

Town Clerk

**MINUTES OF THE REGULAR MEETING
New Milford Town Council
Monday, February 9, 1998**

Mayor Arthur J. Peitler called the Regular Meeting of the New Milford Town Council to order at 7:04 p.m. on Monday, February 9, 1998, in the E. Paul Martin Meeting Room. Present were Council members Clark Chapin, Peter Henderson, John Lillis, Thomas Pilla, and Sheldon Pruss; Town Attorney Thomas Beecher; Director of Finance Raymond Jankowski and Comptroller Richard Semeraro; Director of Public Works Larry Clough and staff; other Town officials; interested citizens; and members of the press.

Material Distributed Just Prior to or During the Meeting: Letter from Nello Carting Corporation, Feb. 5, 1998, to the Town of New Milford.

PUBLIC PARTICIPATION

(Please see Minutes, Jan. 26, 1998, p. 1) **Henry Morino**, president of the IBPO, said he hoped that the Mayor and Council had some answers to his question of why the pension negotiations are taking so long. **Mayor Peitler** said that he had spoken with David Ryan, the Town's labor consultant, that he has scheduled a meeting with the Town's negotiation committee, and that he is aware three negotiating meetings have been scheduled. The one to be held tomorrow will go forward.

Charlie Roy, Vice President of the Downtown Business Alliance and owner of the Bank Street Coffee House, said the timetable for the Bank Street Sidewalk Project is too long. The eight weeks of work on the street in the fall put a lot of businesses in the red and they cannot afford eleven more weeks. Understanding that this project must be finished, the businesses are looking for alternatives, such as more work crews, concentrating on first one half of the street and then the other half. Mr. Roy read a petition on which he had collected almost 1,000 signatures. The petitioners objected to eleven weeks to complete the Bank Street project because that amount of time will cause undue hardship to Bank Street merchants and their patrons.

Mr. Pilla said this project is a difficult one and asked what it would take to speed it up. The Mayor said the street could be closed entirely and the job accomplished in six weeks. Mr. Pilla asked if eleven weeks is a worst case scenario and Mr. Clough said it is. It is feasible the work can be accomplished in less time. Bowmanite alone takes from three to four weeks with a five- to six-man crew. **Mr. Lillis** asked why the timetable could not be based on longer than 9-hour workdays, five days a week. **Mr. Hackett** said that lots of businesses are very busy on the weekends. Mr. Lillis asked about extending hours to later at night. **Mr. Clough** said that the Department was trying to meet the budget and premium time was not figured into that budget.

Request: **Mr. Lillis** asked Public Works to prepare cost estimates for various options to shorten the Bank Street project completion schedule, specifically working more hours per day (12 was suggested). He asked for these projections by the next regular meeting.

Mr. Clough said the project is to begin April 13 and emphasized that the through traffic would be maintained on the street and pedestrian traffic on one side of the street. The Mayor noted that most of the work done last fall was in the center of the street; the spring work will be limited to an area on one side of the street or the other.

Mr. Pruss said that the problem is the perception that people will have that the street is closed. That perception is of the utmost importance because even in the best of times doing business in New Milford is not easy. Six, eight, ten weeks in such a situation can put a business out of business.

Russ Dorfschmitt presented a letter, signed by 14 members of the New Milford Business Alliance, stating that the schedule presented to the meeting on February 2, 1998, "lacked the detail necessary to justify a 15-week shut down of Bank Street" and suggesting that the project now underway is not the project the merchants had agreed to a year ago. At that time better than 50% of the property owners agreed, but the project has been expanded "10 fold". The property owners, however, were not consulted.

The letter presented three alternative proposals, as follows: **Option 1.** With two crews work the bottom of the street first (Railroad Street to theatre) leaving a single lane open for traffic; then reverse the process for the top; **Option 2.** Close the road to vehicular traffic; use two crews for demo and prep work; do all prep work, all Bowmanite process; then pave the street. For positive PR and for safety, develop the "YELLOW PATH" idea. A yellow path is painted wherever it is safe for people to walk. Well in advance of the actual work, this Yellow Path concept is advertised and businesses develop individual advertising and sales promotions around it. Prominent Yellow Signs direct people to the back doors of businesses where that is an option and to alternate parking areas. **Option 3.** The Town will complete the trenching and the other utility work, the Bowmanite people will take out the old sidewalk, prep, and lay Bowmanite 100 feet at a time, limiting disruption to any one business to only about 5 to 6 days. The signers asked for the Town's cooperation.

Austin Laber agreed that the time period for the project was too long, based on this work happening anywhere else. He said he felt the Town was trying to be frugal, sensible, limit the amount spent because of the Town's other needs. He suggested this maybe a misperception, not a mistake. There can be very serious consequences from a legal point of view if government acts foolishly, slowly, or negligently and people are really hurt. There is always the question of taking. He suggested the two issues are **Budget** and **Planning**. There should be a well-defined plan covering all the major players and that Council should consider reviewing the amount budgeted and getting the project accomplished more quickly. The objective of spending more money would be to keep people from going out of business.

Mayor Peitler said that the plan with CL&P has been in place for well over a year and the Town has invested substantial dollars in Bank Street. Mr. Clough's figures developed in answer to Mr. Lillis's request are certainly worth taking a look at, but this is not a case of the Town cutting corners.

Peter Bass in his prepared statement first applauded the efforts made thus far in downtown redevelopment and noted the numerous changes from several years ago. The sidewalks and streets do need to be upgraded and the downtown transformation is only in its infancy;

however, these are mainly family-operated businesses that do not have assets to support a 11-week down turn. Customers and employees will also be affected. He asked the Town Council to review the project and see if there is a way it can be done properly but in a reasonable amount of time. **Mr. Henderson** pointed out that the Public Works was specifically trying to avoid shutting down the street. He asked Mr. Bass if he were saying that a plan to avoid shutting the street down completely will have the same effect as actually shutting the street down. Mr. Bass responded yes he believed that it would, for whole sides of the street will be dug up and customers won't come down Bank Street.

Public Participation closed at 7:40 p.m.

MINUTES:

A motion was made by Mr. Pilla and seconded by Mr. Pruss that the Minutes of the Regular Meeting of January 26, 1998, be approved as submitted. The motion passed unanimously (5-0).

UNIMPROVED ROADS COMMITTEE REPORT

On September 8, 1997, Lawrence Clough, Clark Chapin, and Frank Wargo were appointed as the **Long Range Capital Plan for Unimproved Roads Committee**. The Committee's recommendations were contained in the report "Recommendations for Capital Equipment for Scenic Roads", dated February 9, 1998. Mr. Chapin reviewed these recommendations. The Committee's focus was on equipment needed, materials to be used, and training requirements.

- **Equipment:** Three pieces are recommended: (1) an all-wheel drive grader purchased in part by the trade-in of the present two graders (one old grader--1974--and one 4-wheel drive grader); (2) a vibratory roller to be rented for the 160 to 200 hours of use annually; and (3) a tri-axle truck to be included in the 1998/1999 budget request. An all-wheel drive grader can work both uphill and downhill; the vibratory roller will compact the gravel base and produce a longer-lasting wear surface; the increased carrying capacity of the tri-axle would free up at least two trucks and their operators (year-round use; approximately 30% of use with unimproved roads).
- **Materials:** Recommended moving away from limestone-based gravel to material with proper hardness and clay content (quartz-based with a 7% clay content).
- **Training:** The Committee supports the Department's efforts to obtain training for equipment operators, which program currently includes participation in a one-day grader training program and use of video and interactive CD-Rom materials from University of Connecticut and the Connecticut DOT.

The Committee made no recommendation when the equipment requests would appear in the budget. **Mr. Lillis** suggested that if an all-wheel-drive grader would make a substantial difference in the ability to grade roads and result in a saving on material (as Mr. Clough agreed it would), the Department should amend its plans to include it in this year's requests. Mr. Clough said he could consider moving it from a planned 2001-2002 request to a 1999-2000 request, but considering the needs his higher priority right now is the tri-axle truck.

Request: Mr. Pilla asked Public Works for the cost estimate and a plan (5 years/10 years, for instance) for doing the work that really needs to be done to bring the unimproved roads into excellent condition so the recommended maintenance procedures will be effective.

REGISTRARS OF VOTERS:

Loretta Brickley and **Barbara Hyatt** said that the 22 voting machines badly need full inspection, repair, and refurbishing. The estimate received for this work is \$8,228.98; however, that figure makes no provision for anything the mechanic may find when the machines are opened. The Registrars are hopeful that these voting machines will then last at least another four to five years. Computerized, or automatic, voting machines are being developed, but this type machine has not yet been approved. **Mrs. Brickley** said she did not believe they would come into use for a number of years yet, perhaps five to ten. These machines may cost as much as \$3,000 to \$6,000 each, but not as many will be needed.

A motion was made by Mr. Pilla and seconded by Mr. Pruss that the Town Council approve, and recommend the Board of Finance approve, a supplemental appropriation of \$10,000 to Account 6042-310-01, Registrars of Voters, Materials & Supplies, funds to come from the Contingency Account, for the full inspection of all voting machines [22] in accordance with the recommendation of the Registrars. The motion passed unanimously (5-0).

KIMBERLY-CLARK LETTER: (Please see Minutes, Jan. 12, 1998, p. 8 and Jan. 26, 1998, p. 4) The letter of appreciation had been typed and was signed by the Council members present.

RAILROAD STATION: NAMING

Mayor Peitler said that Clifford C. Chapin accomplished many things during his tenure as First Selectman. One accomplishment that stands out, however, is enabling the Town to acquire the railroad station. Mayor Peitler said he had talked from time to time with Clark Chapin about dedicating the railroad station to the honor of his father and commissioning a portrait of Clifford C. Chapin to hang in the station.

A motion was made by Mr. Pilla and seconded by Mr. Henderson that the railroad station be **named in honor of Clifford C. Chapin** and that an appropriation of up to \$5,000 be approved, and its approval recommended to the Board of Finance, to commission a portrait of Mr. Chapin which will hang in the railroad station, with the recommendation that the funds come from the Contingency account.

Mr. Pilla said the action is most fitting, for Clifford Chapin was an honorable man who did a great deal for the community. **Mr. Lillis** supported the motion saying that he knew Clifford Chapin had worked for at least eight years on enabling the Town to buy the station. He did not give up. Mr. Lillis also emphasized that Mr. Chapin had served the town very well for over 20 years on various boards and in various official capacities. **Mr. Clark Chapin** said he wanted the public and local organizations to know that the meeting room in the railroad station is available for public use, can be booked through at the Chamber of Commerce office, and serves well as a meeting area.

The motion passed unanimously.

The exact wording of the station's name is to be decided at a later time after consultation with the family. The family would also like to participate in the approval of the portrait before it is hung.

A motion was made by Mr. Henderson and seconded by Mr. Chapin that the meeting go into Executive Session to discuss strategy and negotiations with respect to pending claims and/or pending litigation, namely HRRRA/Town of New Milford v Nello Carting, and that Robert Palmer, HRRRA Director, be present at this session by invitation of the Town Council. The motion passed unanimously at 8:08 p.m.

EXECUTIVE SESSION

Present at the Executive Session were Mayor Peitler, Council members Chapin, Henderson, Lillis, Pilla, and Pruss, and Robert Palmer. [It is noted that Town Attorney Beecher left the meeting room and was not present during this executive session.]

A motion was made by Mr. Lillis and seconded by Mr. Pilla that the Town Council return to Public Session. The motion passed unanimously at 8:29 p.m.

PUBLIC SESSION

Mr. Palmer left the meeting room at this time and Attorney Beecher returned to the meeting.

A motion was made by Mr. Henderson and seconded by Mr. Lillis that the meeting return to Executive Session to discuss the selection of site(s) or the lease, sale or purchase of real estate. The motion passed unanimously at 8:30 p.m.

EXECUTIVE SESSION

Present at the Executive Session were Mayor Peitler; Council members Chapin, Henderson, Lillis, Pilla, and Pruss; and Town Attorney Beecher.

A motion was made by Mr. Lillis and seconded by Mr. Henderson that the meeting return to Public Session following a 10-minute recess. The motion passed unanimously at 8:55 p.m.

The meeting was in recess 8:55 - 9:10 p.m.

PUBLIC WORKS: TRANSFERS OF FUNDS:

Mr. Clough said that the maintenance budget had been prepared based on having an evening shift which could do after-hours projects such as rug shampooing and floor waxing. That planned change of hours under the contract was not approved and such after-hours projects have to be completed on overtime. The AFSCME overtime is for preparation of the departmental budget, close-out of road projects, and year-end account close-out.

A motion was made by Mr. Pilla and seconded by Mr. Pruss that the Town Council approve and recommend the Board of Finance approve the following transfers of funds as requested by the Department of Public Works:

\$4,000 to AFSCME Overtime, Account No. 6089-120-0003, from Maintenance Personnel, Account No. 6090-110-0001, for personnel;

\$6,000 to Overtime Building Maintenance, Account No. 6090-120-0001, from Maintenance Personnel, Account No. 6090-110-0001, for after-hours cleaning projects;

\$4,200 to Seasonal Help, Account No. 6089-130-0002, from Maintenance Personnel, Account No. 6090-110-0001, for replacement during medical leave. The motion passed unanimously.

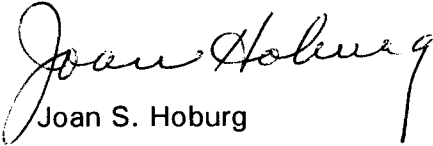
PUBLIC WORKS FACILITY:

Town Council members had received the Public Works Department's 8-page report entitled "Public Works Facility: Renovation or Relocation," dated February 4, 1998, accompanied by two maps: "New Milford Public Works Spacial Analysis of Youngsfield Road Facility" (showing proposed renovation and expansion) and an untitled map showing the layout of a similarly expanded Public Works facility on land proposed for purchase.

Considering the absence of four Council members, it was suggested by the Council that this presentation would at some time have to be made again. The Mayor said that the facilities issue would be incorporated into the Public Works budget presentation.

A motion was made by Mr. Pilla and seconded by Mr. Chapin that the meeting adjourn. The motion passed unanimously at 9:25 p.m.

Minutes Taken and Prepared by:


Joan S. Hoburg

Approved:

Arthur J. Peitler, Mayor

NEW MILFORD, CT
1998 FEB 17 P 1:15
GEORGE C. DUCKBEE
TOWN CLERK


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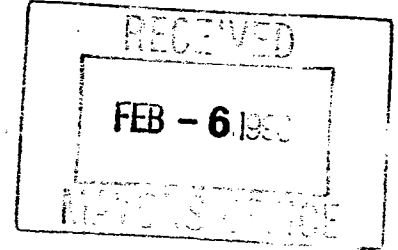
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Town of New Milford
Town Hall
10 Main Street
New Milford, CT 06776
Attn. Mr. Arthur Mayer



February 5, 1998

Dear Mr. Mayer,

With regards to the recent recycling violations on the part of Nello Carting Corp. I would like to confirm our actions towards 100% compliance and propose the following settlement :

Nello Carting has submitted all necessary documentation to obtain our HRRA and Town Refuse Hauler Permits.

Nello Carting has rerouted vehicles and changed the pick up days in order to prevent the mixing of materials at pick up.

Nello Carting has been educating our commercial customers. through written correspondence , telephone conversations and personal visits, as to what may and may not be placed in recycling containers in order to make these materials acceptable to the HRRA recycling facility.

Nello Carting has agreed to pay fees and expenses incurred by the towns for surveillance associated with these violation.

In addition, Nello Carting is currently working on arrangements to dispose of municipal solid waste generated within the towns of Kent, New Milford and Brookfield through the HRRA in the near future. Should the town have any questions, concerns or needs that we may be of assistance with, please feel free to contact our office at any time.

Respectfully,

A handwritten signature in cursive script, appearing to read "Anthony Badala".

Anthony Badala
Nello Carting Corp.

cc: Mr. Robert Palmer, HRRA
Dolores Schiesel, Town of Kent
Bonnie Smith, Town of Brookfield