

Middlefield Board of Selectmen

Regular Meeting

January 3, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7:05pm with the Pledge of Allegiance. Present are Ed Bailey and Jon Brayshaw.

2. Agenda (:55)

A motion was made by Ed Bailey to approve the agenda with the addition of tower company proposal; this motion was seconded by Jon Brayshaw and approved by both selectmen.

3. Minutes (2:14)

December 5, 2011

A motion was made by Jon Brayshaw to approve the minutes of the December 5, 2011 meeting as presented; this motion was seconded by Ed Bailey and approved by both selectmen.

Regarding the minutes to December 20, 2011, Jon Brayshaw indicated he needed to make a clerical correction and these were tabled.

4. Public Comment (3:13)

Joe Cohen stated he wanted to discuss the town building inspector, Robert Meyers. He stated that he had a problem with Mr. Meyers and has done some research and found a lot of information. He provided a copy of a letter to the Board of Selectmen regarding patterns of complaints and patterns of behavior by Mr. Meyers. Mr. Cohen felt he should alter the town to these issues. Mr. Cohen stated that Mr. Meyer does not have respect for the law, authority or the truth and felt he was fundamentally dishonest and deceitful. He went through the letter indicating some of the complaints and issues regarding Mr. Meyer that included accusations of threatening customer, being unlicensed and unregistered, building without permits, ignoring another town's building inspector, creating and submitting fake documents for court proceeding. Mr. Cohen elaborated on his thoughts about the fake documentation. Mr. Cohen stated there are other issues and suggested the town protect itself in a legal fashion regarding this employee and to read then entire letter as submitted. Mr. Cohen stated that he expected nothing from the board but if they wished to speak with him or see his records he will be happy to discuss it further and to provide additional documents.

5. Presentation regarding Sugar Loaf (7:27)

Jon Brayshaw noted that Alma Elder was not present at the time-this item was tabled.

6. Powder Ridge (7:48)

Jon Brayshaw reported that the building inspector had inspected the Powder Ridge property and has declared the building unsafe so Jon Brayshaw had some volunteers plywood the openings. The animal control officer reported that there is still a lot of people up on the property with quads and dirt bikes. More No Trespassing signs will be installed. Jon Brayshaw noted there been some arrests by the game warden in the area. Jon Brayshaw described further vandalism that has taken place on the property.

7. Police Presence (13:00)

Jon Brayshaw met with the police department and state police and have come up with a game plan to help slow people down and get drivers off their cell phones and other moving violations and reports will be submitted by the police showing the statistics.

Jon Brayshaw reported that he has spoken to people regarding the signage on the cars and asked the board what is their preference. Ed Bailey noted his preference was to have the Middlefield car marked as such, along with the numbers 911. It was stated that there was \$2,000 in the budget for this. A speaker said another town spent only \$300. It was noted the total cost of marking may also include the lights and other identifying items.

8. Town meeting (20:47)

Jon Brayshaw reminded that the town meeting will include the DMIAAB agreement, which is available in draft form at the town clerk's office.

The meeting will also include Counsel of Government and Midstate as well as the annual report presentation for 2009-10.

9. Storm Albert update (21:31)

Jon Brayshaw noted Terry Parmelee was not yet present and asked that they continue this item when he arrives.

10. Budget request memorandum (21:53)

Jon Brayshaw noted on January 1 the First Selectman issues a letter to all department heads requesting their budget information. The Board of Selectmen has to manage the figures and have them to the Board of Finance no later than March 1 according to the charter. Jon Brayshaw noted throughout January he and Finance Director Joe Geruch will be working to prepare the department budgets. Jon Brayshaw stated he has asked that the departments create a zero based budget, determining just what it is they require for the upcoming year.

11. Cell tower proposal (24:22)

Jon Brayshaw explained there are four or five vendors using the cell tower that is located behind the town hall and each year there are proposals to purchase this tower. Jon Brayshaw noted the latest proposal from Tower Company is just to purchase the right of first refusal in the event the town does decide to sell their rights to it. Their letter was read and discussed.

A motion was made by Jon Brayshaw to decline the offer presented by Tower Company in their December 13, 2011 letter. This motion was seconded by Ed Bailey and approved by both selectmen.

12. Appointments (28:30)

A motion was made by Jon Brayshaw to reappoint Rob Poturnicki to the Water Pollution Control Authority; to reappoint Doug Charles to the Inland Wetlands and Watercourses Agency; to reappoint Dave Chowaniac to Conservation Commission, with the terms as noted in the agenda. This motion was seconded by Ed Bailey and approved by both selectmen.

13. Recess – a brief recess was taken to wait for Terry Parmelee – recording turned off-

14. Report from Terry Parmelee (:10) –recording resumed

Terry Parmelee reported they are about 99% done picking up brush throughout the town, the stock pile was estimated to be 8,001 cubic yards of brush, which will be chipped. He noted that DMIAAB has made an offer to do the chipping with Durham's brush and this will be decided by the selectmen. According to FEMA the town can do this, and use the chips for landscaping on town property and must get rid of the chips within two years. The idea of bring piles of the chips down to the town garage where townspeople can help themselves to them was discussed as being appropriate as long as the town is not responsible for loading any of it. Terry Parmelee reported that he can submit to FEMA

once they have the final figures on the costs of the chipping depending of if the town chooses to use a contractor, or DMIAAB. Everyone speaking was in agreement that DMIAAB should do this, noting they would bring the tub grinder to the stockpile.

Terry Parmelee reported CL&P was working on removal of dangerous trees in town, and the state will have their report on the storm on January 9 regarding how the storm was handled. Terry Parmelee stated the lesson learned for Middlefield was that there were no communications in town when the power was lost. Various potential solutions were discussed as was the successes of the previous two storms.

15. Adjourn

A motion was made to adjourn at 8 pm; this motion was seconded and approved by both selectmen.

Middlefield Board of Selectmen

Regular meeting

January 17, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7:05 pm with the Pledge of Allegiance. Present are Ed Bailey, Jon Brayshaw and Dave Burgess.

2. Agenda (1:25)

A motion was made by Jon Brayshaw to accept the agenda with amendment: under new business: joint meeting Board of Selectmen, Board of Finance and Board of Education February 6 in Durham and under appointments: add Randy Bernotas to the Inland Wetlands and Watercourses Agency. This motion was seconded by Dave Burges as and approved by all three selectmen.

3. Minutes to previous meeting (3:34)

January 3, 2012

Page 2, item 9, Storm Albert should be changed to Storm Alfred.

A motion was made by Jon Brayshaw to approve the minutes as amended. This motion was seconded by Ed Bailey and approved by Jon Brayshaw and Ed Bailey. Dave Burges abstained as he was not present for that meeting.

December 19, 2011

A motion was made by Jon Brayshaw to approve the minutes of the Board of Selectmen meeting of December 19, 2011 as presented. This motion was seconded by Dave burges and approved by all three selectmen.

4. Public comment (5:06)

Marianne Corona said she would like to see the public more involved in the town's issues the way East Hampton does with public forums, on the Powder Ridge issue. She noted there have been various interested parties in the property and encouraged the board to not discuss so much in executive session but to turn to the townspeople for a forum to openly discuss this.

Jon Brayshaw noted that both the interested parties that Marianne Corona mentioned had asked in writing that their names not be revealed.

Ellen Waff noted it is worth tapping into the brain power of the townspeople by opening up the meetings for public forum.

Carl Zanoni stated that he has been involved in Powder Ridge for a while and there have been several people interested in the past that were driven away. He stated the town is looking at time shares now and the townspeople have no interest in that. He stated that they need transparency, all this stuff behind closed doors is what led to these fiasco deals. He noted the Hubbard Street property needs to be opened up to public as

well. He urged the Board of Selectmen to be tough business people and to not listen to the terrorists of the public.

Bob Johnson asked for a copy of the DMIAAB draft proposal. Jon Brayshaw stated it is a work in progress and both towns have given it over to their attorneys for their review.

Geoff Colegrove reported they have received comments from Durham's attorney and have incorporated those into the Draft, and the comments from the Middlefield attorney have been discussed, and the Durham attorney is reviewing them. Geoff Colegrove stated he would follow up, but expected a final draft in two weeks for the two First Selectman to review.

Jon Brayshaw noted there is a town meeting scheduled for February 6 to discuss various issues, but DMIAAB draft will not likely be ready. Jon Brayshaw promised when the attorneys are done with their review that draft will be posted on the web site and be available in the town clerk's office.

Bob Johnson noted in the DMIAAB draft there had been a requirement for the qualifications for DMIAAB members to be sent to the selectmen for review, and suggested if that was still there, it needs to be reviewed. He stated if that requirement stays in there the Board of Selectmen should also be looking at the qualifications for Board of Education members as well. Jon Brayshaw asked Geoff Colegrove to follow up to see if that requirement was still in the draft.

Bob Johnson noted that DMIAAB has to sign a contract for 2012 and was unsure if they have looked at anyone other than CRRA, and there are many towns that have left CRRA and gone with another company. Jon Brayshaw stated that they have looked at CRRA and due diligence has been done and indicated there are documents/information available for Bob Johnson to review at the town hall.

Geoff Colegrove noted that DMIAAB signs the agreement after both towns First Selectman have signed it. Bob Johnson noted the agenda indicates an executive session regarding Powder Ridge and questioned if that was appropriate or not. He emphasized that the townspeople voted to retain that area as a ski area and the town should not entertain every proposal that comes up in executive session. He noted unless they are discussing dollar amounts this issue should not be in executive session. Jon Brayshaw noted they have checked with FOI in Hartford to confirm the appropriateness of executive session and also the interested parties have specifically asked that their names not be revealed.

Another speaker discussed time shares noting that it defies comprehension to him and it will lead to housing.

Cheryl Pizzo noted she is a member of the Economic Development Commission, and questioned Jon Brayshaw why this commission has been kept in the dark on the Powder Ridge issue and noted that the members of the Economic Development Commission want to be involved and want to help before any deal is created. She noted that the town seems to be negotiating in a desperate fashion and that will diminish the value the property. She suggested they put together a deal that does not include the town as the bank.

Marianne Corona recommended again that they need to have an open forum so that people know what is going on as the land belongs to them.

5. STEAP grant (31:27)

Jon Brayshaw reported that he is going to work with Geoff Colegrove to maximize the \$250,000 STEAP grant for repairs of bridge on Miller Road, noting he does not want that work to interfere with the work on the Route 147 bridge that the state will be doing. They will be getting the drawings done as well as getting the bid package done. Jon Brayshaw noted that while the bridge on Miller Road is in need of repair it is safe to use. Ed Bailey asked if they could use the funds for the engineering work. Jon Brayshaw said he would look into it. It was suggested the First Selectman contact the fire department who may have records regarding when that bridge is flooded over so that they are sure to schedule work around those times.

6. Powder Ridge update (38:28)

Jon Brayshaw noted the buildings have been secured with plywood. He reported that FEMA has measured the brush pile and DMIAAB will be chipping it and it is estimated to take three or four days to complete and FEMA will be reimbursing the town for a certain portion. Jon Brayshaw noted there are documents in this regard to review at the town hall.

Jon Brayshaw noted there are a lot of people expressing interest in the property, and each person/company is treated with courtesy and shown the property. He noted that there are some who are viable and some are not. He noted as an example, the idea of time shares is just one of many that have been brought up as ideas to pursue with financial backers but not any idea that has been actually brought to the table, just ideas spoken about. He said often people who express interest in the property ask that their identity not be revealed as they have current businesses that they need to protect. Jon Brayshaw asked that people respect that.

Dave Burges noted the benefit of having a public meeting to share with the townspeople is a positive step. Jon Brayshaw assured that when there is something concrete, the townspeople will be given all the information. Dave Burges noted in the past he was given a deal as a member of the Board of Finance only five minutes in advance of having to vote on it, and did not want that to happen again, and wanted there to be time to have public meeting and then a vote at a later date.

Marianne Corona noted people want to share their feelings ahead of time with the selectmen. Dave Burges noted that is always welcome to meetings as tonight. Marianne Corona said the public wants to know what is coming through the door now.

Jon Brayshaw said if he had brought the last five or six that have shown an interest before the townspeople, it would have been a circus. The selectmen know what the public wants and they are sifting through them. He stated that skiing is a real problem with this year's climate.

Ed Bailey noted there is currently nothing to bring to the public, there is nothing written down, it's just people coming in and having conversations. As soon as something is in writing, as it was with Alpine, it will be brought to the public.

Bob Johnson asked if what they are going to discuss under executive session tonight includes some type of skiing- Jon Brayshaw said yes.

7. Joint meeting (54:39)

Jon Brayshaw noted there will be a Durham/Middlefield meeting with Boards of Finance, Board of Education and Board of Selectmen in Durham at the Strong School library on February 6 at 7 pm. Laura Francis will be providing the agenda. There will not be a February 7 meeting of the Middlefield Board of Selectmen and the town meeting will be scheduled when they have all the necessary documents including the DMIAAB draft and the new planning agency information.

8. Municipal solid waste agreement (58:22)

Jon Brayshaw reported they have spent a lot of time on this agreement and provided a list of the all the major points and asked the board to approve his signing of this agreement.

A motion was made by Dave Burges to approve the signing of the CRRA Municipal Solid Waste Management Services Agreement. This motion was seconded by Ed Bailey and approved by all three selectmen.

9. Resolution to re-certify STEAP grant (1:07:36)

Jon Brayshaw read the resolution for the board.

A motion was made by Ed Bailey to re certify the Peckham Park STEAP grant. This motion was seconded by Dave Burges and approved by all three selectmen.

10. Chip Brush agreement (1:08:51)

Jon Brayshaw provided a copy of the agreement for the selectmen to review. Jon Brayshaw noted there are plans to look into replacing the now over 20 year old tub grinder.

A motion was made by Ed Bailey to approve the agreement between Middlefield and DMIAAB regarding the brush shipping form Storm Alfred. This motion was seconded by Dave Burges and approved by all three selectmen.

11. Lake Beseck issues (1:11:36)

Jon Brayshaw reported that the lake community will be meeting with DEEP on Wednesday, February 1 at 9 am to discuss various issues including the draw down, the quality of water, the dam, catch basins and vortechnic units. Jon Brayshaw said he would be in attendance, and the Inland Wetlands and Watercourses Agency will be invited.

12. Welcome to Middlefield signs (1:14:00)

Jon Brayshaw reported the Lions Club would like to post a Welcome to Middlefield signs in various locations including Hubbard Street, Route 66, and in Rockfall. Drawings/photos were provided to review. Jon Brayshaw noted that DOT has provided guidelines for those located on State roads. Geoff Colegrove provided photos of signs that will be more like what is being proposed. Jon Brayshaw suggested the Board of Selectmen should endorse and support this project, both selectmen agreed.

13. Appointments (1:20:05)

Jon Brayshaw stated he went to the Ct Forest & Parks association and was very impressed.

A motion was made by Jon Brayshaw to appoint to Health Director-Dr. Matthew Huddleston for one year; to Water Pollution Control Authority-Ed Bailey from 01-01-2012 to 12-31-2014; to Tree Warden Bruce Vilwock 01-01-2012 to 02-31-2012 one year; to Inland Wetlands and Watercourses Agency Randy Bernotas as alternate. This motion was seconded by Ed Bailey and approved by all three selectmen.

14. Executive session (1:24:49)

Jon Brayshaw assured the audience as soon as the selectmen know what people want and the selectmen know it is good, the public will be advised. He asked that they not listen to the gossip.

A motion was made by Jon Brayshaw to move into executive session at 8:30 pm; this motion was seconded by Dave Burges and approved by all three selectmen.

A motion was made to lease executive session at 10:25, with the notation that no motions or actions were taken. This motion was seconded and approved by all three selectmen.

It was noted they discussed the union agreement with the police department and the sale/negotiations of Powder Ridge.

A motion was made by Ed Bailey to approve the agreement between the town and the Middlefield police local number 2693M, dated July 1, 2010-June 30, 2013. Pending review by town attorney. This motion was seconded and approved by all three selectmen.

15. Adjourn

A motion was made by Dave Burges to adjourn at 10:30 pm; this motion was seconded by Jon Brayshaw and approved by all three selectmen.

Jon Brayshaw made a note for the record that Geoff Colegrove was present for the executive session discussions regarding Powder Ridge.

**Middlefield Board of selectmen
Special Meeting
February 15, 2012
Minutes**

(Not approved at time of Filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7:07 pm; present are Jon Brayshaw, Ed Bailey and Dave Burgess.

2. Agenda (:31)

A motion was made by Ed Bailey to approve the agenda as presented; this motion was seconded by Dave Burgess and approved by all three selectmen

3. Powder Ridge proposal (1:07)

Jon Brayshaw provided some history of people and entities that were interested in purchasing Powder Ridge. He introduced Shawn Hayes who is associated with the Brownstone recreation area in Portland, and explained that Mr. Sabatino, formerly associated with Alpine still had an interest. Jon Brayshaw introduced Attorney Ken Antin who represents the town, and the financial director Joe Geruch.

Attorney Antin explained there was a Letter of Intent signed by both parties that is an agreement to negotiate over a 90 day period to try to create a binding contract which will then be brought to town meeting within 60 days. Attorney Antin went over some of the basic terms including the price of \$1 million and a limitation on development. He noted that Mr. Hayes wants to split off 20-40 acre parcel to allow for another use, and this will require P&Z approval which Mr. Hayes wants before the closing. Attorney Antin noted there is a stipulation that there will be downhill skiing available to the public for a

minimum of 10 years. There will be a letter of credit up to \$2million to indicate he has funds available at closing as it will take that or more to do the necessary work on the property. Attorney Antin noted the agreement included the promise that the town will use the \$500,000 DECD grant to improve the property in a way that Mr. Hayes' company, the town and the state can all agree on.

Jon Brayshaw noted there will be no public comments at this meeting, but there will be a public hearing scheduled to allow the public to speak and comment.

Shawn Hayes, using a projector, explained what his company had done with the Brownstone Quarry in Portland, and then presented a recorded presentation. Mr. Hayes noted this can not be just a down hill skiing area, and he wants to create a Winter Sports Park. He explained that he wants to emphasize free style skiing on the property. He noted that with the summer business he already has, he has much of the infrastructure needed so that he can move the focus from one site to the other. For examples he noted simple things like picnic tables that can move from one to the next, as well as all their employees, managers, etc. He explained he wants to come in and leverage the assets that are here and make the most of them. He explained his intent to provide something for every member of the family to enjoy.

The selectmen went over the Letter of Intent with the attorney. Dave Burgess noted he had financial concerns about the town being the banker for this without any interest. The selectmen discussed financing, how the town is currently financing the loan for the property and options they could apply to Brownstone. Jon Brayshaw noted this is a similar deal they offered to Alpine that the taxpayers had voted 10-1 in favor of. Dave Burgess felt there should be interest on the unpaid balance. Mr. Hayes noted they are also going to collect property taxes on this property from day one.

In response to a question, it was noted there is already a 25 room inn on the property. Any uses already there can be utilized, but any different uses will require the approval of Planning and Zoning. It was noted that once the property is sold, the owner is free to do what ever is allow by planning and zoning. Dave Burgess noted a cash flow statement would be a benefit- Mr. Hayes stated this will be a new entity so there will be no cash flow statement.

Jon Brayshaw noted this is only step one, to get the ball rolling and there will be many details added along the way. Mr. Hayes stated that if the town of Middlefield does not want them here, they will walk away. He stated that the letter of intent is just determine if they can work towards a mutual deal. Jon Brayshaw emphasized his desire to have the selectmen be unanimous in their agreement. Dave Burgess stated that he would like to see the interest addressed.

Joe Geruch explained how much has been paid on the principal to date, and what is expected in the next years. Ed Bailey noted that the terms reflected in the Letter of Intent before them are better than originally offered due to negotiations and he was unsure if they could do better than what was presented.

Ed Bailey noted his appreciation for a discount for Middlefield residents, and also stated he is aware of a good relationship Mr. Hayes has with the town of Portland.

Jon Brayshaw read a draft resolution (a copy of this resolution is on file in the town clerk's office.)

A motion was made by Ed Bailey to approve this resolution. This motion was seconded by Dave Burgess and then approved by Ed Bailey and Jon Brayshaw. Dave Burgess voted in opposition with the comment that he believes this is a great idea, and is only opposed to the financial aspect due to the interest component and the long term. The motion carried.

Jon Brayshaw discussed with Attorney Antin and Mr. Hayes the timing for a public hearing as well as what document they should be have completed for the public hearing. Attorney Antin suggested before they spend a lot of time and effort on a contract, they need to be assured they can split off that lot. He suggested there be a public hearing after they work out the contract, but to also have one between when the contract is signed and the town meeting, so they can be confident that nothing has substantially changed between the letter of intent.

Jon Brayshaw read for the record the resolution requesting the public hearing.

A motion was made by Ed Bailey to adopt the resolution to schedule a public hearing on Tuesday, March 6, possibly at Memorial School. This motion was seconded by Dave Burgess and approved by all three selectmen.

4. Adjourn

A motion was made to adjourn the meeting at 8:14pm ; this motion was seconded and approved by all three selectmen.

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Middlefield Board of Selectmen

March 5, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7pm with the Pledge of Allegiance. Present are Jon Brayshaw, Ed Bailey and Dave Burgess.

2. Agenda (:48)

Jon Brayshaw asked to move the proclamation regarding girl scouts to follow after the agenda;

A motion was made by Dave Burgess to approve the agenda with the modification; this motion was seconded by Ed Bailey and approved by all three selectmen.

3. Girl Scout proclamation (2:01)

Jon Brayshaw read a proclamation regarding girl scouts for the record.

4. Minutes (6:13)

January 17, 2012

A motion was made by Dave Burgess to approve the minutes to the January 17, 2012 minutes as written; this motion was seconded and approved by all three selectmen.

February 15, 2012

Dave Burgess stated he had statements that he would like added to the minutes.

“David Burgess stated that he had financial concerns with the deal but the thought the vision and concept of Mr. Hayes was good. David Burgess had concerns with the length of the deal and felt the town should receive more funds up front. Mr. Burgess reviewed the short term and long interest rates and how it affected the financial impact of the town. Mr. Burgess identified the sale of Powder Ridge as a non performing asset since the town will pay \$250,000 per year it would receive \$100,000 per year when it was switching to long term borrowing.

Dave Burgess recommended the sale of the 20 to 40 acres should go to principal of the loan for the town of Middlefield.

Dave Burgess asked who would be purchasing the 40 acres, Mr. Hayes responded that he did not know, Dave Burgess said the town should know who is going to be buying the property before the purchase is complete.

Dave Burgess asked Mr. Hayes who is the financial institution for his letter of credit, Mr. Hayes responded he did not know.”

Jon Brayshaw stated he would take these additions and have Fran Pac redo the minutes so they are on one.

Ed Bailey stated the minutes should be a summary of the meeting, not a verbatim account of the meeting. Mr. Burgess felt this was a summary of what he said and it was left out, and as it was an important concept he would like to add that. Ed Bailey noted he was not objecting to the additions.

Jon Brayshaw suggested they table the approval until they are taped as one.

A motion was made to table approval of the minutes to the February 15, 2012 BOS meeting until the additions are made; this motion was seconded and approved by all three selectmen.

Jon Brayshaw indicated he would take the notes from Dave Burgess and have the minutes redone.

5. Public comment (15:38)

Jon Brayshaw questioned a scout about requirements for a badge.

6. Powder Ridge update (16:20)

Jon Brayshaw noted tomorrow (March 6) would be a public hearing at Memorial School to discuss the Powder Ridge sale. He noted there was a new LOI to review.

The changes included the fact that the 20-40 acres is out and the price changes from \$1 million to \$700,000. Jon Brayshaw provided maps and aerial photos.

Dave Burgess noted the price drop was significant for the reduction of those 22 acres. Jon Brayshaw noted there was a memo dated February 27, from Steve Hodgets the tax assessor that addressed the value. Dave Burgess noted the town will not get the \$300,000 up front, and still will have to pay Middlefield holdings and they will be short by \$125,000 and they will need to find a way to get that in the budget.

Jon Brayshaw noted the town did not want to allow Brownstone to sell that property, and doing this allows the town to own that valuable piece, at a cost of \$300,000.

In response to a question from Ed Bailey, it was noted that piece of property is not currently permitted to have a restaurant, and anything activity will need to be approved by the P&Z commission.

In response to questions about the DECD grant and the town installing the upgrades with those funds, Jon Brayshaw explained that without knowing the end use on the property there is no criteria on which to base an electrical service or any other type of utility, and it can only be used if the end result is skiing.

It was noted that the deadline for the ski area to be operational has been moved, but they will confirm those dates will be in conformity with the DECD grant.

Dave Burgess noted the interest is still a concern for him; he also requested that the purchaser should submit a business plan for the town hearing so that the people of Middlefield/Rockfall can see it as it is important.

Ed Bailey noted that Mr. Hayes would be willing to discuss his business plan with a third party accountant to review, and the accountant could then provide an opinion, but for competitive reasons, Mr. Hayes will not release his business plan to the public.

With regard to the interest rate, Mr. Bailey reported that Mr. Hayes had sought a tax abatement however, Jon Brayshaw wanted to have the taxes paid and it was more lucrative to the town to do it this way. Jon Brayshaw emphasized that since the town purchased this property they have stripped the value out of it by removing the development rights.

Board members debated the value of the property, with Mr. Burgess indicating he felt the value was higher than the other selectmen did.

Jon Brayshaw noted that attorney Antin is looking for the BOS to approve the resolution that the BOS approves the attached Letter of Intent from Brownstone Exploration Discovery for the purchase of the town's property known as Powder Ridge Ski Area, and that the BOS authorizes first selectman Jon Brayshaw to sign the Letter of Intent on behalf of the town of Middlefield and acknowledges prior to receipt of the \$25,000 deposit the LOI requires from the buyer upon the town's acceptance. Dated the fifth of March.

Once the selectmen approve that resolution Jon Brayshaw will print copies for the public to review.

Dave Burgess noted he still had some of the same issues with this LOI as he did the previous one that he did not support. It was explained that if there are no significant changes the next step will be to be creating the contract. Dave Burgess indicated if there are significant changes there needs to be another public hearing and vote so that the townspeople know what they are voting for.

A motion was made by Ed Bailey to adopt the resolution as attached (to the printed copy on file in the town clerk's office) as stated; this motion was seconded by Jon Brayshaw and approved by Ed Bailey and Jon Brayshaw. Dave Burgess voted in opposition.

Jon Brayshaw provided information regarding this proposal submitted from Geoff Colegrove concerning the Plan of Conservation and Development, noting this proposal is a suitable use for that property.

7. Miller Road Bridge (54:50)

Jon Brayshaw reported that the town engineer is reviewing this and there is a \$250,000 grant received to repair the Miller Road bridge. Jon Brayshaw noted they are looking into whether or not they can fix it for the \$250,000. He noted this project may also be postponed until the following year.

8. Regional Planning Organization consolidation (59:27)

Jon Brayshaw noted they have to schedule a public hearing and town meeting to have this voted on. He provided maps that indicate the location of the various planning agencies. Board members discussed how they had more in common with the estuary group than the other options.

It was agreed to have the town meeting on the same night as the next BOS meeting on March 20, at 7 pm.

A motion was made by Jon Brayshaw to schedule the public hearing followed by a town meeting on the adoption of RPO designation for March 20, 2012 at 7 pm; this motion was seconded by Ed Bailey and approved by all three selectmen.

9. DMIAAB agreement (1:08:42)

Jon Brayshaw provided new copies of the final DMIAAB agreement and noted he did not believe there would be any controversy over this agreement as it has been vetted for over a year.

A motion was made by Jon Brayshaw to have the public hearing and town meeting to adopt the DMIAAB agreement on March 20, 2012. This motion was seconded by Ed Bailey and approved by all three selectmen.

10. Resolution (1:11:45)

Jon Brayshaw reported that there are grant funds available for records preservation and the board has to adopt a resolution, which he read to the board, in order to accept these funds.

A motion was made by Jon Brayshaw to adopt the resolution for the historic document preservation grant; this motion was seconded by Dave Burgess and approved by all three selectmen.

11. Welcome Signs (1:14:43)

Jon Brayshaw reported that the Lions Club wants to sponsor the installation of Middlefield Welcomes You signs on Route 66. There was a change in zoning regulations to accommodate this and they include the need for the BOS to approve the sign details and locations. The town has received the approval from the state for the signs on Route 66. He noted there is a need for funds to be raised and the Lions club is working on this and looking for support.

12. Lake Beseck Boat Ramp (1:18:46)

Jon Brayshaw reported that he is meeting with the DEEP to discuss the boat ramp which is in need of repair, and to get permission to have the fire department put in a wet hydrant at this location.

13. Park and Recreation (1:21:11)

Jon Brayshaw noted that Park and Recreation has requested the ability to have alternate members in order to have a quorum more often. A letter from Amy Poturnicki requesting this was read. BOS member supported this, noting that there will be a procedure needed to accomplish this. It was agreed to include the conservation commission as well. Jon Brayshaw said he would follow up to determine what is needed to make the change and continue the discussion at a future meeting.

14. Tax refunds (1:25:05)

Jon Brayshaw presented a list from the tax collector.

A motion was made to approve the tax refunds as listed; this motion was seconded and approved by all three selectmen.

15. Appointments (1:26:32)

A motion was made by Ed Bailey to re-appoint Jerry Russ to the Planning and Zoning Commission and Daria VanderVeer to the Inland Wetlands and Watercourses Agency; this motion was seconded by Dave Burgess and approved by all three selectmen.

Jon Brayshaw noted there are openings on the Conservation Commission

16. Adjourn

A motion was made to adjourn; this motion was seconded and approved by all three selectmen.

Board of Selectmen

Regular meeting

March 20, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 8:21 pm; present are Jon Brayshaw, Dave Burgess and Ed Bailey.

2. agenda (:39)

Jon Brayshaw asked to add public comment to the agenda.

A motion was made by Jon Brayshaw to amend the agenda and approve amended agenda; this motion was seconded by Dave Burgess and approved by all three selectmen.

3. Public comment (1:22)

Sue Heuberger, Way Road, explained there is a fire siren near her home that has a very high decibel level Frankenstein like sound. She has found that two of the three expensive sirens in town do not work. She asked why it was necessary for the siren to go off at 6 pm. She stated she had 20 people who would sign a petition against this. She noted that these high decibel levels are hazardous to people's health, and she asked that the selectmen come to her home at 6 pm to hear this. She noted if they are necessary, then the other two should be repaired. Jon Brayshaw stated he did not like these either, and found that the other two are now working. Sue Heuberger stated last Friday she was at the fire house and they did not work at 6pm. Jon Brayshaw reported that fire chief advised him all three were working. Jon Brayshaw stated that the 6 pm ringing was a daily testing. Sue Heuberger reported that the emergency manager stated today that two were not working. Sue Heuberger suggested if the decibel levels are over 90 it will cause harm. Jon Brayshaw stated he would follow up on this. Dave Burgess noted if this is disruptive to a persons sleep it is not a good scenario and they need to do something to follow up. Jon Brayshaw stated that according to the fire chief the firemen need at least two totally different technologies to alert them to a fire. It was noted they could have a pager, a cell phone or a radio. Jon Brayshaw stated he would call the fire chief when the meeting was over.

Marianne Corona stated that the police cruiser was not yet marked. Jon Brayshaw stated it was going to be done.

4. Approval of minutes (12:46)

February 6, 2012 combined meeting with Durham

A motion was made by Ed Bailey to accept and approve the minutes of the joint meeting; this motion was seconded by Jon Brayshaw. This motion was approved by Ed Bailey and Jon Brayshaw. Dave Burgess abstained from voting as he was not present.

February 15, 2012

A motion was made by Jon Brayshaw to approve the minutes of the February 15 meeting; this motion was seconded by Dave Burgess and approved by all three selectman.

5. Powder Ridge update (14:19)

Jon Brayshaw reported that Attorney Antin is working on the agreement. This issue will go before the IWWA on March 21. Jon Brayshaw provided a map to indicate the wetlands and the boundary lines of the parcel they would like to separate. Jon Reported that the town is getting bids to do the survey work. Jon Brayshaw reported that Middlefield Holdings has agreed to accept \$100,000 the first year and then \$100,000 the second year and waive \$25,000. The town is also getting bids for a forensic CPA to look into the finance of Brownstone and report back to the town on their ability to proceed with this project. There will be another short term rollover of the bond on September 1, 2012 for

9 months at an interest rate of under 2%. Once that is concluded the town will have paid of nearly \$400,000 on the principle of the loan.

In response to questions it was noted that the first two years the town will get out of debt with Middlefield holdings. It was noted that if the deal with Brownstone does not go through, then Middlefield Holdings will not be paid anything.

Jon Brayshaw noted there will be an open house between noon and 3 pm at Powder Ridge in order to let townspeople have a look at the property. Sean Hayes is expected to be available at the event.

In response to questions about Rick Sabatino's interest, Jon Brayshaw indicated he is faithful to who he is working with at the time and did not want to muddy the waters, thinking it would be rude and inappropriate for him or any selectman to be negotiating with others at this time.

6. Budget (26:07)

Jon Brayshaw noted the budget went well and he did not see any real issues, thanking Joe Geruch for his work. He noted that according to the tax assessor 50% of the taxpayers will pay no increase and possibly a small decrease in their house taxes; 25% will have a slight increase and 25% will have an increase between \$100 and \$200.

7. Town attorney (27:30)

Jon Brayshaw reported that he received an email from Marianne Corona expressing frustration about his not allowing people to have access to the town attorney. Jon Brayshaw stated that the town attorney can not function on a whim for every board member and every commission member and every employee or they will incur legal bills in the tens of thousands. Jon Brayshaw noted the charter is very clear about access to the town attorney. He noted this administration has allowed the use of other attorneys, and can be used when the request is through the chair of the commission or board. He noted that every time the attorney picks up the phone, he charges for his time.

Marianne Corona stated that she called him to ask him to do a workshop for another organization having nothing to do with the town of Middlefield.

Dave Burgess suggested that everyone is very involved with Powder Ridge and that is how some of this happens.

Jon Brayshaw stated he just wants it understood why everyone can not just call the attorney as there are too many. Selectmen discussed ways they can address this issue, with comments from the public.

8. Fair Housing Resolution (37:50)

Jon Brayshaw read a resolution regarding fair housing.

A motion was made by Dave Burgess to adopt the fair housing resolution. This motion was seconded by Ed Bailey and approved by all three selectmen.

Dave Burgess noted there are people who are hard of hearing and with the public meetings held in room two where the echo can be difficult, he suggested they look for a way to make it more hearing friendly for those.

9. Sports (41:52)

Jon Brayshaw noted that baseball season opens on April 28, and there is 600 to 700 kids that participate in baseball.

Jon Brayshaw noted the town of Durham will be doing something special for the girls basketball team and would like to do something jointly with Middlefield.

10. Lake Beseck Fire Hydrant (43:53)

Jon Brayshaw met with DEEP and the Fire Department, and DEEP has suggested they put in a hydrant when they repair the dam, and recommended that plans be submitted. It was agreed this is a better location than the boat launch as the water is deeper there, and this can be done at no cost to the town. The fire chief is now working on this.

11. Drug take back (47:40)

Jon Brayshaw noted that the police department will be sponsoring a drug collection for unwanted prescription drugs on April 28.

12. Ordinance initiation (49:45)

Jon Brayshaw stated he has been asked several times by Park and Recreation that they should have alternate members on their board; the conservation commission is not so concerned. Jon Brayshaw asked the selectmen to consider the benefits of having alternate members, and they can further discuss at a future meeting. To do this will require the adoption of an ordinance. All three selectmen supported this.

13. Appointments (53:33)

A motion was made by Jon Brayshaw to appoint Jane Geremia to the library board for the term October 1, 2011 to November 30, 2014. This motion was seconded by Dave Burgess and approved by all three selectmen.

14. Adjourn

A motion was made to adjourn at 9:15 pm; this motion was seconded and approved by all voting members.

Middlefield Board of Selectmen

Special Meeting

March 27, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 3:35 pm; present are Jon Brayshaw and Ed Bailey.

2. Agenda (30)

A motion was made by Jon Brayshaw to approve the agenda as presented. This motion was seconded by Ed Bailey and approved by both selectmen.

3. Grant application (:54)

Jon Brayshaw explained the grant application was for expanded bus service, which was necessary according to Antoinette Astle. Jon Brayshaw read the resolution. Antoinette explained this

will cover the operating expenses for the Durham Middlefield senior bus and this grant is applied for and received each year so there are no operating expenses for the bus.

A motion was made by Ed Bailey to adopt the resolution to apply for the state matching grant program for elderly and disabled demand responsive transportation for the fiscal year July 1, 2012 to June 30, 2013. This motion was seconded by Jon Brayshaw and approved by both selectmen.

4. Adjourn

A motion was made to adjourn at 3:30 pm; this motion was seconded by Jon Brayshaw and approved by both selectmen.

Middlefield Board of Selectmen

April 4, 2012 Meeting

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7:07 pm with the Pledge of Allegiance. Present are Dave Burgess, Ed Bailey and Jon Brayshaw.

2. Agenda (:45)

Dave Burgess asked if they can discuss Harvest Woods Road catch basin. Jon Brayshaw noted they discussed this problem with the road foreman and it should be taken care of.

A motion was made by Ed Bailey to approve the agenda as presented; this motion was seconded by Jon Brayshaw and approved by all three selectmen.

3. Executive session (3:30)

A motion was made by Dave Burgess to enter into executive session to discuss litigation; this motion was seconded by Ed Bailey and approved by all three selectmen. Recording stopped.

Jon Brayshaw noted they left executive session at 7:40 pm; there were no votes taken and no motions passed during that session.

4. Approval of minutes (:30)

March , 2012

A motion was made by Dave Burgess to approve the minutes of the March 5, 2012 meeting of the BOS as submitted. This motion was seconded by Ed Bailey and approved by all three selectmen.

A motion was made by Jon Brayshaw to approve the minutes of the March 20, 2012 meeting of the BOS as submitted. This motion was seconded by Ed Bailey and approved by all three selectmen.

5. Sugar Loaf expansion (2:50)

Jon Brayshaw noted there was a packet of documentation regarding Sugar Loaf expansion.

Alma Elder chair of the Housing Authority introduced Melissa Cowell and Brenda Cowett, and reported to the selectmen where they are in the process of considering an expansion. She noted they

believe there is a need for adult housing, owner occupied, of a small size. These would be available to seniors, teachers, firefighters, whoever would be interested. She stated the demographic they are trying to build for is for those who make 80% or less of the of median income for this area. She went through the demographic information that had been provided. She noted they are in negotiation with the the CT Housing Financing Authority and the Department of Economic and Community Development to review the current mortgage. She noted the town engineer is re-doing the boundary lines and where they intend to build the new housing, there is about 100 feet of town property the Housing Authority would like the town to give them to use for this project.

The maps and drawings were provided, and reviewed. Alma Elder indicated the location of town property she would like to have.

In response to a question, Alma Elder explained the new housing would not only be for seniors, but other adults who earn 80% or less of the median income in the area. The homes will consist of two bedrooms, a mix of ranches and town houses. Another speaker noted the intention is to sell the home, but they have the ability to rent if necessary. It was explained that those who purchase these homes will be required to sell only to the same demographic- 80% of median income or less. The speaker noted by requiring this, Middlefield will always have a stream of homes available for those within that income level.

Jon Brayshaw asked about zoning regulations - The speaker noted this is in the early stages of the process and it is too soon to determine that. Another speaker explained the need for this type of housing in Middlefield, noting people who want to live in Middlefield end up living in Middletown until they can afford to come to Middlefield. Preliminary figures indicate the costs will be approximately \$210,000. It was noted the town will have a tax revenue. One speaker noted they are trying to find ways to make the purchases even more affordable. Currently the property is tax exempt, but once there is another owner, it will not be tax exempt. A speaker noted with this type of housing there would be, at most, three kids, and therefore the tax revenue will exceed the expenditures.

Alma Elder noted they are willing to give Middlefield residents first preference, and will bring the town closer to meeting state criteria, as they want to have reasonably priced homes in every towns. Another speaker noted there are very few homes for rent in Middlefield as well, so most people rent out of Middletown.

Regarding funds, Alma Elder noted they have applied to CFHA, to CHIF and DECD, and they intend to look at conventional loans through banks. She also explained the Housing Authority does have the ability to issue bonds, and they may consider that as well.

It was explained the Housing Authority will own the land so they will retain some rights, including when the home is sold, and they will have right of first refusal for any sale. Alma Elder noted they are working with Jay Berardino as a developmental consultant, and he runs Community Development Services who built owner occupied condominiums in another town.

Jon Brayshaw noted there was a time when access through Aresco Drive was considered, and they will need to review that as they progress. Jon Brayshaw noted when developing any property there are moral, legal and technical issues. He noted the technical issues have to do with sewage and that will provide limits to the property. He noted the sale prices will be affected by the number of units they will have, but they need to balance that with how they will make the neighborhood look. Jon Brayshaw noted there have been many seniors who can no longer live in this town because there are no places to down size to.

It was noted they can not say Middlefield people only, but there are fair ways to give them priority.

Jon Brayshaw noted that during his election campaign he was attributed with wanting low income housing in Middlefield, to his detriment. He noted they will need to use caution how they manage this. Alma Elder had stressed that they want this process to be out in the open, which is why they are bringing it to the BOS.

Ed Bailey noted concerns about how the project may be perceived, and described how a proposed project on Harvest Wood Road was opposed.

6. Powder Ridge update (38:25)

Jon Brayshaw reported the town had received three bids for forensic accounting, and he will be issuing a purchase order to the lowest of the three. Jon Brayshaw provided documentation to the selectmen regarding visitation options coming up, and had advised various commission members to avail themselves of these opportunities to meet and talk with Sean Hayes. Jon Brayshaw noted if the three selectmen attend these, it becomes a quorum and those rules will need to apply. Ed Bailey stated if they attend as separate members of the public, that is allowed. It was noted they need to be sure and not conduct any deliberations out side of public meetings.

Jon Brayshaw reported they have met with the surveyor and are working toward the removal of the 22 acres.

Regarding the DECD, Joe Geruch, Sean Hayes and Jon Brayshaw will be meeting to be sure everyone is clear on the grant requirements. The selectmen discussed concerns about protecting the town regarding the possibility of having to return those funds.

7. Fire department sirens (51:49)

Jon Brayshaw reported that the chief stated they have removed one amplifier from the sirens. Dave Burgess suggested he contact the homeowner who had complained, and also to consider moving the siren from her property. It was noted they could change the time of the 6 pm tone-to noon.

8. Lake Beseck (54:58)

Jon Brayshaw reported the fire department is determining if the pump truck can pull water from the lake in the area of King Road. If that can work, a hydrant will be designed and installed in that area rather than at the boat launch.

9. Workforce Alliance (57:26)

Jon Brayshaw reported they will be working with the Workforce Alliance again this year along with Coginchaug High school guidance and Durham. They hope to employ 20-30 youths for the summer. Jon Brayshaw asked for the selectmen to be on the lookout for opportunities.

10. Ordinance (58:38)

Jon Brayshaw noted this is here for a reminder as he has not made any progress on this issue.

11. Miscellaneous (58:57)

Jon Brayshaw provided written information from Attorney Mark Branse and encouraged the selectmen to read it.

Jon Brayshaw reported that he had a resignation letter from Terry Parmelee who was the emergency management director. Jon Brayshaw stated this was a loss to the town. Ed Bailey noted that during the last emergencies Mr. Parmelee did an outstanding job.

A motion was made by Jon Brayshaw to appoint Brian Dumas as acting emergency management director; this motion was seconded by Ed Bailey and approved by all three selectmen.

12. Adjourn

A motion was made to adjourn at 8:42 pm; this motion was seconded and approved by all three selectmen.

Middlefield Board of Selectmen

April 17, 2012

Regular Meeting

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7:12 pm; Present are Jon Brayshaw, Dave Burgess and Ed Bailey.

2. Agenda (:28)

A motion was made by Ed Bailey to approve the agenda as written; the motion was seconded by Jon Brayshaw and approved by all three selectmen.

3. Executive Session (:38)

A motion was made by Dave Burgess to go into executive session at 7:13 pm; this motion was seconded by Ed Bailey and approved by all three selectmen.

Executive session ended at 7:41, there were no votes taken and no decisions were made.

4. Approval of the Minutes (:29)

This item was tabled as the selectmen did not receive the minutes.

5. Public Comment (:57)

There were no public comments.

6. Powder Ridge (1:21)

Jon Brayshaw reported they met with DECD to go over the \$500,000 and everything is in order. There are a number of technical issues they need to address including the open space and to change the name from Alpine.

Jon Brayshaw noted there are three proposals from CPAs to review the financial information of Sean Hayes and Brownstone Exploration, the low bidder was chosen and the investigation has begun. Jon Brayshaw stated he would provide the information to the selectmen once it is available.

Jon Brayshaw stated the survey of the entire property is underway with Angus MacDonald. Ken Antin has indicated the agreement is nearly finalized and will be given to Mr. Hayes attorney when he returns from vacation. There is an open house scheduled for this Saturday from noon to 2 pm at Brownstone.

7. Ordinance for alternates on Park and Rec (11:14)

Jon Brayshaw explained why then need to create a new ordinance to allow for the Park and Recreation commission to add two alternate members on their commission.

A motion was made by Ed Bailey to initiate ordinance to add alternate members to Park and Rec. This motion was seconded by Dave Burgess and approved by all three selectmen.

8. Brookside Industrial Park (14:31)

Jon Brayshaw reported that he has received a renew request from OR&L, and the chairman of EDC has supported to extend the listing agreement for another six months.

EDC board member Cheryl Pizzo explained they are working on an agreement with Coastal who will develop the property.

9. New Business (16:12)

Jon Brayshaw stated the Go Far program that takes place at the fair grounds is coming up and the town should support this.

The mock car crash is being scheduled for May 24- there will several places where crashed cars will be placed as reminders for students around prom time to be careful.

It was noted that opening day for baseball is the 28th and it is a big event.

Joe Geruch and Jon Brayshaw are putting together an RFP for a roof at town hall, as well as fixing the cupola, painting the trim, replacing the front door and installing an electric door.

The lifeline screening has been scheduled for April 26 at the community center.

10. Appointments (21:09)

Jon Brayshaw noted he had no appointments.

11. Adjourn

A motion was made by Dave Burgess to adjourn at 8:03 pm; this motion was seconded and approved by all three selectmen.

Middlefield Board of Selectmen

Regular Meeting

May 22, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7:12 pm with the Pledge of Allegiance, present are Jon Brayshaw, Ed Bailey and Dave Burgess.

2. Agenda

A motion was made by Ed Bailey to approve the agenda with the deletion of item 9; this motion was seconded by Dave Burgess and approved by all voting members.

3. Executive session (1:45)

A motion was made to enter executive session for the purpose of possible sale of property negotiations with realtor. This motion was seconded and approved by all three selectmen.

A motion was made to leave executive session at 7:36 pm; it was noted Geoff Colegrove, Chuck Kreidler, Brett Eagleson were present.

4. Minutes to approve (3:05)

A motion was made to approve the minutes to the April 2, 2012, April 17, 2012 and April 25, 2012 meetings. This motion was seconded by Dave Burgess and approved by all three selectmen.

A motion was made to approve the minutes to the May 8, 2012; this motion was seconded and approved by Ed Bailey and Jon Brayshaw. Dave Burgess abstained from the vote.

5. Public comment (7:07)

There were no comments.

6. Powder Ridge update (7:24)

Jon Brayshaw reported the P&Z application has been submitted for the separation of the 20 acre parcel. He noted they are working on a full inventory of the items on the property. He noted the survey on the property has been completed. In response to a question he stated he did not know when the forensic accounting report would be completed.

7. Brookside Industrial Park (10:01)

Jon Brayshaw provided the history on this property, noting there is a party interested in the property for a sporting/recreational use.

8. Town Budget (12:04)

Jon Brayshaw noted the town budget passed.

9. Resolution regarding STEAP grant (12:32)

Jon Brayshaw read a resolution regarding a STEAP grant for fund to repair bridge. He reported that the town engineer has been instructed this project is not to exceed the grant amount of \$250,000.

A motion was made to approve the resolution for approval and acceptance of \$250,000 STEAP grant for rehab of Miller Road Bridge. This motion was seconded by Dave Burgess and approved by all three selectmen.

10. Ice Grant (14:53)

Jon Brayshaw reported that after the storms last year they had a problem dealing with the brush debris. He noted the tub grinder on site at the transfer station is getting old and there is a grant available if the town works with another town to make a purchase. He noted the new tub grinder will cost approximately \$355,000 and the grant amount would be \$106,000- and the final costs will be distributed to both Middlefield and Durham.

11. Go Far (18:14)

Jon Brayshaw reported there will be an event in Durham from 9-noon the Go Far program will be held.

12. Mock Car Crash (18:47)

Jon Brayshaw reported there will be a mock car crash demonstration at the high school.

13. Town Hall roof (20:00)

Jon Brayshaw noted there has been a lot of work done on the community center and now they will be looking at the town hall. There have been bids received for roofing, between \$13,000 and \$22,000 and they will be signing a contract for the work.

14. Proclamation (21:05)

Jon Brayshaw read a proclamation and noted that the week of April 29 to May 5 was municipal clerk's week.

15. Cell Tower (23:02)

Jon Brayshaw noted there has been some offers made to the town to sell the cell tower site, including a recent one of \$600,000. He explained that Joe Geruch has been investigating what the real value is. He recommended a subcommittee be formed when they have gathered information to review.

Lucy Petrella, chair of the Board of Finance advised that Joe Geruch and Mark Myjak discussed this issue at their last meeting, and she provided printed information to the selectmen. She noted reasons why she felt the land was valuable and stated that the BOF wants to remain informed and involved in discussions regarding this.

The selectmen agreed to allow Joe Geruch to continue investigating this matter.

16. Revitalization commission (32:41)

Jon Brayshaw reported that Middlesex Chamber of Commerce has a revitalization commission and one Middlefield company has expressed an interest. He asked if there were other Middlefield businesses in need of loans, matching grants, they should contact him for information.

17. Adjourn

A motion was made to adjourn; the motion was seconded and approved by all three selectmen.

Middlefield Board of Selectmen

June 4, 2012 meeting

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order with the Pledge of Allegiance. Present are Jon Brayshaw, Ed Bailey and Dave Burgess.

2. Agenda (1:00)

A motion was made by Jon Brayshaw to approve the agenda with the addition of a discussion on the BOS meeting schedule, and a report on FEMA. This motion was seconded by Ed Bailey and approved by all three selectmen.

3. Approval of minutes (3:01)

A motion was made by Jon Brayshaw to approve the minutes of the May 22, 2012 meeting as presented. This motion was seconded by Ed Bailey and approved by all three selectmen.

4. Public comment (3:50)

Seb Aresco stated that the EDC has been trying for months to get financial information regarding the Powder Ridge sale as well as a business plan, or details of the proposal. He stated that the public and the BOF are also in the dark about this deal, and he is embarrassed by the lack of available information and asked for a balance sheet, and income statement, or a cash flow statement of the buyer.

Barbara Jean DiMauro stated the information should be given to the people and then there should be a referendum to decide.

Ellen Waff, town treasurer read from the Middlefield web site regarding information and communication and stated there has been between 50 and 60 executive sessions regarding this deal. She noted she signed a check for \$3,000 from the general fund for the forensic analysis of Brownstone. She stated as that was public funds the public must be informed of the information when it is received. She stated this was not a private company and these things can not be kept private.

Alma Elder noted a conversation where it was questioned why the town was giving away so much acreage. She noted the Powder Ridge Ski Area has a total of 246 acres, and it was questioned why all of it was being sold to Brownstone. She noted in 2007 there was a referendum indicating the town would purchase 294 acres to preserve Powder Ridge as a ski, recreation and open space area. In 2009 there was an RFQ that included 115 acres, in 2012 there was a memo indicating that 65 acres were utilized as the ski area with the remaining 155 acres classed as open space/undeveloped. Alma Elder stated she would like to know why they are now selling so many acres.

Jon Brayshaw explained this has been a long and circuitous journey to buy and sell Powder Ridge, and each potential developer has had a different deal with different requirements.

Ed Bailey provided additional history explaining the different buyers wanted differing amounts of land.

Alma Elder recommended that the selectmen look carefully at the contract and find a way to sell only the ski area, not all 246 acres so that the town can control the open space.

Another speaker stated that she thought the town did not want to enter into a lease with anyone due to liability, and she questioned what happened to that. Jon Brayshaw stated that leasing is not an option for various reasons.

Jon Brayshaw discussed the prior deals noting the town did not receive very much for those, and as time has progressed the deals have provided the town with more money. It was clarified this is a sale, not a lease.

Ed Bailey attempted to provide additional information, but an audience member questioned if he should speak during public comment.

Jim Brown stated in regard to leasing, Mr. Hayes came to the town wanting to lease. Jon Brayshaw stated that Mr. Hayes has gone over that several times and that in the first week of meeting to discuss this, a lease was brought up. Jon Brayshaw stated that things have evolved away from a lease.

Mr. Brown stated he heard that Mr. Brayshaw said he did not want to lease it, but only to sell it, and there was a time when the lease was a good idea.

Jon Brayshaw stated that none of the five or six interested buyers wanted to lease it. He noted if Powder Ridge was a good deal, there would be additional interested buyers-but no one wants to buy

something so astronomically difficult to pull together, it is a very risky, weather dependant, three month only business. Mr. Brayshaw said they need to get behind this business and do what they can to make it successful, because by their success the town will succeed. On the matter of selling versus leasing, Jon Brayshaw said to forget leasing as they were lucky to find someone to buy it.

Mr. Brown questioned if it is that kind of business, why would the town be willing to back it. Jon Brayshaw explained it is a part of Middlefield's fabric, and history and a source of pride for the town to own. He noted not everything was bought by the town to make a profit, and noted Peckham Park and the Strickland property as examples.

Mr. Brown noted the town spent nearly \$4 million on Powder Ridge property and there is big difference in that they are practically giving this away for the price of a modest home in Middlefield. He noted the buyer can put four houses on the property, and therefore for \$200,000 he will get four building lots.

Ed Bailey explained that was incorrect- it is not four building lots. Mr. Bailey stated currently seven houses could be built on the property, but Brownstone has agreed through negotiations to only have the ability to build four. Ed Bailey noted if there any houses built on the property it is not a separate taxable lot, it is a part of the whole parcel. Even if four houses are built, it is not a subdivision, it will be four houses on one parcel and they could not ever sell it as an individual property. He further explained the use of the houses will be restricted to someone who is involved with the business, such as a manager, caretaker, etc.

Mr. Brown asked what happens to the homes when the business goes under. It was stated that they will stay with the property, and will remain as ancillary use to the principal use of the property, they will not just be rented out to others. This is restricted by zoning.

Susan Heuberger said if there is going to be houses built, there should be a limit on the size, and should be modest homes- and mansions should not be allowed, because if it is for business use, they don't need a mansion. She stated that a night watchman would not need to live in a mansion.

Ed Bailey said if Brownstone buys the property and they desire to build a house, it will have to be approved by Planning and Zoning. Jon Brayshaw noted there are things on the property that have been grand-fathered, such as the restaurant, the rental shop and according to the town planner, the parcel can legally support seven homes. Jon Brayshaw explained if someone had bought the property from Ken Leavit before the town was involved, they would have had the right to build seven houses without additional approval from the town. Mr. Brayshaw explained that they have negotiated with potential buyers and Brownstone has agreed to no more than four, for use by various staff, and to have people on site to prevent the sort of vandalism that has been occurring.

Ed Bailey noted the property has operated for the past 50 years and no one has yet built a house on it because it has not been practical, as it could never be sold on its own, and therefore would not qualify for any mortgage.

Pat Brown stated that she voted for buying Powder Ridge in the referendum for skiing. She stated she had no problems with the activities suggested by Mr. Hayes, but she is concerned about statements he made about getting away from downhill skiing.

Ed Bailey stated there is a minimum requirement to provide downhill skiing in the contract with Brownstone.

Ms. Brown stated that friends have told her Mr. Hayes did a great job in Portland but he leases the land in Portland and he pays a percentage of the gate receipts, close to \$200,000 last year. She noted Middlefield will not get any gate receipts and they will lose the land too.

Jon Brayshaw stated that the amount of investment needed to bring Powder Ridge Ski Area back to usefulness is huge compared to Brownstone Quarry in Portland. Jon Brayshaw noted the world of sports is changing and downhill skiing used to be the only type of skiing, but there are many other choices now, such as tubing, half-pipes, moguls, snow boarding etc. Mr. Brayshaw explained that he understand that Mr. Hayes is not trying to have a huge downhill ski area, but a confined ski area, with many different features, all of which will require several million dollars before the first snowflake comes.

A speaker yelled out that the town should not be concerned with how much a buyer has to put into the property but instead, how much can the town get for this property. Jon Brayshaw explained it is a balancing act- and with all the previous interest the town has learned what not to do, and they have someone who is able, local, successful and has a vision for the property. Mr. Brayshaw stated Mr. Hayes is agree to provide downhill skiing on a regular bases by December 31, 2014.

A speaker asked if there is an accounting firm that has vetted Mr. Hayes. Jon Brayshaw explained there is an accounting firm working on this now, and they will investigate this, and will provide a report. Mr. Brayshaw stated if the report indicates this can't be done by Mr. Hayes, the townspeople will be told.

Marianne Corona stated the RFQ was written for lease or sale, of 115 acres. She stated that she has a business plan from each of the applicants, however, there is no business plan available to the public from Brownstone. Jon Brayshaw said they are working on it. Marianne Corona said there is an application before the P&Z commission to divide off a piece of the property, and never before has that issue come up before. Marianne Corona said before they go any further, the community needs to have a business plan from Mr. Hayes, and she questioned how anyone could do a forensic study without the business plan.

Dave Burgess felt the problem is that Mr. Hayes does not want to share certain information with the public, and that is causing the public issues. He agreed all the financial information does not need to be shared, but the basic tenants of the business plan should be available to the public.

Marianne Corona noted she had seen the Alpine plan which outlined what they planned to do and the time frame of it. But with Brownstone they have no plan to look at to know what they are going to do. She noted with all the plans this is the first one that requested a parcel be split off. She said the townspeople are the ones that own the property and they should see the business plan.

Dave Burgess felt strongly that the townspeople have informed consent when they vote for this and he could support a decision either way. Dave Burgess stated that somehow they need to get information to the public in order to decide on this.

Jon Brayshaw stated no one wants that more than he, and asked if they could wrap this up.

A speaker interrupted Mr. Brayshaw to say he has used up 15 to 20 minutes of a 40 minute public comment, and asked that the public be allowed to finish.

Another speaker said he has heard all that Jon Brayshaw has to say and they do not agree with it, and the issue is too complicated to present to the town the night of a public hearing followed by a town meeting to vote on 'just like that.' He stated this must go to referendum and must be discussed openly, the townspeople have to see a business plan and to see if he can pay or not. This speaker stated that Mr. Brayshaw was making the same mistake as last time by paying the attorneys to look over the deal, and then the buyer does not have the money. This speaker suggested that Mr. Brayshaw determine if the buyer has more than \$2 million or more to make this work. This speaker stated it was not good business and should not have been negotiated in secret by Mr. Brayshaw. This speaker stated that he could tell Jon Brayshaw was in a hurry to have this deal done, and asked if Mr. Brayshaw if he, or anyone in the

extended Brayshaw family stands to gain anything from this deal, particularly in regards to payments to Middlefield Holdings. This speaker stated if that were true, he would eventually find out.

Jon Brayshaw stated absolutely, there is no connection whatsoever, and that was just gossip and some people in Middlefield thrive on gossip.

This speaker said that hurrying this up so the town has to pay an extra \$200,000 right up front does not make any sense.

Lucy Petrella stated she had concerns when Mr. Brayshaw says there is no one out there for Powder Ridge because every time a deal has fallen through, almost immediately someone else has come forward. She was concerned about Mr. Brayshaw negotiating with that kind of attitude and stated that Powder Ridge is not something that nobody wants. She stated on March 2, the BOF asked the first selectman, attorney Antin and Sean Hayes to attend a meeting to discuss this. At that time the BOF had asked that as they got closer to the final document, before it goes to public hearing, that the BOF be given copies of the sale agreement in order to meet and discuss it. Lucy Petrella made that request again to allow the BOF to have an opportunity to meet and review the sale agreement and forensic report before a public hearing. She noted the BOF is charged with the financial care of the town and to not include the BOF to examine and provide input on financial issues undermines their role as overseers of taxpayers money. She requested again, that before going to public hearing, the BOF be given sufficient time to review and comment and be provide with copies of the contract and the forensic financial report. She noted the next BOF regular meeting is on June 21, but they can call a special meeting if needed.

Cheryl Pizzo, member of the EDC, stated she could not quantify her frustration with one of the worst negotiated deals in Middlefield. She stated to this point there has been no business plan, no letter of credit, no information at all for the EDC to consider to make a recommendation of whether or not this is sound economic development for the community. She stated the EDC has asked repeatedly and she has come before the BOS to ask, as well as the chairman of the EDC, but the information fails to come. She stated this is an important decision for the community and the BOS should tap into every resource they have and not do it behind closed doors. Ms. Pizzo said it was unfortunate the members of the EDC have been chastised for asking questions, and accused of being childish, inappropriate, having ulterior motives, or political ploy. She stated none of that was true, the EDC is doing this in the spirit of doing right by the community. Ms. Pizzo noted there are problematic components to this deal and she has repeatedly asked about the DECD grant and is concerned that the townspeople will be on the hook for half a million dollars if Brownstone defaults. She stated that she has not yet seen any document or conditions that protect the town in that regard. She said if he does not have the funds to put in the capital improvements needed to begin the skiing within the two year period, the town will have to pay that money. She noted that the town will not get the benefit of this money, but Brownstone will, so why should the town be on the hook for it. She said they have asked again and again for clarification.

In response to the question, Jon Brayshaw stated of course the town is protected. The money will not be dispensed until the downhill skiing is complete. Once the state is satisfied the requirement for downhill skiing has been met, the funds will then be dispensed.

Cheryl Pizzo stated that she has not seen the latest document of the DECD grant language. She article six, a special condition from her copy of the document.

Jon Brayshaw explained the state understands the conditions under which the funds will be dispensed. He noted that Joe Geruch has been working with the state regarding these particulars and the money will not leave the town's checkbook until he has downhill skiing on a regular basis, and the state's requirements have been met. Jon Brayshaw stated the town will not ever be in jeopardy for the \$500,000.

Cheryl Pizzo asked if before the citizens are asked to vote, will they be able to read that there are protections in there for the community. Jon Brayshaw said of course. Cheryl Pizzo noted it was not currently in the document. Ed Bailey explained it will be in the contract of the sale.

A speaker asked if she would be able to see it.- Mr. Bailey said of course, but there is not a contract to show anyone yet, as it is still being negotiated and written.

Cheryl Pizzo stated her concern was that the EDC had asked for information regarding Alpine, and it was never provided, the deal went through, and the language was never put in, even though EDC asked for it. Cheryl Pizzo asked that it be addressed. Regarding the RFQ, Cheryl Pizzo asked how they went from selling or leasing 115 acres to selling the entire parcel, and from having 130 acres of open space to having 10 acres.

Jon Brayshaw questioned why during the Alpine deal no one had concerns, the vote went through public hearing and town meeting= Many voices yelled out, with one person saying the town meeting was stacked with people who were for it.

Marianne Corona stated there was a section in the RFQ regarding qualifications and experience in skiing business.

Jon Brayshaw noted that Alpine pulled out, and asked that they close the public comments. He tried to summarize, but a speaker yelled out that this is public comment and he should be listening.

Jon Brayshaw stated that everyone is as anxious as he is, but this is not done yet, and they have only been working with Brownstone since February. Mr. Brayshaw asked that the town give him a break, noting this does not present a warm welcome.

-many voices speaking at once.

A speaker loudly stated that back when Jon Brayshaw was getting people to buy Powder Ridge he was saying it was the best thing for this town, because it was to have open space and the town would be protected, but now he is talking about being kind to him. This speaker said she would rather he be kind to them (the townspeople) because she is not in favor of this sale and Mr. Brayshaw needs to find someone who has the money to open up a ski area, because that is what he said he wanted. The speaker said she used to ski and loved Powder Ridged, but if someone does not have the money, she does not want to pay for it. She said to leave the land alone, let the people have a referendum. She said that in 2010 he promised that there would be public hearings and questions would be answered, then they would go to referendum, but that was not the truth. She said here we go again on the same roller coaster and it has to stop. She noted she was not worried about this man or his business, but she is worried about the townspeople and their tax dollars. She also questioned why he does not have to pay taxes on land he can not use- but she pays taxes on land she can't use and Mr. Brayshaw knows about it and is not doing anything about it. She said there is a dump behind her property and she is losing money, and questioned where was the help for her. She said she was against this whole thing until someone can come up with a better deal with someone who has some money.

Jon Brayshaw said they have only been working with Mr. Hayes for about three or four months, and they had worked with SnowTime for over a year, and Alpine for over a year. He explained it takes a long time to get clear on what is being bought/sold, a long time for buyers to do their due diligence to determine what their costs will be and to work out many issues. Jon Brayshaw said they are all anxious to get this over with.

Many voices yelling out.

Jon Brayshaw said he does not want a bad deal either. He noted they bought the land in the first place to ensure that houses would not be built.

Again lots of voices yelling out.

Jon Brayshaw tried to continue speaking over the voices- stating that the town wanted to have control and a say in how that property would be ultimately used.

voices continually yelling out.

Jon Brayshaw stated that the town wanted to impose on the property a development restriction, and asked if that made townspeople happy to know that land will not be developed. Some voices yelled out yes, some yelled out it was not the point.

Laura Williams said the school enrollment has gone down every year but taxes are still going up. She stated the schools are a fixed cost so it does not do any good if there are no new houses going up because they already own the development rights. She stated her name was Laura Williams and that she was a candidate for Park and Rec but he would not consider her. She said there is a pool sitting up there for five years and the town has done nothing to renovate and open up as a community pool. She noted that they could have this be a heated community pool just like Sean Hayes. She said that they are letting him buy it for a song so he can open a community pool and sell tickets to the townspeople with a 20% discount. She said he gives Portland citizens a 50% on the use of the Brownstone facility. She asked why is there a 30% difference, noting that Portland is also making money off that deal but Middlefield is left in a lurch without open space, without a full ski area-only two runs out of four. She said that land is just sitting there as a non performing asset and questioned what it would take for the town to put Park and Rec in charge of it and get the pool going, get some of the buildings renovated and get something going for the townspeople rather than lining the pockets of Sean Hayes. Laura Williams stated she did not support corporate welfare and no one gave her a free ride to get a business started. She stated this land was an asset to the state of Connecticut as well as Middlefield and it is only this tiny group that is trying to protect the ski area, and questioned where is the news media when they need help trying to show what a terrible deal this is for Connecticut and Middlefield. She stated she was not for this deal, and does not care if they sell it or lease, as long as they get something in exchange for it. She said compared to Portland we are not getting a good deal. She noted he is local but has no ski experience. She said there has not been very much learned from the prior deals, and this was a terrible negotiation, a terrible deal and they should have gotten input from all of the townspeople. She said everyone could come up with a better place than where they are now, which is a fractured community that Mr. Brayshaw made.

Connie Drega provided a letter for the record (a copy of this letter is on file at the town clerk's office) dated June 4, 2012 which included concerns about getting so little for what the town paid so much for, and create a burden on the town.

Alice Malcolm stated the investment the town has had to make for this, including traffic surveys, road improvements, etc, is not included in any of the contracts or proposals and questioned why it is not part of the deal. She suggested the EDC should be looking at that as well.

Marianne Corona discussed the bond payments of approximately \$250,000- has an effect on the budget equivalent to more than half a mil.

Jon Brayshaw noted the town has been paying for the past three years for this- and questioned if it has been noticed in the tax bill.

Many voices yelled out numbers.

Jon Brayshaw stated they should be happy that the town owns all 246 acres, as it was a major accomplishment, and it could have been sold to a developer instead. He noted this was a momentous accomplishment for the town. He noted that the cost to educate one child is between \$15,000 and \$17,000 per year. The town planner had indicated they could have put 60-70 houses on the land.

Many voices yelling out over Mr. Brayshaw.

Jon Brayshaw stated that the town comes out on top fiscally by securing the property and preventing homes from being built on it. He noted overall that keeps the taxes down considerably. Mr. Brayshaw stated that Mr. Hayes vision for that property is not as big or broad based as any of the other prior interested people. All the previous proposals included larger, bigger, more skiers, more traffic etc. The Brownstone plan is down-scaled from those.

Many voices yelling out again.

Mr. Brayshaw noted that Mr. Hayes has gone around and his plan has been made know to people who have an interest in it.

Someone yelled about 75,000 cars-more than Leavitt ever had.

Mr. Brayshaw explained that several years ago he realized that the hayfield in front of the John Nerden camp needed to be saved.

Voices from the audience.

Mr. Brayshaw asked to be allowed to finish his comments. He stated that the saving of that piece of land, the 20 acres, originated with Dr. Brown.

Other voices just yelling out - difficult to understand.

Ed Bailey noted that piece of property will be decided on by the town, at another time. The selling of that property has nothing to do with the Brownstone deal.

Cheryl Pizzo said as an EDC member this has nothing to do with Brownstone, but with doing right by the community. She said they are getting such a small amount of money for the land.

More people just yelling out.

Cheryl Pizzo stated that people are frustrated because they feel the town is giving away a gem for such a little amount of money that will not make a difference in the debt the town has. She said as the development rights are already there, they do not have to do this deal. She said if they are going to get such a pittance, the town should keep the land. She said don't do this.

Another speaker said his taxes are \$10,000 per year and the town only gets \$35,000 from that.

Many voices.

Ed Bailey noted the \$35,000 is the current rate, once improvements are made it could conceivably increase.

A speaker said they were missing the point of this public comment.

A speaker said if it was the deal of the century to purchase Powder Ridge and protect the development rights, they should have the deal of the century to lease it or sell it.

5. Powder Ridge Ski Area (1:18:24)

Jon Brayshaw provided a set of drawings explaining that there is a meeting on Wednesday night with P&Z. He went over the map/drawing noting that he would not be able to attend the P&Z meeting.

Random voices speaking out-while Jon Brayshaw discussed rear lots. He noted that zoning regulations allow for rear lots as long as they provide a piece on the road that satisfies those regulations.

In response to someone yelling out questions- Mr. Brayshaw explained that the zoning regulations are available in the land use department.

Mr. Brayshaw explained the town's application meets the dimensional requirements on Powder Hill Road to result in taking a certain property out of the 246 acres (he noted on the map). He noted one section would be called the main lot and the other would be the rear lot. He noted it does have the frontage and the required distances.

Jon Brayshaw hoped the town would put the land aside for whatever future use. He noted that the town has the reversion rights to the John Nerden Camp. He noted at one time there was a person

interested in part of the land to grow grape vines, who had met with people who were interested in purchasing the ski area as well as Mr. Hayes. Jon Brayshaw noted there just is no reason to sell that piece of the land so the town can decide at any time in the future what they would like to do with it. He noted there was a neighbor who was interested in the amount of \$300,000.

A person yelled out to ask it that was the neighbor running a dump construction site, and insisted several times that neighbor be named.

Jon Brayshaw stated that by separating this piece of land and saving it for the town they can do what they wish with, sit on it, sell it or lease it, but to sell it to Brownstone who does not need it, makes no sense.

In response to a question from Selectman Burgess Jon Brayshaw stated he did not know what would happen if P&Z did not approve this, other than just sell the whole thing to Sean Hayes. Jon Brayshaw noted that he will be meeting with the forensic CPA Wednesday of next week. The selectmen agreed when the report is completed it should be available to the public.

Jon Brayshaw noted he would like to get this agreement completed as soon as possible.

6. Cell Tower (1:27:44)

Jon Brayshaw reported that finance director Joe Geruch has been dealing with several vendors with regard to the sale/leasing of the cell tower, and will continue to work on it, and at some point in time they will evaluate all the information.

7. FEMA (1:29:31)

Jon Brayshaw reported that they received notice of reimbursement from FEMA with regard to Storm Alfred in the amount of \$65,000.

8. Summer Schedule (1:30:58)

Board members discussed summer meetings -difficult to hear with other people talking. It was agreed they would meet on the 17th and the 21st.

9. Resolution (1:32:47)

Jon Brayshaw read a resolution for the record.

A motion was made by Jon Brayshaw to adopt the resolution for the state matching grant program elderly and disabled demand response transportation. This motion was seconded by Ed Bailey and approved by all three selectmen.

10. Road Work (1:37:18)

Jon Brayshaw reported the highway department is preparing for a massive chip sealing- and crack sealing project. He explained how the two processes were completed.

Marianne Corona stated that Strickland Road is falling apart. She stated that the town engineer should also be asked to come out and confirm they are getting what they pay for. She suggested concentrating on East/West Roads, such as Strickland.

Jon Brayshaw explained that people who bid on doing the work must do it according to St of Connecticut specifications.

Lucy Petrella asked if they are chipsealing the roads they did not do last year plus the ones scheduled for this year- Jon Brayshaw said yes.

11. Invasive Species discussion (1:40:44)

Jon Brayshaw reported that Connecticut is being inundated with Asian Longhorn Beetles and Emerald Ash Borer Beetles. He read a letter from the USDA in this regard, asking for volunteers to help address this issue. Jon Brayshaw stated anyone who was interested should contact his office and he will pass their name along.

Board members discussed other invasive species including Gypsy Moths and bamboo plants. He asked if residents were to see bamboo growing to let him know so that he could keep the USDA informed as well.

12. Building Plans (144:58)

Jon Brayshaw stated that every few years a large inventory of plans accumulate, and permission of the building official is required to begin the process of returning plans to owners. Jon Brayshaw stated they have begun this in order to reduce the storage needs.

13. Appointments (1:45:53)

Jon Brayshaw noted there were vacancies on the Park and Recreation commission and there were two nominees to appoint Cynthia DeLauro and Barbara Neligon. It was noted that one of the nominations was an un-affiliated voter.

Dave Burgess noted he has always approved previous nominees, but the democrats were under represented on town boards.

Jon Brayshaw explained the history behind allowing the un-affiliated voters to serve on committees.

In response to someone speaking out from the audience, it was clarified there were no democrats on Park and Recreation. It was noted the seat Cynthia DeLauro was filling was a republican seat, and the seat being filled by Barbara Neligon is an un-affiliated seat. Barbara Neligon is an un-affiliated voter. The speaker suggested there should be a democrat on that commission, another speaker spoke up agreeing with the first.

In response to their comments, Jon Brayshaw read from the Charter regarding the filling of vacancies on the boards/commissions. He noted his support for the appointments suggested. The speakers argued with his opinion and suggested Jon Brayshaw contact the town attorney.

Ed Bailey also read from portions of the Charter, and indicated that these appointments would not be contrary to what is required. The speakers disagreed.

A motion was made by Jon Brayshaw to appoint Cynthia DeLauro and Barbara Neligon to the Parks and Recreation commission. This motion was seconded by Ed Bailey and approved by Jon Brayshaw and Ed Bailey. Dave Burgess voted in opposition.

Dave Burgess asked that the town attorney clarify this.

The speakers continued to speak of their opposition.

14. Adjourn (2:02:25)

A motion was made to adjourn at 9:13; this motion was seconded and approved by all voting members.

Middlefield Board of Selectmen

Special Meeting

July 2, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 2:30 pm.

2. Agenda (:33)

A motion was made by Jon Brayshaw to approve the agenda as presented. This motion was seconded by Ed Bailey and approved by all voting members.

3. Executive session (:58)

A motion was made by Jon Brayshaw to enter into executive session to discuss with the town attorney the contract for the proposed sale of Powder Ridge Ski to Powder Ridge Mountain Park and Resort LLC.

Marianne Corona challenged the fact that they had the ability to enter into executive session. She stated that she spoke that morning to FOI and advised them the meeting had not been posted on the web site. It was posted with the town clerk on June 29 at 2:25 pm. She stated according to state statute meetings should be posted on the website with a 24 hour notice. She stated she had recommended taking the web site down until they got it in order. She said as it was not legal posted there were grounds for a challenge. She said the main reason she was there is because this is constantly done under executive session so the public is not aware of the steps. She said this was not political. She asked Attorney Antin if there was written legal advice today, noting there was a state statute that she offered copies off, regarding written or oral legal advice-section 1231-section 1-21 G of executive sessions. She read from the document. She provided copies of July 1 of the town website which did not indicate this meeting. She stated FOI is very explicit about the purchase of property, and read from section 6 in this regard. She stated this meeting was not for the purchase of property but to discuss public business and the town owns the site- every taxpayer, every citizen has a stake in this. She stated again that she challenged the reason for going to executive session for excluding the citizens, most of whom did not know this meeting was going to occur because it was posted so late, noting it was never posted on the town web site, and the clerk posted it at 2:25 Friday afternoon and the town hall closes at 3 pm. She encouraged the board to hold the meeting open so that the public and the press could hear the discussion.

Attorney Antin did not see any way to interpret the law rationally that would require the town attorney to advise the BOS on a major transaction that involves fairly confidential matters, and have that open to the public. He stated he did not think he could perform his job as an attorney. Attorney Antin stated they could go into executive session for matters covered by section 1-210, and one of those matters is matters covered by attorney/client privilege. He stated his purpose of being here was to speak to the BOS about the proposed contract-once the contract is approved it is going to be available to the public. He thought it would be a far-fetched interpretation of FOI act to force the town or any municipal body to have less confidentiality in negotiation of contracts with private corporations or private individual.

Marianne Corona state she was not implying they should reveal anything. She stated this was a bit different than a private corporation, it was the town being represented.

Jon Brayshaw noted Attorney Antin is the attorney for the BOS and he is doing his job to advise the BOS as to matters that are pertinent to working the sale of a piece of real property. He said the BOS has the authority to solicit input from the attorney without the public being present. He stated the fact that the public is not present should not imply there is clandestine things going on. It makes it much simpler, and there is a buyer and a seller, the buyer wants certain confidentiality and the seller wants to

work with the buyer, knowing 150 people are not riding shotgun over the contract. Jon Brayshaw noted the attorney represents the BOS and they could review the charter if needed.

Dave Burgess asked if the meeting was correctly posted. Marianne Corona said it was not as there is a state statute regarding posting to the web site.

Attorney Antin stated he would have to review the statute in that regard, however, if they violate the FOI act, does not automatically invalidate what was accomplished unless the FOI commission says it is invalidated and that is rarely done.

Marianne Corona stated the spirit behind it is openness in government and that is what this is about.

Attorney Antin did not think the government was closed and felt there was a lot of disclosure throughout this process. He noted if the selectmen approve this contract, it will still go to public hearing and town meeting and it will be the town meeting that decides.

Marianne Corona stated it is the making of this contract and it does not meet the state statutes for FOI in regard to real estate. She said she had no problems with them discussing it, but questioned why they don't do it in the open if there is nothing secretive.

Attorney Antin explained these are contract provisions and the contract is not final yet. He did believe Ms. Corona was saying that they should discuss this contract with 3,000 people to arrive at it's provisions. He stated that government has to work in an efficient matter and efficiency involves that the BOS be able to consider proposed contract provisions before they approve them and then send them to town meeting. And to be able to consider them in a way that will allow free, open and frank discussion among the selectmen.

Marianne Corona stated she could not imagine anything in that contract that the people in the room should not be entitled to hear if they took the time. She said probably more people would have come if it had been noticed earlier. She stated under FOI they are allowed to discuss purchase of property but they are not purchasing property, the town owns it.

Jon Brayshaw read from the Charter regarding the relationship of the town attorney with the BOS. He stated Attorney Antin is the attorney for the BOS in matters affecting the town and as this has to do with the sale of property, not the purchase, and in contracts he is advising the BOS- this is a client/attorney privilege. He stated everything would break down if they had to divulge everything without the use of the attorney. Jon Brayshaw said if the posting on the FOI is an absolute rather than a maybe, then it becomes a question.

Marianne Corona quoted from FOI regarding the real estate transaction causing a price increase or disclosing a public record that is exempt from disclosure- and she did not see any reason for an executive session. She stated the issue here is how much they want the public to hear about the making of the contract.

Attorney Antin commented on a document stating it was written by an analyst, not a judicial interpretation, and noted it also said any matter that would result in the disclosure of public record exempt from disclosure. He noted section 1-206, 1 2 10 b, refers to the attorney/client privilege. Attorney Antin stated when he is discussing with the selectmen, and advising them on matters that are legal issues- the terms of a contract, the likely consequences of a contract, the risks to the town, - he has the right to discuss that confidentially and given what he knows of the background of these transactions, if he can't discuss them confidentially he will not discuss them at all.

Marianne Corona said if they go to the FOI rules, only (not clear on tape who she was referring to) can be in the room to discuss this. Jon Brayshaw stated he could invite others to give testimony or experts.

Ed Bailey stated that Tom Hennick of the FOI has said on several occasions that the type of negotiations going on, and advice of the attorney, is permissible under FOI. Jon Brayshaw agreed with Mr. Bailey they have both heard him speak on this.

Marianne Corona stated she was not quoting Tom Hennick today. Jon Brayshaw stated he has spoken to him several times regarding this, and he has said if they are in negotiations with the attorney, it is not subject to disclosure.

Marianne Corona added 'it says provided that such persons attendance shall be limited to the period to which their presence is necessary to present such testimony or opinion...' Jon Brayshaw noted that would also include Joe and Geoff as they have valuable information.

Jon Brayshaw asked that they make a decision, noting he would like to enter into executive session.

Another speaker from the audience as for an idea of when they would be able to see the contract. Jon Brayshaw presented printed information, noting there are probably 10 or 12 different sections they are working on. It was agreed by several voices this was similar to Alpines.

Marianne Corona asked if the public could have copies of those- Jon Brayshaw said not today.

The unidentified speaker asked if would be a week, a month, how long. Attorney Antin suggested it would be when both sides sign the contract.

The speaker asked if then would they announce a town meeting. Jon Brayshaw said they could, it was one of the things they intend to discuss this afternoon. Jon Brayshaw explained they want to make sure this is letter perfect, and the BOS has had the documents before them for only about a week- and they need to be sure Sean Hayes agrees with it as well.

The speaker interrupted to ask when the BOS announce the town meeting will they have already released the contract to the public. He asked if they could announce a town meeting prior to releasing the contract to the public.

Attorney Antin stated he did not think the town meeting should be set until both sides have signed the contract.

The speaker stated those two sides are not the whole public-and asked if the whole public will be able to get one of those (contracts?) at the same time or just prior to the setting of the town meeting to decide on the issue?

Attorney Antin stated probably either simultaneously, or after. The speaker asked how much after can it be? Attorney Antin stated given what the avowed purpose of what the buyer and the town, once the contract is signed, it will be released to the public and when the contract is signed a town meeting will be set. He could not say exactly how long, but it would not be a big gap of time.

Marianne Corona questioned that the contract, before it is signed by the first selectmen, will not be given to the townspeople to have a look and be able to comment on it.

Dave Burgess stated if the BOS approves it, the public should see it. He said it is a lot of information to digest, and there has to be a period of time where the public can digest the information. Others agreed. Dave Burgess discussed how they will get the information to the townspeople. He recommended providing it to the public as soon as the BOS approves it.

Jon Brayshaw noted they are following the same path as they did with Alpine- getting it to its finest level of completeness, then providing copies to the public. He noted those copies had Alpine's signature on it.

Ed Bailey noted if Brownstone has not signed it, and the BOS approves it and gives it to public, and then Brownstone does not approve it- the public will then be misinformed, and he recommended

waiting until Brownstone also has signed it. The selectmen all agreed the public would need time to digest this.

Cheryl Pizzo, from Economic Development Commission said she had a concern because her meeting was canceled because there is no information about this to consider. Cheryl Pizzo asked if they had the financial audit report

Jon Brayshaw said no, they want to make sure they can fine tune what Mr. Hayes has to build up there and then make sure the money is in order for that.

Cheryl Pizzo questioned if they are not going to sign the contract until the public has seen the financial document that says he has the money- because that is what they have been asking for, her board and the BOF.

Ed Bailey stated it would be more accurate to say the town will not vote on it until that has been received. And the contract will be contingent upon a favorable financing report.

Cheryl Pizzo stated her concern was that they did that with Alpine then found out their financials were not what they had hoped for. Jon Brayshaw stated if that happens, they will be the first ones to pull the plug. He noted the CPA has been reviewing this as it develops, and reminded this is still a work in progress. Cheryl Pizzo asked at this point shouldn't the financial report be completed. Jon Brayshaw said no, not yet.

Dave Burgess said he agreed with Cheryl that the BOS should have that before they sign it.

Ed Bailey noted they will discuss this issue more in executive session, which may answer Mr. Burgess' questions.

Marianne Corona, noting there is a lack of information out there, asked that before they sign anything, at least have draft copies, because there are a lot of smart people in Middlefield who the BOS would benefit from getting their input. She reminded the selectmen they are representing 4,200 people in town and land they own, and there is a lot of nerves they are touching, and encouraged the board, before they sign anything to put it out there to let some of the folks look at it.

Jon Brayshaw stated this is a work session today, this is not 100% complete, there are areas discovered last week that need to be tweaked and they will discuss them today. Jon Brayshaw said they do not want erroneous information getting out to the public as it makes everything look bad.

Marianne Corona said the more open they are the more support they will get from the community, it is when things are done behind closed doors that they don't understand it and they are suspicious.

The motion to enter into executive session was seconded by Ed Bailey and approved by voting members.

A motion was made to exit executive session at 5:10 pm by Ed Bailey; it was noted there were no decision made or motions made. This motion was seconded by Dave Burgess and approved by all voting members.

It was noted that no actions were taken regarding the contract.

4. Adjourn

A motion was made to adjourn at 5:10; this motion was seconded and approved by all voting members.

Middlefield Board of Selectmen

Special Meeting

July 16, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 2:30 pm. Present are selectmen Ed Bailey, Dave Burgess and Jon Brayshaw, also attorney Antin, finance director Joe Geruch, town planner Geoff Colegrove and EDC chairman Chuck Kreitler.

2. Agenda (1:18)

A motion was made by Ed Bailey to approve the agenda as presented; this motion was seconded by Jon Brayshaw and approved by all three selectmen.

3. Executive session to discuss with attorney contract for sale of Powder Ridge (1:48)

A motion was made by Ed Bailey to enter into executive session at 3 pm; this motion was seconded by Jon Brayshaw and approved by all three selectmen.

Jon Brayshaw explained at the conclusion of the executive session if they decide to vote, that will be done in open session.

Marianne Corona asked if they would be voting on a date for the public hearing. Jon Brayshaw said no, they would only be voting on the document. He emphasized a need to get this done to get it to the public. It was noted the document will not be released until signed by Brownstone.

An unidentified speaker asked if should ask questions. Jon Brayshaw noted the only purpose they were here for was to seek advice from the attorney, and they do not want to keep the buyer sitting in the next room for hours, but would like to dispense with this and move on voting to approve it.

Marianne Corona asked if they would sign the document at public hearing. Attorney Antin explained the agreement has to be signed before it goes to public hearing, but there will be no closing until after town meeting approval.

An unidentified speaker asked if they received the auditors report on the credibility of the buyer in terms of finances available to invest. She asked if they will sign it before that. Attorney Antin explained there are provisions, and that they have been hearing from the auditors and they are not ready to issue a final report yet. The selectmen can sign the agreement because there are provisions that require the selectmen to be satisfied with the auditors report before closing.

Marianne Corona noted there was a delay at this point with the Alpine agreement.

Jon Brayshaw asked that they move forward with the scheduled meeting, and advised audience members they could wait if they liked but he did not know how long it would take.

The recorder was paused.

A motion was made by Jon Brayshaw to leave executive session at 4:30 pm noting that no votes were taken. This motion was seconded by Ed Bailey and approved by all voting members.

4. Discussion regarding Powder Ridge (7:53)

Members of the public were advised they could return. Jon Brayshaw explained that no votes or actions were taken during executive session.

Ed Bailey read the resolution for adoption:

Be it resolved:

1. That the board of selectmen approves the sale of the Powder Ridge Ski area property (PRSA) to Powder Ridge Mountain Park and Resort LLC (Powder Ridge) as described and in accordance with the attached agreement of sale including exhibits A through K (collectively, the agreement) for \$700,000

and other valuable considerations as stated in the agreement. The town of Middlefield will retain from PRSA a 19.8 +/- acre parcel with frontage on Powder Hill Road as described in the agreement.

2. That Jon A. Brayshaw as first selectman is authorized to sign the agreement on behalf of the town of Middlefield.

3. That Jon A. Brayshaw as first selectman is authorized to amend th agreement and the attached exhibits in order to correct typographical errors, to correct provisions that inadvertently fail to reflect the intention of the parties, to remove inconsistencies within the agreement, and to extend the closing date by not more than 30 days. The first selectman shall not amend the agreement without first obtaining the written opinion of the town attorney that the amendment will not materially alter the terms of the agreement. Extending the closing date by 30 days or less will not be deemed a material alteration of the agreement's terms. Dated at Middlefield, Connecticut this 16th day of July 2012.

A motion was made by Jon Brayshaw to adopt as attached (document is attached to printed copy of the motion and is on file at the town clerk's office) regarding Powder Ridge Ski Area. This motion was seconded by Ed Bailey.

A speaker interrupted to say she strongly objected to them voting on this based on what happened here today in executive session. Jon Brayshaw asked to continue.

The motion was approved by Jon Brayshaw and Ed Bailey. Dave Burgess voted in opposition.

5. Adjourn

A motion was made by Ed Bailey to adjourn; this motion was seconded by Jon Brayshaw.

In response to a comment, Jon Brayshaw stated there would be copies made the following day, and that there are small typos that will be addressed, and it will be posted to the internet. Jon Brayshaw noted they are looking for Sean's signature.

The motion was seconded by Jon Brayshaw and approved by Jon Brayshaw and Ed Bailey. Dave Burgess opposed the motion.

Middlefield Board of Selectmen

July 17, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order with the Pledge of Allegiance at 7:04 pm. Present are Ed Bailey, Jon Brayshaw and Dave Burgess.

2. Agenda (1:39)

A motion was made by Jon Brayshaw to approved the amended agenda by adding minutes to the July 16 meeting and a proclamation for Richard Boynton. This motion was seconded by Dave Burgess and approved by all three selectmen.

3. Minutes to previous meetings (3:22)

June 4, Jon Brayshaw stated under item 4, public comment, it noted a comment from Ellen Waff indicated that there were 50 and 60 executive sessions regarding this deal. Jon Brayshaw noted he would strenuously take exception to the that statement, but because he did not make the comment, he will not ask that it be removed.

A motion was made by Jon Brayshaw to approve the minutes of the June 4, 2012 minutes of the BOS special meeting. This motion was seconded by Dave Burgess and approved by all three selectmen.

A motion was made by Jon Brayshaw to approve the minutes of the July 2, 2012 minutes of the BOS special meeting. This motion was seconded by Dave Burgess and approved by all three selectmen.

A motion was made by Jon Brayshaw to approve the minutes of the July 16, 2012 minutes of the BOS special meeting. This motion was seconded by Ed Bailey and approved by all three selectmen.

4. Public Comment (7:14)

Jon Brayshaw noted he was not going to address a lot on Powder Ridge as the attorney was not present to answer questions. He noted they have not set the date for the public hearing, and will not until there are a few other issues items under control

Marianne Corona discussed the town website and what needs to be put up on the site. She provided a document to the board and explained she spoke to FOI and if a town has a web site any special meeting has to be posted, and it has to be posted at the same time as at the town clerk's office, which is 24 hours in advance. She stated it must include the time, the date, the place and the agenda. She read from a document that supported her position. In response to a comment she said they were due for an FOI workshop. Marianne Corona noted the agenda for the P&Z January 11, and 25, 2012 were posted and stated if they are going to have a website people need to be able to find the information there. She noted the last agenda/minutes for the BOS was January 17, 2012. Marianne Corona noted that she looked up what the town assessor gets paid every year and noted most town's do not have a full time assessor, and his was defended with the information that he would maintain the website. She stated he is paid between \$85,000 and \$86,000 per year. She asked that they consider using other resources to get the web site up and active.

Jon Brayshaw noted section 1, 225, under A- where it indicates it is not required to post minutes on a website. Marianne Corona indicated she was not saying minutes had to be posted. She noted that all boards and commission must post the year's meetings in January - and anything outside of those is considered a special meeting, which requires posting on the website. She said they need to do something about this.

Jon Brayshaw noted they are in need of more FOI training - Marianne Corona noted they need to look at the whole issue and reminded that any special meetings must be posted with their time, date, place and agenda.

Lucy Petrella read a document for the board of selectmen (a copy of this letter is on file at the town clerk's office) expressing her concerns about a previous meeting at which she was treated rudely, and which the chairman of the EDC was invited to attend but no members of the BOF. Lucy Petrella provide a copy of the letter as well as email correspondence between her and Joe Geruch.

She described a subdivision she saw while she was on vacation in another state where a developer got such a good deal on property he returned to the town land for a horse farm. She noted she was impressed with this, and it made her wonder if there was any give back to the town ever discussed with Powder Ridge negotiations.

Seb Aresco asked if there is any contractual agreement regarding the 20 +/- acres of property removed from the original. Jon Brayshaw provided some history on this decision and noted he has a potential offer already to sell this to the neighbor.

Dave Burgess noted there was information regarding this on page two of the agreement.

Jon Brayshaw explained his support for holding on to that 'haylot' portion of property no matter who bought Powder Ridge, and noted there is a clause in the agreement giving first right of refusal.

Seb Aresco asked why that would be in the agreement? Jon Brayshaw noted the town owns it- they can choose to never sell it.

A speaker asked if there was a housing restriction- it was noted that is covered by zoning laws, and if the town does choose to sell, they can make any restrictions they wish.

Dave Burgess stated that he suggested putting a housing restriction on the 20 acres because of the restriction on the restaurant and alcohol, but it did not get approved.

The selectmen discussed the benefits of restrictions on that piece of land.

Jim Brown stated it was not his impression that any part of Powder Ridge could have housing on it. Jon Brayshaw explained the land in an AG2 zone, if they sold to a developer, could have built 70 - 75 houses, but in the latent regulations, today they could build 7 houses. Mr. Brown stated during the referendum he was led to believe the town was buying it so that housing would not occur there.

A speaker asked how many of the previous executive sessions regarding this deal included a member of the EDC.

Ed Bailey said one, yesterday was the only one. Jon Brayshaw noted he was also present for one or two previous meetings that were not executive sessions.

The speaker asked his question again, stating it was a simple question needing a simple answer. Ed Bailey said again, it was one, at the last meeting. Dave Burgess also believed it to be only one of the executive session meetings. Again it was noted that Mr. Krietler, of the EDC had also attended other open meetings as well.

Jon Brayshaw stated in 2011 the BOS had 28 meetings where Powder Ridge was on the agenda and openly discussed, primarily involving Alpine. Also in 2011 there were seven executive session, of which one was for union wage negotiations; one was for Brookside Industrial Park; three involved Attorney Willis and litigation on the Alpine deposit; three dealt with the sale of Powder Ridge to Alpine- None to Brownstone. Jon Brayshaw noted the BOS has been accused of having 40-50 executive sessions. In the year 2012 there were nine BOS where Powder Ridge was discussed openly, in 2012, as of June 8, the BOS had five executive session; one was for Brookside Industrial Park; three involved Attorney Willis and litigation on the Alpine deposit; one was for the sale of Powder Ridge to Brownstone.

Jon Brayshaw noted the total number of executive sessions regarding the sale of Powder Ridge is only four - three involving Alpine and one involving Brownstone- up to June 8, 2012.

The speaker said that was a separate issue and his observation is that on many BOS meetings there is executive session, so it is being counted as a BOS meeting dedicated exclusively to executive session. The speaker asked Mr. Burgess, during executive sessions how many of his concerns, suggestions were incorporated into the final sales agreement.

Dave Burgess stated none, noting he had a list, and had thought some would be incorporated but none were. Ed Bailey stated that was inaccurate, but he would not discuss what went on during executive session.

Dave Burgess stated that there was a word suggested to be 'shall' rather than "may" - in response to the comments, Jon Brayshaw noted they agreed to listen to the advice of the attorney.

Dave Burgess stated he went through a bunch of things but no one wanted to change any.

The speaker stated for the record then none of Mr. Burgess' changes were incorporated.

Ed Bailey questioned then why did Attorney Antin change the contract after the July 2 meeting- noting a lot of those revisions were based on discussions brought up by Dave Burgess, as well as others. He stated the contract was then revised to reflect various concerns of all members of the BOS, including Dave Burgess.

Jon Brayshaw suggested they have Attorney Antin provide a statement when he is able.

Marianne Corona asked to comment again- Jon Brayshaw asked for comments from those who have not yet spoken.

A speaker asked to give her minutes to speak to someone else.

Jon Brayshaw noted they have been through this and does not want the meeting to run off, and noted they allow 5 minutes for each person to speak.

Mr. Brown stated he picked up a printed copy of the contract today and it is missing pages two and four of exhibit I.

It was noted there must have been an error made in the copying.

Mr. Brown stated the contract is awfully hard to figure out what is going on as it dashes around, and he never saw a contract that looked like that.

Jon Brayshaw noted this was not a contract, but an agreement.

Mr. Brown stated this was the document the town would be making its decision on- Jon Brayshaw noted there may be additional amendments as well.

A speaker stated the missing part of the agreement is a critical piece that the townspeople had not heard of, that absolves Brownstone from the ten years of skiing. She stated if at any time in the 10 years he decides its not feasible to have skiing, he can come to the town. She read from the document, noting that was not before and now it is being left out of what is being handed out at town hall.

It was noted the document, in its entirety is available on the web. Ed Bailey noted with regard to the clause the unnamed speaker read, they spent a lot of time discussing it with the attorney, and encouraged that it be looked at with the entire appendix, noting it is a high bar to meet the standard of proof that will be required.

The speaker questioned about the housing-and if anyone can live there now rather than it being used only for personnel. The selectmen stated that they did not release Brownstone from that restriction.

Jon Brayshaw noted there is 120 pages of information to review.

Marianne Corona asked to speak again stating they need to have public hearings on this and a series of them.

Jon Brayshaw stated they are going to have a public hearing.

Christine Leavitt asked about the financial due diligence. Jon Brayshaw stated it was being worked on. She asked if it would be made public. Jon Brayshaw explained the CPA will act as a third party and will provide a report or letter indicating the ability of the purchaser to do what is required. Ms. Leavitt stated the town should know if this person has viable funding not only to buy the property but to invest in it, and she has not seen any of this.

Dave Burgess stated they should have had the audit before they signed the deal. He stated his agreement with Pat regarding number five, and he felt it was very subjective regarding the downhill skiing. He explained he wanted to put in guidelines regard who is Middlefield and what constitutes the parameters of the decision.

Jon Brayshaw explained the buyer will have to prove to the CPA that he can financially accomplish this. Ms. Leavitt asked if the town will have the right to see that information- Jon Brayshaw said no, they will not have access to the materials -the CPA will.

Another speaker asked if the CPA would issue an overall summary that members of the community will be able to see. Jon Brayshaw said yes, there will be a letter.

Marianne Corona asked if there would be a business plan.

Ed Bailey explained the process on how the CPA would gather information and make that determination. Ed Bailey noted Mrs. Browns concerns were addressed in the agreement, page ten, item 3, regarding housing.

It was noted that page was also missing in the printed copy. Jon Brayshaw was requested to have the town hall staff start all over again with the copies.

Another speaker said she did not like the section where it says if he can prove he can't do skiing he is out of the deal. She said with the snow fabric, flex sno, there is no reason he can't have four season skiing up there. She said he could turn around and sell it making a huge amount of profit, and the town is getting such a little bit of money for it. She hoped he was an ethical valued person who would not do something like that to the town because he is getting the deal of a lifetime. She said she was looking to see if he had gratitude for that and she did not see it coming forth. She said that part should be struck out, and if he is dead set on skiing he should do it no matter how.

Jon Brayshaw noted he had business plans from Dan Frank and Alpine, and he is expecting he will get a business plan.

A speaker said she heard the public hearing would be scheduled when most people are out of town. This speaker said they have had problems with the meetings being posted. She asked why there is not an option buy it back, asking if it was because maybe some that we know might have an ulterior reason.

Another speaker asked if he would see the accountants letter prior to his voting on the matter. Selectmen said yes.

Another speaker interrupted the selectmen's answering- Ed Bailey said they will not put this forward to the public until all the information is together.

This speaker asked if the public will have access to the accountants letter prior to having to vote on it. Jon Brayshaw said he would assume so. Ed Bailey stated the accountant will provide a letter, an executive summary, and that will be available.

Marianne Corona said they need to see the business plan at public hearing to.

Ed Bailey asked that Jon Brayshaw have town staff get the agreement duplicated in its entirety for the public- he noted pages 1 2-4 and page 10 of the contract are missing. He asked that they check them, and start over again.

5. Lake Beseck (1:58)

Jon Brayshaw stated there is work towards improving the water quality around Lake Beseck. He noted the weed growth was extensive this year and there is a committee being formed to address the issues. Jon Brayshaw noted they are looking for a STEAP grant. He stated there is a culvert that needs attention and the committee will also be looking for bond money. He noted there have been many studies but no one is doing anything with the information and he is hopeful this group will follow through. It was noted some of monies will require matching funds from the town.

Marianne Corona provided information and resource contacts for the committee to consider.

Jon Brayshaw described some of the issues at the lake.

A speaker hoped that the committee would take into consideration the accelerated development in the area which has caused some of the issues. She noted that no one on that committee will consider zone changes to alleviate some of those issues.

Ed Brayshaw stated he is on that committee and they have been discussed zoning issues.

This speaker stated she had a problem that the committee is not open to the public.

Another speaker stated that not every resident of the lake is a member of the Lake Beseck Association.

Ed Bailey stated that the committee was put together by Len Suzio.

A speaker stated there are only about 100 members of the Lake Beseck Association but there are over 300 people living in the area.

A speaker explained if there is information for the community, telling the association will not reach everyone.

Jon Brayshaw explained the DEEP has been working with community members to address issues at the lake.

Marianne Corona noted the coverage issue is a constant with the IWWA she noted the jurisdiction of the lake is with the state but the land is under the local IWWA.

6. COG bylaws (1:17:03)

Jon Brayshaw noted they joined the COG and they are now discussing location of offices in Essex. It was noted the new COG should be running in the fall. Board members noted there will be various services available, the membership costs will cover a basic level of administrative services, and additional needs will have additional costs. Jon Brayshaw asked the selectmen to review the bylaws and send him comments. It was noted Linda Krousy will be the executive director during the transition.

A speaker stated that the Central Connecticut Council of Governments is located in North Haven, and they would be happy to answer questions as they have been around for a while.

7. Workforce Alliance (1:23:05)

Jon Brayshaw reported they have found employment for nearly 30 young people and he is very supportive of this program.

8. Proclamation (1:25:15)

Jon Brayshaw asked the press not to print this in order to keep it a surprise for Dick Boynton.

Ed Bailey read the proclamation.

A motion was made by Ed Bailey to approve the proclamation regarding Dick Boynton Day on July 26, 2012. This motion was seconded by Dave Burgess and approved by all three selectmen.

9. Resolution (1:27:26)

Jon Brayshaw read a resolution regarding the town clerk office.

A motion was made by Dave Burgess to adopt the certified resolution on behalf of the town clerks office "Contract with the CT State Library for an Historic Documents Preservation Grant." This motion was seconded by Jon Brayshaw and approved by all three selectmen.

10. Road Work (1:31:45)

Jon Brayshaw reported a lot of chipsealing has been done, and there is still more to do.

Jon Brayshaw noted there will be inspections of the railroad bridges done.

11. Executive session to ratify union contract (1:34:27)

A motion was made by Jon Brayshaw to enter executive session at 8:36 pm. This motion was seconded by Dave Burgess and approved by all three selectmen.

Jon Brayshaw noted while in executive session no decision were made and not votes taken.

A motion was made by Ed Bailey to approve agreement between the town of Middlefield and Local 818 Council 4, AFSME, AFL-CIO Town Hall Employees dated July 1, 2011 - June 30, 2013. This motion was seconded and approved by all three selectmen.

12. Appointments (1:36:00)

A motion was made by Ed Bailey to appoint to ZBA Joseph Angello as alternate 5-1-23 to 4-30-17; Lars Selberg regular members 5-1-12 to 4-30-17 and Christopher champagne regular member 5-1-12 to 4-30-17. This motion was seconded by Dave Burgess and approved by all three selectmen.

13. Adjourn

A motion was made to adjourn at 9:30; this motion was seconded and approved by all three selectmen.

Middlefield Board of Selectmen

Special meeting

July 25, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7:05; present are Jon Brayshaw, Ed Bailey and Dave Burgess as well as Attorney Antin, and BOF chairman Lucy Petrella, and CPA Theresa Opalacz and resident Jim Brown.

2. Agenda (:42)

A motion was made to approve the agenda as presented; this motion was seconded and approved by all voting members.

3. Executive Session (:55)

A motion was made to enter into executive session at 7:12 pm to discuss confidential commercial or financial matters; this motion was seconded and approved by all voting members.

Resident Jim Brown was asked to leave the meeting area, BOF chairman Lucy Petrella was invited to stay.

A motion was made to leave executive session at 9:01 pm; with the notation there were no votes taken during executive session. This motion was seconded and approved by all voting members.

4. Actions (2:42)

A resolution was read for discussion: Be It resolved

1) that the agreement of sale dated July 16, 2012 (the Agreement) that the town of Middlefield entered into to sell the Powder Ridge Ski Area (PRSA) to Powder Ridge Mountain Park, LLC (Powder Ridge) requires that Powder Ridge furnish the town at closing with reasonably satisfactory documentation of its access to \$2,000,000 in funds for making permanent improvements to PRSA.

2) That the board of selectmen have today in executive session received from Guilmartin, DiPiro and Sokolowski LLC, the town's financial consultant, an oral report about Powder Ridge's business plan and its ability to obtain funding as the Agreement requires.

3) That the financial consultant has determined that Powder Ridge has a viable business plan, and that Powder Ridge will be able to provide the town at closing with mutually agreeable documentation that it has \$2,000,000 of funds available for making the permanent improvements to PRSA.

Dated at Middlefield, Connecticut, this 25th day of July 2012.

A motion was made to adopt resolution as read; this motion was seconded and approved by all voting members.

There were printed documents that stated to be available to the public. Dave Burgess asked that there be some sort of summary document created for the public. Attorney Antin was asked to create this document.

5. Adjourn (7:42)

A motion was made to adjourn at 9:07 pm; this motion was seconded and approved by all voting members.

Middlefield Board of Selectmen

Special meeting

August 1, 2012

Minutes

(not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 6:35 pm, present are Ed Bailey, Dave Burgess and Jon Brayshaw. Also present is Donna Golub and Attorney Antin.

2. Agenda (:42)

A motion was made by Ed Bailey to approve the agenda as presented; this motion was seconded and approved by all voting members.

3. Powder Ridge discussion (1:09)

Jon Brayshaw noted that Attorney Antin helped to draft the documents calling for a public hearing on August 9, 2012 at 7pm in the auditorium of Memorial school, and a referendum on Thursday, August 16, 2012 from 6am to 8pm to vote on the following question "Shall the town of Middlefield sell the Powder Ridge Ski Area property to Powder Ridge Mountain Park and Resort, LLC under the terms stated in an agreement of sale dated July 16, 2012, pursuant to the resolution adopted by the Board of selectmen on July 16, 2012"

Selectmen reviewed the documents. Attorney Antin noted they were not able to upload the agreement on to the website, but it can be emailed in electronic version and there will be instructions posted on the website how to do that.

A motion was made by Jon Brayshaw to approve “notice of Public Hearing’ on August 9, 2012, as presented by Attorney Antin (document attached to motions on filed at town clerk’s office). This motion was seconded by Ed Bailey.

Dave Burgess clarified there would be no votes taken at the public hearing. Dave Burgess had concerns about it not being on the website.

Attorney Antin explained that according to Steve Hodgetts a form would be put on the site to direct people how to send in a request for an email version.

Dave Burgess thought it was important to give townspeople a month to digest this material and if it is not on the website.

Ed Bailey noted it is available on Patch, another stated it was on the Middletown Press site as well.

It was noted there are printed copies available at the town hall at no charge.

The motion was approved by all voting members

Selectmen discussed having a town meeting versus a referendum, it was agreed to hold a referendum.

Jon Brayshaw read a resolution calling for a referendum on August 16, 2012 from 6 am to 8 pm.

A motion was made by Jon Brayshaw to approve resolution for referendum regarding the sale of Powder Ridge on Thursday, August 16, 2012 from 6 am to 8 pm as per document attached (document attached to motions on filed at town clerk’s office): this motion was seconded by Dave Burgess.

Dave Burgess noted his support for a referendum.

Jon Brayshaw noted the date of the referendum gives the public over four weeks since the agreement was presented in order to review. He noted that the buyer needs to get onto the property in order to begin work. When negotiations began they had been hoping to have the closing sometime in June, then July, and he did not want to delay any further.

Donna Golub stated with less than three weeks absentee ballots can not be mailed out. She noted this occurs with the education referendum as well and it prevents the disabled and elderly from voting. She noted the primary vote is happening two days before as well.

Jon Brayshaw noted he spoke to Jeff Drenzek who said it was okay to have one on Tuesday and on Thursday.

Attorney Antin noted it was a BOS decision, however, if they had a town meeting those people would not have been able to vote, if there had been a section 7-7 petition, they still would not have been able to vote because it requires a referendum within 7-14 days. He noted they need to weigh the buyers need for a closing and the public’s need to be able to vote, and this is a reasonable accommodation.

Dave Burgess supported delaying it longer.

Donna Golub said people were on vacation.

Dave Burgess said they should delay the five days so everyone can vote, and they should establish themselves as an open ended town especially for people who don’t have the opportunity to vote.

Jon Brayshaw noted he agreed on this date with the buyer, noting that he needs to get on this property to begin work. Jon Brayshaw noted it was originally June.

Dave Burgess noted he was aligned with the citizens not the buyer, and he did not think five days was a lot.

Jon Brayshaw asked Attorney Antin to discuss why they chose that date. Attorney Antin noted the buyer wants to close by the end of August and the contract requires closing three weeks from the vote. He noted the buyer originally wanted to close in May, then July, and now end of August.

It was noted with August 16, it is probably going to push the closing into September. Attorney Antin said its not a legal decision, as either way will be consistent with the law, but he noted again if they had a town meeting the same group of people would be effected, as well as if they had called a town meeting and there was a petition brought forward for referendum so this is no better or worse of an option than town meeting or petitioned referendum.

People spoke out- they were advised this was not a public comment session.

Jon Brayshaw noted they did not have anything from the buyer indicating he would be willing to extend again.

More people speaking all at once

Dave Burgess said he wants to delay the five days as it is not a lot and if they are going to go with a referendum they should be giving all the people a chance to vote. It sets a good precedent and he thought the buyer would understand.

The selectmen agreed to vote.

The motion was approved by Jon Brayshaw and Ed Bailey. Dave Burgess voted in opposition.

4. Adjourn

A motion was made by Ed Bailey to adjourn: this motion was seconded by Dave Burgess and approved by all voting members.

Middlefield Board of Selectmen

August 21, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Ed Bailey called the meeting to order with the Pledge of Allegiance. Present are Dave Burgess and Ed Bailey.

2. Agenda (:50)

Ed Bailey asked to add a discussion regarding the addition of a deputy fire marshal.

A motion was made by Ed Bailey to approve th agenda a amended for August 21, 2012; this motion was seconded by Dave Burgess and approved by both selectmen.

3. Approval of Minutes (2:05)

A motion was made by Ed Bailey to accept the minutes to the July 17, 2012, July 25, 2012 and August 1, 2012 meetings of the Board of Selectmen. This motion was seconded by Dave Burgess and approved by both selectmen.

4. Community Center fuel tank replacement (5:51)

Ed Bailey noted the fuel tank test readings for the community center are at minimum levels so they will need to do something about them. Dave Burgess noted this was discussed years ago during a BOF meeting. It was noted there are some funds in the community center improvement line item in the budget. It was noted they will not likely have a buried tank in the future.

5. DMIAAB task force recommendation (8:35)

Ed Bailey said there was a memo from Durham First Selectman noting that the DMIAAB Task force has come up with additional recommendations which the Durham BOS has approved, and now Middlefield needs to review them.

The task force had recommendations regarding the weighing of vehicles with commercial license plates in order to review the use of transfer station by the non-residential users.

It was noted there will be recommendations made by the task force, but not a change in the agreement.

A motion was made to support the DMIAAB task force recommendations; this motion was seconded and approved by both selectmen.

6. MDC Hazardous waste (12:22)

Ed Bailey noted the MDC held a Household Hazardous Waste collection in Middletown for area residents, however, they will no longer provide this service after January 1, 2013. It was noted there are other collection sites in the state the town can consider using, as well as discussing the issue with DMIAAB.

It was agreed to put this on the next agenda to consider.

7. Lower Connecticut River Valley Council of Governments LCRVCOG (17:26)

Ed Bailey provided a draft copy of the by-laws for the LCRVCOG for the selectmen to review.

Marianne Corona stated the coordinator for P&Z and Wetlands has had her hours changed and her schedule needs to be made available.

It was noted there are files being sent over from the Midstate Planning agency offices as they are now closing with the formation of the LCRVCOG.

8. Deputy Fire Marshal (21:59)

Ed Bailey noted the town should have a deputy fire marshal and while the town used to have two. He stated they need to find someone who is willing and they need to complete certain training.

Marianne Corona suggested sharing the position with Durham.

9. Emergency Management Exercise (25:10)

Ed Bailey reported the town participated in a state wide exercise held in July to enact several emergency situations.

10. Town Finances (29:44)

Ed Bailey noted there was a memo from the Finance Director Joe Geruch that included the financial report for fiscal year ending June 30, 2012. He noted the highlight is that the year end un-designated fund balance goal was exceeded as revenues exceeded expectations. It was noted there are changes in accounting practices coming for the following year.

11. Resolution (34:06)

Ed Bailey read a resolution regarding September as leukemia, lymphoma and melanoma awareness month.

12. Tax refunds (36:26)

A motion was made to accept the request for refunds from the Middlefield town tax collector as submitted and as read. This motion was seconded and approved by both selectmen.

13. Executive Session (38:56)

A motion was made to enter into executive session at 7:49 to discuss the local 1303-283 Highway Department agreement. This motion was seconded and approved by both selectmen.

Executives session was ended at 8:12 pm, with notation that no motions were made and no votes taken.

A motion was made to accept the agreement between the town of Middlefield and Local 1303-283 council 4, AFSME, AFL-CIO for July 1, 2012 -June 30, 2015; this motion was seconded and approved by both selectmen.

14. Adjourn

A motion was made to adjourn at 8:15 pm, this motion was seconded and approved by both selectmen.

Middlefield Board of Selectmen

Special Meeting September 5, 2012 Meeting

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order apologizing for not having posted the previous evening's meeting. Present are Dave Burgess, Ed Bailey and Jon Brayshaw.

2. Agenda (:28)

A motion was made by Ed Bailey to approve the agenda as written; this motion was seconded by Dave Burgess and approved by all three selectmen.

3. Approval of minutes (:41)

A motion was made by Dave Burgess to approve the minutes of the August 21, 2012 meeting as presented; this motion this motion was seconded by Ed Bailey and approved by all three selectmen.

4. Public Comment (1:03)

There were no public comments

5. Powder Ridge (1:20)

Jon Brayshaw noted the closing for Powder Ridge is scheduled for September 13. There will be meetings in Hartford, followed by a meeting at Powder Ridge at 4pm to finalize, and that will be followed by a celebration.

Dave Burgess noted page 8 of the agreement asked about the updated equity investments sheets, loan commitments, etc, that were expected at the closing. Dave Burgess noted as they had no written documentation of their financial ability from the auditors, they should get something in writing from Attorney Antin stating that he has seen those required documents.

Jon Brayshaw stated that he would follow up on this with Attorney Antin. Ed Bailey noted that the accountants hired had confirmed that the necessary documents were verified. Dave Burgess noted the town has nothing in writing and this should be documented.

Jon Brayshaw stated he would follow up with Attorney Antin to be sure all the terms of the agreement are followed, and suggested that Selectman Burgess contact Antin to be satisfied. Dave Burgess explained they should have something in writing, noting that no town official has seen anything in writing.

Jon Brayshaw explained his confidence in the oral report provided by the accounting firm and noted he could not guarantee that Attorney Antin would do what Dave Burgess was asking.

Dave Burgess stated it would make sense that the town have something in writing to show their due diligence.

Jon Brayshaw said he would contact Attorney Antin to discuss. The selectmen reviewed the terms of the agreement noting it requires the buyer to furnish particular documents at closing. Dave Burgess questioned where the documents will be furnished to, whether or not the town will have access to them or only the attorney, and if only the attorney, he should provide written documentation that he has seen them and all is in order.

Jon Brayshaw stated he would get Attorney Antin to speak to this issue.

Jon Brayshaw noted the following day (Sept. 6, 2012) would be the closing on the Bond Anticipation Note with a nine month rollover, bring the due date to June 5. The interest rate will be 1.65%, on a principle amount of \$2.38 million.

6. Lake Beseck (16:37)

Jon Brayshaw reported the water quality committee has been meeting on a regular basis.

7. Miller Road Bridge (17:41)

Jon Brayshaw reported the work on the Miller Road bridge is expected to begin in the spring after the construction documents are completed and the bids put out.

8. New Business (18:43)

Jon Brayshaw reported there will be a flu clinic on Thursday, Oct. 18, from 2:30 to 5:30 at the RSD Cafeteria. There was a question whether or not there would be a charge for this.

Jon Brayshaw reported the fire department received a \$2,500 assistance grant.

There will be a reemployment workshop on Sept 14, from 10-4 at the Durham Town hall.

The COG grant was received for \$786,000 to do mapping of the 17 towns that make up the COG. On Oct. 1, there will be an open house for all of the member towns to meet the staff.

The local wellness council received a \$125,000 grant-Jon Brayshaw provided information on the local wellness council and what they do. He noted once this year's funds have been used, they can receive that amount each year for five years.

9. Deputy Fire Marshal (27:55)

Jon Brayshaw reported that the town needs to have deputy fire marshal and currently there are non qualified in Middlefield. The fire marshal has provided information on the deputy fire marshal in Durham.

Jon Brayshaw noted the charter requires that they try to find the deputy fire marshal within the town's fire department and he has found six people who are willing to take the job but all require training. Jon Brayshaw noted the pre-certification class is free, the books are \$130.

Jon Brayshaw suggested letting the fire department sort through the six contenders and the town can then provide training costs for two.

A motion was made by Jon Brayshaw to appoint John Handley as Deputy Interim Fire Marshal. This motion was seconded by Ed Bailey and approved by all three selectmen.

10. Ceremony for 9/11 (31:42)

Jon Brayshaw noted there will be a small ceremony at the monument at the fire house on Sept. .

11. Adjourn

A motion was made to adjourn; the motion was seconded and approved by all voting members.

Middlefield Board of Selectmen

Special Meeting

September 11, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7:02 pm. Present are Jon Brayshaw, Dave Burgess and Ed Bailey.

2. Approval of Agenda

A motion was made to approve the agenda as presented; this motion was seconded and approved by all voting members.

3. Vote to modify lease agreement and terminate lease between Town of Middlefield and Middlefield Holdings

Dave Burgess asked for some history regarding this. Attorney Antin, noting he was not the attorney that negotiated this lease, explained his understanding of the history of the lease agreement.

It was explained that they need to modify the lease, and then the termination document will need to be signed.

Board members reviewed the resolution.

A speaker asked if there was a lease right now in existence with Middlefield Holdings. It was explained there is a lease between the town and Middlefield Holdings and that Mr. Hayes was buying property free from any of that.

The speaker asked if there were any liens on the property- Attorney stated that this was outside the scope of this meeting.

A motion was made to approve the modification/termination of lease regarding Powder Ridge between the town of Middlefield and Middlefield Holdings LLC, as per attached (to motion on file at the clerk's office) resolution. This motion was seconded and approved by all three selectmen.

4. Vote to authorize the first selectman to sign deed and other closing documents

A motion was made to authorize the first selectman to sign deed and other closing documents on behalf of the town of Middlefield at sale of Powder Ridge Ski area in accordance with the resolution. This motion was seconded and approved by all voting members.

5. Adjourn

A motion was made to adjourn; this motion was seconded.

A speaker stated that she did not think this was properly done and the general public should be aware of what the key representative of the town is signing, and this is all very secretive. She noted her objection for the record, and said the public should know what the deed looks like, what the leases look like as many people did not know there was a lease in existence. She said she did not know why this was so secretive and hush hush and stated there must be a reason for it, and asked again about leases.

The motion was seconded and approved by all voting members.

Middlefield Board of Selectmen

October 1, 2012

Regular Meeting

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7:10 pm with the Pledge of Allegiance. Present are Ed Bailey and Jon Brayshaw.

2. Agenda (:40)

A motion was made by Ed Bailey to approve the agenda; this motion was seconded and approved by both selectmen.

3. Minutes (1:11)

A motion was made by Jon Brayshaw to accept minutes for the September 5, 2012 BOS meeting. This motion was seconded and approved by both selectmen.

A motion was made by Jon Brayshaw to accept minutes for the September 11, 2012 BOS meeting. This motion was seconded and approved by both selectmen.

4. Public Comment (2:01)

There were no public comments

5. Discussion of Everbridge system (2:12)

Brian Dumas, the town EMD, provided a status report on the Everbridge system noting soon there will be a notice on the website as well as in the newspapers to encourage townspeople to sign up. Mr. Dumas stated he would determine what all the various ways to sign up are.

Lucy Petrella noted the upcoming election and asked if sign up forms would be available for those who do not have access to computers.

It was noted that everyone in D13 currently can be part of this system, and not everyone has to sign up.

Past uses of the system were discussed

6. Powder Ridge (10:34)

Jon Brayshaw noted page 8 of the agreement regarding some verifications needed by Attorney Antin, and reported that this was done the day of the closing. Copies of Attorney Antin's letter in this regard were sent to the board members and was available for anyone to review.

7. Hazardous Waste (12:20)

Jon Brayshaw reported there is only going to be one more year with CRRA taking care of household hazardous waste. Jon Brayshaw noted the newly formed River COG will be taking on this task to review.

Ed Bailey suggested that DMIAAB be involved in this.

8. Highway department (15:14)

Jon Brayshaw handed out a list of work assignments to be done this fall. He noted there would not be any more chipsealing done this year as it is too cold. There will be wedging done in anticipation of eventual chipsealing.

9. Strickland Farm Lease (16:46)

Jon Brayshaw reported in March of 2013 the Strickland Farm lease with the Durham Fair Association will expire. Jon Brayshaw suggested they review this lease, noting they have a vested interest in the fair as it benefits Middlefield. Jon Brayshaw provided some historical uses of the property. He suggested they consider what they want to do with it in future, not let the fair have it, renegotiate the lease, or something else completely.

10. Park and Recreation Commission (20:54)

Jon Brayshaw noted he received a letter in 2010 from Park and Recreation to make an amendment to the ordinances to add alternates to the Park and Recreation Commission, as well as a more recent letter requesting the same.

Jon Brayshaw explained how the town runs on the state statues, the charter and the book of ordinances. He read from the ordinances regarding Park and Rec and provided information on how they need to proceed to add alternates to the commission. It was agreed to review the calendars to ensure the timing is correct and to have selectman Burgess present, before they proceed.

It was suggested to have the town attorney write up the needed document, and use it to initiate the process at the next meeting.

11. Tax Refunds (28:28)

The selectmen reviewed a list of requested refunds from the tax collector dated October 1, 2012.

A motion was made by Ed Bailey to approve the tax refund list dated October 1, 2012; this motion was seconded by Jon Brayshaw and approved by both selectmen.

12. Appointments (30:29)

A motion was made by Jon Brayshaw to appoint Alma Elder to a new five year term 9/30/2012 to 10/1/2017. This motion was seconded by Ed Bailey and approved by both selectmen.

13. Adjourn

A motion was made to adjourn at 7:40 pm; this motion was seconded and approved by both selectmen.

Middlefield Board of Selectmen

Regular Meeting

October 16, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7:05pm with the Pledge of Allegiance. Present are Jon Brayshaw and Ed Bailey.

2. Agenda (:49)

A motion was made by Ed Bailey to approve the agenda as printed. This motion was seconded by Jon Brayshaw and approved by both selectmen.

3. Approval of Minutes (1:19)

A motion was made by Jon Brayshaw to approve the minutes of the October 1, 2012 meeting as filed. This motion was seconded by Ed Bailey and approved by both selectmen.

4. Public Comment (1:47)

Marianne Corona discussed the Strickland Property stating it has been a wonderful agreement with the fair leasing it and the farmer farming it and it is her hope it continues.

Marianne Corona brought up an item on the agenda about selling some of the Powder Hill Road property and urged the selectmen to keep that property for a while to see how things turn out with the new buyer.

Joe Cohen of Chester Connecticut spoke about Robert Meyers the town's building official, noting he has a lawsuit pending against Mr. Meyers for his work as a general contractor. Mr. Cohen went over some of the complaints he has against Mr. Meyers. Mr. Cohen reported that Mr. Meyers has presented himself as an expert witness regarding being a building official and Mr. Cohen visited the offices of the Chief State Building inspector and reviewed Mr. Meyers's file there. Mr. Cohen recommended the town review this file, which includes among other things the fact that Mr. Meyers did not graduate high school but went to a technical school for two years and failed to graduate. Mr. Cohen reported that when Mr. Meyers applied for his state license he was sent a letter from the chief building inspector that stated he did not meet the requirements and was denied. Mr. Cohen reported that Mr. Meyers took the test and failed once, but ultimately passed with a 75% . Mr. Cohen reported that Mr.

Meyers was not a registered licensed new home contractor in 2009-2010 when he built a certain property in another town, but he avoided criminal prosecution due to the statute of limitation. Mr. Cohen questioned the validity of his current license due to this. Mr. Cohen provided a written copy of his presentation to the selectmen.

Attorney Jennifer Farrell, representing Mr. Meyers stated that this is a matter that should be litigated in the court system. She stated the issues Mr. Cohen is alleging is not a matter for this forum, and there will be a trial on this matter in January. She urged the selectmen to keep those issues with the court, and with regard to his employment here he should only be judged on his capacity as a building official.

5. Park and Recreation (11:55)

Jon Brayshaw stated they are looking to expand the Park and Recreation commission by adding three alternate members. The attorney drafting the documents has asked whether the three alternates will start at the same and conclude one year apart, or stagger them by starting them only one per year for three years.

The selectmen agreed they should start everyone now, and stagger their end times.

6. Lake Beseck (14:13)

Jon Brayshaw provided a letter from Oct. 5, indicating the drawdown for the lake is beginning October 15 and will be drawn down three feet.

Jon Brayshaw reported there is a committee that has been working on solutions and issues regarding Lake Beseck and on Oct. 23, 2012 there will be a meeting in the auditorium to discuss these issues at 6:30.

Jon Brayshaw stated that DEEP has advised him that they are going to rebuild the dam and there has been a tentative meeting scheduled for Oct. 13 to discuss. He noted this may provide an opportunity to do some needed dredging and also to install a wet hydrant for the fire department's use. DEEP has suggested the town hire a consultant or coordinating engineer.

7. Strickland Farm Lease renewal (24:45)

Attorney John Corona representing the fair association noted the lease will expire next year and has been in place since 1998 and has been a benefit to the fair as well as the town. He noted the annual cost is nearly \$14,800 and is adjusted by the consumer price index. The property is only used by the fair those few days of the year and for the other times it is open to the townspeople. Attorney Corona stated the fair has been spending a significant amount of money on fertilizer necessary for the hay grown on the property. The cost of this has risen sharply and the last application was in excess of \$10,000 which brings the total cost of renting the property to nearly \$25,000. Attorney Corona asked the board to consider extending the lease, to allow the fair to rent the property for another five years with the same conditions and the option to extend for another five years. He asked that they consider having the rent remain stable for the next five years without adjusting according to the CPI.

There was a discussion of installing an access road that the town can use all year except for the Durham Fair Days. The fair association is looking into the costs of this, and they are aware they can not do this without the town's permission.

Attorney Corona noted there are a few items in the lease he would like to review, noting there is nothing in the lease that gives the public access, but they would need to address the liability for that.

An area of the lease was reviewed, having something to do with mowing the Justin Strickland Property- it was recommended that be removed from the lease as it no longer was relevant.

Attorney Corona described the relationship between the fair and the Greenbacker farmers with regard to hay.

Jon Brayshaw asked Attorney Corona to update the lease with an addendum as has been done before, noting he would like to wait to decide until selectman Burgess is available to review. The selectmen agreed they would likely support the lease as discussed.

It was noted that hunting on the property is allowed by permit, issued by the First Selectman's office.

It was agreed to have this on the next agenda.

8. Light up Middlefield (37:53)

Jon Brayshaw reported this would take place this Saturday, Oct. 20 at Peckham Park, noting he would be a judge for this event.

9. Sale of dump truck (38:30)

Jon Brayshaw explained the BOS has to move to sell any town property, including trucks. It was noted the truck will have to be made roadworthy before it can be sold.

A motion was made by Ed Bailey to proceed with selling the 1998 Freightliner dump truck. This motion was seconded by Jon Brayshaw and approved by both selectmen.

10. Executive session (40:07)

A motion was made to enter executive session at 7:44 pm for the purposes of discussing with Attorney Corona the sale of property on Powder Hill Road. This motion was seconded and then approved by both selectmen.

It was noted there were no decisions made and not votes taken during executive session.

11. Adjourn

A motion was made to adjourn at 8:12 pm; this motion was seconded and approved by all.

Middlefield Board of Selectmen

Regular meeting

December 3, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jon Brayshaw called the meeting to order at 7:12 pm with the Pledge of Allegiance. Present are Jon Brayshaw and Dave Burgess. Ed Bailey arrived during the approval of minutes at 7:14.

2. Agenda (1:43)

A motion was made by Dave Burgess to approve the agenda as written; this motion was seconded by Jon Brayshaw and approved by both selectmen.

3. Approval of Minutes (2:40)

November 5, 2012 meeting

Jon Brayshaw noted on page 3, he would like to add two lines of space before the last paragraph of item 9.

A motion was made by Ed Bailey to approve the minutes of the November 5, 2012 meeting of the BOS. This motion was seconded by Jon Brayshaw and approved by Ed Bailey and Jon Brayshaw. Dave Burgess abstained from the vote as he was not present.

4. Public Comment (5:31)

Joe Cohen from Chester CT stated he was here to discuss the town building official Bob Meyers, and noted he sent a letter to the town and provided additional copies of that letter. He went over some of the information contained in the letter describing problems with Mr. Meyers as a contractor and how the state has reacted to complaints about him. He noted a particular file that had never been scanned into the system within the state department of consumer protection. He encouraged the selectmen to look at this case and all the documentation. He noted that attorney Farell has stated there are no complaints about Mr. Meyers building a house in East Haddam when he was not registered and licensed, however the complaint is on file with the department of consumer protection dated January 31, 2011. There is another complaint filed by another homeowner at 24 Alger Road in East Haddam, and that homeowner will testify to that.

Ellen Waff, town treasurer requested an accounting from Jon Brayshaw from the escrow account of Attorney Antin the entire input and payout of the escrow account in the Powder Ridge. She stated because it is public money there needs to be an accounting for the public to see what funds were paid into that account and what funds were paid out.

Ed Bailey stated he had a copy of a letter dated November 26 in this regard from Ken Antin to Ms. Waff that does include all that information. Ellen Waff stated she did not yet receive that letter, and asked for a copy.

Marianne Corona noted the conservation groups she represents concerning the legislature, and went over some of environmental issues that are coming up, including conveyance tax and asked what issues the selectmen thought they should invest in through the process. She brought up storm water authority issues, wetlands training, pesticides, stormwater management, and asked that the selectmen consider what issues they find important.

Ellen Waff after about whether the 17 member COG could provide some of the needed services Mrs. Corona spoke of.

Jon Brayshaw explained that the COG is working out what services they will be able to provide to its member services.

5. Park and Recreation (20:09)

Jon Brayshaw noted that Park & Rec has requested to allow for alternate members which will require an ordinance. Attorney Ken Antin has provided an ordinance for the town to adopt, if the selectmen approve it will then go before a public hearing and then a town meeting to adopt. Selectmen reviewed the document. It was agreed to hold the public hearing on January 7, 2013.

A motion was made by Ed Bailey to approve the resolution at annual town meeting code of ordinance as attached (to hard copy of this motion on file at the town clerk office). This motion was seconded by Dave Burgess and approved by all three selectmen.

6. Strickland Farm Lease (27:13)

Attorney Corona, representing Durham Fair Association was present. Jon Brayshaw noted the selectmen had copies of the fifth addendum and affirmation. Attorney Corona stated he sent those documents as well as the history of the agreement to Attorney Antin who made changes to the document. Attorney Corona stated his client has yet to approve those changes but will be reviewing them.

Selectmen reviewed the documents with Attorney Corona noting the locations of the parcels to be removed from the agreement. It was noted one was the last lot available to the industrial park. Jon Brayshaw noted he did not intend to remove the use of a certain access until such time that piece was sold. It was noted that selling that parcel would remove any access from Industrial Park to the Strickland property.

7. Server replacement (33:39)

Jon Brayshaw noted the difficulties they have had with the server, and stated the new server should be operational on Dec. 13.

Ellen Waff asked if back up was being done properly to an offsite place every night. Jon Brayshaw was unsure. The speaker stated she has not received any emails since Oct. 24.

8. New Business (38:12)

Jon Braysahw discussed the C-pace energy conservation program stating he will be providing additional information as it becomes available.

There is a prescription drug program that is available to the residents and suggested the press provide information to the public. He noted there are people in Durham who are taking advantage of the program.

9. Executive session (41:53)

A motion was made by Jon Brayshaw to enter into executive session at 7:53 pm. This motion was seconded by Ed Bailey and approved by all three selectmen.

It was noted executive session ended at 8:35, there were discussions regarding the Laurie Vogel offer on the 19.67 acre parcel.

A motion was made by Ed Bailey to have an appraisal on the 19.67 acres ± on the west side of Powder Hill Road. This motion was seconded by Dave Burgess and approved by all three selectmen.

10. Adjourn

A motion was made by Ed Bailey to adjourn at 8:36; this motion was seconded and approved by all three selectmen.
