

**TOWN OF SALEM
BOARD OF SELECTMAN
DECEMBER 1, 2009**

Present: R. Asafaylo, J. Fogarty, R. McKenney, Ross, K. Lyden (First Selectman)
Absent: None

Guests: See Attached

CALL TO ORDER:

First Selectman K. Lyden called the meeting to order at 7:32 PM

1) APPROVAL OF MINUTES:

October 27, 2009 Special Joint Meeting of the Salem Planning and Zoning Commission and the Board of Selectman

M/S/C (Fogarty/Asafaylo) to approve the minutes of October 27, 2009 Special Joint Meeting of the Salem Planning and Zoning Commission and the Board of Selectman amended as follows:

Page 1-Agenda item 1., change *award* to application.

Vote: Approved, in favor of-Asafaylo, Fogarty, McKenney, Ross. Against-none. Abstaining-Lyden

November 10, 2009 Regular Meeting

M/S/C (Ross/Asafaylo) to approve the minutes of November 10, 2009 Regular Meeting amended as follows:

Page 1, item 2, Correspondence, OPM, replace the entire sentence with, **The** Town's request to redirect the \$161,000 STEAP Grant from the tennis courts for use on the Multi Purpose Path was approved by OPM.

Page 3, item G) Hunting on Town Owned Land, insert *not*, before liability issues.
R. Ross: He has spoken to the town's insurance representatives and there are **not** liability issues.

Page 4, item 5 Reports, section A First Selectman, remove grant from,repairs has been received and the town needs to seek *grant* a grant for the work,.....

Vote: Approved, in favor of-Asafaylo, Fogarty, McKenney, Ross. Against-none. Abstaining-Lyden

2) **CORRESPONDENCE/PUBLIC COMMENT**

Correspondence

Legislative Update informing towns that the Governor plans on mid year cuts

Public Comment

P. Sielman updated the Board on the Route 11 Greenway Commission. After meeting with legislators and CTDOT, they were told that the state is not going to move forward with wetlands mitigation or preliminary engineering. The Commission is not sure how to proceed in light of the state decision. P. Sielman stated that for now they have decided to do nothing. There will be a new chairperson of the Commission, possibly Dan Stewart of Waterford.

3) **AGENDA ADDITIONS OR REVISIONS**

The reappointment of James Burke to the Recreation Commission will be added as item J, a supplemental appropriation request by the Recreation Commission will be added as item K, and 2010 meeting dates will be added as item L, and other business will be moved down to item M.

4) **AGENDA**

A) **APPOINT ACTING FIRST SELECTMAN
M/S/C (Fogarty/McKenney) to appoint R. Ross as Acting First
Selectman. Vote: Approved Unanimously**

B) **AMERICAN RECOVERY AND REINVESTMENT GRANT
(\$36,868)**

The application has been submitted and a Town Meeting needs to be set to appropriate the funds. The amount is over 2% of the budget therefore, it needs to go to Town Meeting.

C) **HISTORIC BUILDING ASSESSMENT GRANT
(SUPPLEMENTAL APPROPRIATION OF \$6000 FOR 135-
31-314)**

The state has sent the Town \$5000 which is in the general fund. An additional \$6000 is needed by the town to fund the \$16,000

project. There was \$10,000 continued from last years budget for the purpose of repairs to the historic town owned buildings.

M/S/C (Fogarty/Asafaylo) the Board of Selectman requests that the Board of Finance approve a supplemental appropriation of \$6000 for line 135-31-314 to be added to the \$10,000 already in place to pay the contractor for the job. Vote: Approved Unanimously.

D) GRANT FOR WEB BROADCASTING EQUIPMENT FOR SCHOOL

P. Sielman stated that the school is all set up to broadcast town meetings. He said the school is more centrally located, and he hopes more parents will come with their kids; this will expose them to how town government works.

The Cable Council awarded two grants that will reimburse towns for equipment and software costs. The Town of Salem and Old Lyme received grants. P. Sielman hopes that he can be reimbursed for the funds he used to buy the equipment. He has submitted the invoices to the town, which should be forwarded onto the Cable Council for reimbursement. He stated that the Board needs to authorize the broadcasting of town meetings at their next Town Meeting. He would also like the meetings to be web cast.

E) G. MAIORANO-REPLACEMENT OF TANKER VALVE

G. Maiorano gave the Board a handout (see file copy) of unexpected repairs to the fire apparatus. He stated that his line for maintenance is encumbered for routine items, with the additional repairs of \$7407.92 plus, needed maintenance on another truck in the amount of \$2239.00 for a total of \$9646.92 this will leave his line in a deficit.

M/S/C (Fogarty/Asafaylo) the Board of Selectman requests the Board of Finance consider funding the Salem Fire Dept \$9700.00 for unexpected repairs. Vote: Approved Unanimously.

F) D. PIMENTEL-SALEM SCHOOL BUILDING COMMITTEE UPDATE

D. Pimentel recognized members of the Board of Education and members of the Building Committee in the audience. He summarized a letter from Stu Gadbois, a member of the Building Committee, which recommends the “renovate as new” option as the best way to go. He is asking the Board to endorse a referendum in January for 15 million dollars. The state will

reimburse 30% of the cost of the renovation. He stated that the plan has changed over time as new information and understanding of the waiver process has been explained to them. D. Pimentel informed the Board that their original request for a space waiver was not realistic because the school is almost 30% too large for the school population. The gym, hallways, etc. were all decisions that the town made and the state does not feel that they should reimburse for decisions on space made by the town. The application waiver was not going to be allowed, the wood structure on the earliest addition poses no problem for the state therefore, is not a reason in and of itself for reimbursement. At a meeting between the State Board of Education and the Building Committee, the Town was advised to go to referendum and if approved come back and try to get the space waiver. D. Pimentel stated that there was a 90% chance that the space waiver would be approved once the referendum passed.

He addressed the issue of a new school and the estimate is approximately 28 million dollars. There would also be the issue of repairing and operating the old school.

If the town were just going to fix the code issues then each code issue would have to be reviewed by the state on a case by case basis and could be rejected on a case by case basis.

J. Fogarty asked if the project passed referendum how long would the town have to pay a 2-1/2-mil increase. D. Pimentel responded that it depended on how it was bonded but he estimated at around 15 years. The project architect, C. Boos, stated that when the town commits to full bonding they are operating on temporary financing for the first year. When they are done with the construction, the town will already have the state share. He stated most towns do not bond for the full amount.

D. Pimentel informed the Board that there are two information sessions planned for December 8th, and December 10th.

D. Pimentel also discussed the charge of the Committee and that once the plan is brought to referendum the charge is done. He suggested issuing a new charge and looking at new people for the Committee. He will not be able to be on the Committee due to a military obligation.

R. Ross told the Committee that they have done an excellent job and he appreciates all the hard work the members have dedicated to project. He stated that a lot has been learned, and that if it were

to be done over the meeting with the State Board of Education should have been at the beginning of the process and not the end. He suggested the Committee explain the option of a new school at the Town Meeting and the real cost to the town.

K. Lyden stated that the cost of the project has gone up by 50% in a short amount of time and asked the Committee to come up with a plan B, something that would fix the school but cost the taxpayers less. He stated the Committee should come prepared to talk about other options. He reminded everyone that in the present economy that there are many people that are hurting and may not be able to afford the approximately 13% increase to their taxes.

M/S/C (Asafaylo/McKenney) that the Board of Selectman schedule a Town Meeting to be adjourned to Referendum for a town appropriation of 15 million dollars to renovate Salem School, anticipating a 30% reimbursement from the State. The meeting will occur on January 13th at 7:30 at the Salem School.

D. Asafaylo stated that the timing was not good considering the state of the economy but it was a unanimous decision of the Committee to proceed in January with a referendum

Vote: Approved Unanimously

M/S/C (Fogarty/Asafaylo) to include the Virtual Town Hall meeting authorization, and the American Recovery and Reinvestment Grant for \$36,868 on the call of the Town Meeting. Vote: Approved Unanimously

G) D. BOURDEAU-ENGINEERING COST FOR TRANSFER STATION

D. Bourdeau informed the Board that the construction would use all the funds from the grant. The engineering for the transfer station, which included the bid package, is approximately \$8000. Additional engineering of approximately \$3000-\$4000 still needs to be done. He informed the Board that the DEP notified the Town about work that needs to be done for the closure plan of the land fill. A survey, topo, and life expectancy of the demolition area is needed. He stated that only \$1.00 was put in the engineering line for the current budget. He stated that it may be close to the bottom line but the auditors will see about \$15,000 in engineering fees and only \$1.00 budgeted.

H) HUNTING ON TOWN OWNED LAND

K. Lyden referred to the minutes of the Gadbois Land Use Study Committee from 2005 citing two sets of minutes that stated there was to be no hunting on the property. He also referenced a recommendation from the Recreation Commission (See File Copy) that hunting not be allowed on town owned property where the possibility of passive or active recreation takes place.

K. Lyden asked for comment from the audience.

C. Ryley recalled the issue of hunting on the Gadbois being discussed in the context of firearms, not bow hunting. He has called towns that do allow bow hunting and discussed the issue with the DEP. He stated that the DEP would be glad to come talk to the Board of Selectman. He stated that East Haddam allows all kinds of hunting on their town owned property. C Ryley stated that bow hunting is safe.

S. Buck stated that he did not know the town had allowed hunting on the Gadbois Property. He stated that he is a hunter but his property abuts the Gadbois and he is extremely opposed to hunting on that property. He said that he hears gunshots go off all the time and he never allows his grandchildren to go into the woods during hunting season. He said there would need to be supervision 24/7 and that is not supportable. He stated he is not a fan of bow hunting.

B. Weinschenker stated there is a big distinction between firearms and bow hunting. He informed the Board that on state property once fire arms season is open then bow hunting has to stop but, on private property bow hunters can hunt during fire arms season. He said the state already has adequate regulations and the town does not need to add more if hunting is allowed on town owned property.

G. Fogarty asked what happens if the deer is not killed immediately. B. Weinschenker stated that the hunter would have to track it down. He stated that it would not run towards people when it is injured. She also asked what happens once the deer is gutted, are the remains left where the deer is dressed? The answer from the hunters was yes.

R. McKenney stated that people have a right to know that hunting is permitted on town owned property and it should be posted. She stated that there should be additional regulations if it were to be allowed.

B. Schultz informed the Board that he is an avid hunter but does not believe that hunting should be allowed on town owned property. He believes that hunters and other recreational users should remain separate and that the property was not large enough to allow both. He said that the state owns almost 500 acres at the Zemko Wildlife Management area in the middle of town. He hunts there often and the most cars he has ever seen there are five, that is almost 100 acres per person. He stated that after a deer is killed the guts are left and it attracts vultures and coyotes. He would not like to see children come across a hunter dressing a deer or a "gut pile. "

M. VanDale stated that bow hunting has an excellent safety record, He has been out in the woods almost 20 hours bow hunting and has only raised his bow twice. Mostly he spends his time watching nature. He stated that because it is safe then there are no liability issues. He said the hunters would not be where the trails are because people scare the deer and the hunters would be out in the deep woods. M. VanDale said that there are probably poachers hunting town owned property now and if you have legal hunting, it acts as a deterrent to poachers.

R. Ross stated that bow hunting is safe and he sees no reason to say no to the hunters that are responsible enough to ask permission. He stated that the property belongs to the whole town and he does not think it right to say no to a segment of potential users. He offered that the hunting could be limited to certain times of the day when most users would not be out. He suggested letting the hunters draft a policy that would be reasonable for bow hunting. He informed the Board that hunting has been allowed on the "Bowtie" property for the past six years and no accidents have happened.

S. Spang, Recreation Chairperson stated that she did not realize that hunting had been allowed on the "Bowtie" property. She informed the Board that the trail goes through the "Bowtie" and there are people walking it and working on the path. She stated that by saying yes to four or five people how many people were being said no to. Even if you are not directly saying no to them, as soon as you allow hunting, people will not want to use the property during those months.

K. Lyden stated that it is a non-issue for now because all hunting permissions have been rescinded on town owned property and any decision will be made in the following year in time to consider the hunting season. He stated that if a policy were to be made it would be to prohibit hunting on town owned property. He said he could possibly see a limited hunt if there were a situation like over population or ticks.

I) TAX COLLECTOR REFUNDS

M/S/C (Fogarty/Ross) the Board of Selectman directs the Town Treasurer to issue refunds in the amount of \$923.86 as recorded and certified by the Town Tax Collector as summarized in the Tax Collector Refunds dated December 1, 2009 and the copy of this said summary be attached to the minutes of the Board of Selectman Regular Meeting December 1, 2009. Vote: Approved Unanimously.

J) RECREATION APPOINTMENT

M/S/C (Fogarty/Ross) to reappoint Jim Burke for a five year term to the Salem Recreation Commission.

K) SUPPLEMENTAL APPROPRIATION FOR THE SALEM RECREATION COMMISSION

A \$9000 request from the Recreation Commission for fee based programs. S. Spang explained that approximately \$9000 was spent on programs. This amount plus over \$500 more was taken in and deposited into the general fund. The line in the recreation budget needs to be replenished in order to run more programs.

M/S/C (Ross/McKenney) the Board recommends to the Board of Finance authorization of \$9000 to the Recreation Commission for use in the fee based programs. Vote: Approved Unanimously

L) APPROVAL OF 2010 BOARD OF SELECTMAN MEETING DATES

R. Ross suggested changing the proposed date (See File Copy) for the November meeting from the first Monday to the second Tuesday. He stated that even though the meeting was changed to a Monday to avoid a conflict with Election Day, the room is usually set up for Election Day on the Monday night of the meeting which means that they have to use another room.

**M/S/C (Ross/Asafaylo) to accept the proposed meeting dates but to change November meeting date to the second Tuesday of the month. Vote:
Approved Unanimously**

**M) OTHER BUSINESS
NONE**

5) REPORTS

A) First Selectman

K. Lyden informed the Board of an FOI seminar that will be held on December 16, for all Board and Commission members.

There will be a small business seminar on December 8th

K. Lyden is looking into a possible partnership with other towns to help share the cost of the town revaluation.

EMT position has been advertised and received 12 applications

Transfer Station has been paved

STEAP Grant package has been received and will be reviewed

Baileys Insurance is proposing Travelers Insurance for the Town

The Dam on the Gadbois Property is now registered with DEP

B) Public Works-No Report

C) Building Department-No Report

D) Salem School building Committee-Previously Discussed

E) Board of Education-They are starting work on their budget

F) Board of Finance-No Report

G) Planning and Zoning Commission-No Report

H) Inland Wetland and Conservation Commission-No Report

I) Economic Development-Met with the DOT and business owners

J) Zoning Board of Appeals-No Report

K) Recreation Commission-Tree Lighting on Sunday, December 6th

L) Public Safety-No Report

M) Transfer Station-Paving Complete

**N) Library Board-5 Year Anniversary Celebration on Saturday,
December 5th**

O) Town Vision Committee- 340 surveys submitted so far

**6) PUBLIC COMMENT
NONE**

**7) FUTURE ACTION ITEMS:
BOS YEARLY CALENDAR "TICKLER LIST"
SPECIAL EVENTS POLICY
TOWN OFFICE COMPUTER NETWORK**

**8) ADJOURNMENT
M/S/C (Asafaylo/McKenney) to adjourn the meeting at 10:21**

Respectfully Submitted

**Sue Spang
Recording Secretary**