate member will become available. First Selectman Lyden hopes to provide a list of vacancies on the various Boards and Commissions on the website.

C. Library Board

Selectman Ross reported that the Board is continuing their search for a new Library Director with three interviews scheduled over the coming weeks. The ability and willingness of interim Director Rachel Gaithers to oversee the Library during this period has allowed them with the luxury of making a careful selection. The Board will not be meeting this month; all of the Library programs are currently in full swing.

D. Planning & Zoning Commission – *no report*

E. Recreation Commission

Selectman Kennedy reported that Program Coordinator Vanessa Bunnell has organized a number of Summer Programs, which are posted on the Town's website. The U12

Recreation Baseball Team, which has combined with Bozrah, won the District 3 Championships. In addition, Salem Resident Matt Spang was selected as *The New London Day's* 2016 All-Area Baseball Player of the Year.

F. Inland Wetlands & Conservation Commission – *to meet Monday, July 11, 2016*

7. PUBLIC COMMENTS:

Vernon Smith, 169 Norwich Road, expressed his appreciation of the Board's back and forth discussion this evening. While he is an elected member of the Planning & Zoning Commission, he stated that he is not speaking as a representative of the Commission. A regulation, he stated, is, by definition, an infringement on one's liberty. With this in mind he suggested the Board consider sending the Blight Ordinance to the Planning & Zoning Commission for review in an effort to gain additional perspectives and to take the time to review the document in light of any future repercussions and unintended consequences that may result from the Ordinance.

8. ADJOURNMENT

M/S/C: Chmielewski/Gadbois, to adjourn the meeting at 8:23 p.m. Discussion: None. Voice vote, 5-0, all in favor. Meeting adjourned.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Salem