

MIDDLEFIELD BOARD OF SELECTMEN
405 Main Street
Middlefield, Connecticut 06455

Minutes of the February 6, 2023 Regular Meeting

Call to Order

Bob Yamartino called the regular meeting to order at 7:00 PM. Bob Yamartino, Jim Irish and Carol Bufithis were present.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Approval of Agenda

Carol Bufithis made a motion, seconded by Jim Irish, Bufithis, to approve the agenda, as presented. Motion carried unanimously.

Public Comment

Anne Olszewski reported that she received a phone call from a citizen that told her that they heard a rumor that the old owner of the Ross Road property was making arrangements to get the house back from the bank. Bob Yamartino has not heard anything like that. He did hear that the bank has taken ownership of the property and has listed it for sale for \$275,000. No one is allowed to visit the site or disturb the occupants.

Anne Malcolm stated that they used to be able to take a bus from Middletown to Meriden, with a stop at Guida's. She has recently become aware of someone taking the bus and the bus would not stop in Middlefield. She asked if that was the norm and Jim Irish stated that he would get an answer for her. Bob Yamartino explained that Middletown Area Transit has merged with towns on the shoreline and have been going through reorganization. Jim Irish noted that fares are free through March 1st. Transportation is also available for seniors.

Anne Malcolm also noted that she has heard that Middlefield is the third smallest town in the third smallest state and are tops in the United States for the national average of taxes. She was amazed to hear that fact. Jim Irish asked her to have Alice Malcolm send him the information she found about this.

Anne Malcolm then mentioned that someone brought up the calendar on the website to her and she explained that it is still being developed. Carol Bufithis noted that Judi Rand is very interested in hearing any feedback. Ms. Malcolm suggested having a legend with the calendar.

Ms. Malcolm stated that Marianne Corona has volunteered to serve on the Inland Wetlands Commission for a year. She felt that she knows what she is talking about and would like to see the town honor what she can offer, regardless of any negativity. Carol Bufithis wasn't sure that would even be possible as the commission is full. Jim Irish added that all meetings are open and anyone can attend and state their piece.

Anne Malcolm then mentioned having second or third grade at Memorial and Bob Yamartino explained that he believes that the Board of Education is proposing to close Lyman and Brewster and putting an expansion on Memorial which will house K-5. There had been talk about leaving preK at Brewster which he feels would be a total waste of money. It may be that preK might go to the high school. He does hope that they close both schools and expand Memorial. Ms. Malcolm added that there are two trees in the courtyard at Memorial which were planted from the seeds of the Charter Oak. Mr. Yamartino felt that they could do the expansion without disturbing those trees. He has also heard that the Board of Education is proposing to purchase parking from the church, but felt that there would be plenty of room behind the school and they shouldn't need to do that.

Anne Malcolm stated that Middlefield Federated Church is considering selling the building that houses the daycare. Carol Bufithis stated that they have heard the church is in financial trouble. They have a \$600,000 mortgage and only about \$200,000 in reserves. They will be meeting this Sunday to look at the viability of selling. Ms. Bufithis spoke with a representative and was told that they are looking to sell the church building itself, but will continue to have church somewhere. Ms. Malcolm then proposed that the Community Center become a complete office building for the Town of Middlefield and that John Lyman or the church become a true Community Center that offers more than just something for senior citizens. Bob Yamartino reminded everyone that years back, when they were proposing to close John Lyman School, the town did not want it as they already owned too much building space. Ms. Malcolm hoped that the issue could be raised again. Mr. Yamartino added that if they were to acquire John Lyman, the town would need to make at least \$6 million of improvements just to bring it up to standards.

Anne Malcolm then noted that she has spent a lot of money on a garbage service, but asked if our taxes could support trash removal services. She would rather pay her money to the town to pick up garbage. Carol Bufithis thought that would be a big ask and Bob Yamartino noted that it would be much more expensive. Ms. Malcolm also felt that people shouldn't need to buy the composting units and should be able to just use bags. Ms. Bufithis stated that they do sell bags as well.

Anne Malcolm also stated that there should be handicapped access to the auditorium and then voting could be held there. Bob Yamartino explained that it does work, but he doesn't think anyone would trust it enough to get on it. Ms. Malcolm stated that she would be willing to learn how to operate it. Carol Bufithis stated that Barbara Jean DiMauro told her that there were two filing cabinets and the top drawer in one of them needs to be repaired. She asked if someone could look at that.

Approval of Minutes of Selectmen Meetings

- a. January 3, 2023 - Regular Meeting
- b. January 25, 2023 - Special Meeting

Carol Bufithis made a motion, seconded by Jim Irish, to approve the minutes of January 3, 2023 and January 25, 2023, as presented. Motion carried unanimously.

Search Committee

- a. EDC Coordinator

Bob Yamartino has not yet gotten in touch with the preferred candidate to negotiate the contract. He did feel that the rate may be a little high and will speak to them.

Public Communications

Bob Yamartino received a communication two weeks ago from an individual who requested that speed bumps be put at both ends of Whisper Wind Road. The individual is a resident at the Lake and probably recognized that Mr. Yamartino is a resident on Whisper Wind Road. He added that nobody on Whisper Wind Road has asked for speed bumps. Mr. Yamartino felt that they should have probably held a public hearing before installing the one at the Lake and may want to assess that in the Spring. Mr. Yamartino added that the Resident Trooper sat on High Street for 4-5 weeks and it seemed to have changed behaviors.

Carol Bufithis stated that she went to the lake on Saturday night to observe the speed hump and would like to see a flashing sign there. Bob Yamartino suggested white lines on the road as you approach it as well. Jim Irish agreed that a caution light should be installed.

Boards, Commissions, Committee Appointments

- a. Fire House Building Committee
 - 1. Appointment: Steven Tyc and Howard Weissberg, replacing Melissa Kowal and Ken Wilson

Bob Yamartino reported that two members of the committee have recently resigned from the Fire House Building Committee. Steven Tyc and Howard Weissberg have been nominated. Mr. Yamartino asked if the board wanted to make the nominations tonight or wait.

Jim Irish made a motion, seconded by Carol Bufithis, to nominate Steven Tyc and Howard Weissberg to replace Melissa Kowal and Ken Wilson on the Fire House Building Committee.

Steven Tyc felt that the committee is definitely making progress and he would like to help with that. Bob Yamartino added that this project will be the single largest project the town has undertaken. Carol Bufithis noted that there is so much scuttlebutt out there about this and she felt that it's time for the committee to put out some accurate information about why this needs to be done. Steven Tyc agreed and noted that the committee wanted to get the correct information before putting anything out. Several issues were discussed that require a new firehouse, including showers and having to pay extra for vehicles in order for them to fit in the current building. The committee meets on the first and third Wednesdays of the month.

Motion carried unanimously.

- b. Affordable Housing Committee
- c. Conservation Commission

Bob Yamartino noted that there are still openings on the two above-listed committees as well as the River COG Affordable Housing committee. Jim Irish felt that one of the Affording Housing Committee members in town would participate on the River COG committee as well.

Bob Yamartino has reached out to both the RTC and DTC on a couple of occasions. He asked if they could get something in the Town Times about the openings. Carol Bufithis stated that they now have four names, two Democrats and two Republicans, for Affordable Housing and are still looking for one more. Mr. Yamartino got a letter from Jerry Finch asking about why he was not being reappointed to the Conservation Commission and has left him a message as well as sending him a note. He will contact him to let him know the procedure for being reappointed.

Regarding the regional agricultural position, Jim Irish has assembled a list of everyone who owns over 20 acres of farmland, but it doesn't provide very many people to choose from. He will share the list with the board. Most of the people on the list have property that is mostly for hay or they have horses. Bob Yamartino will reach out to John Lyman for recommendations.

Carol Bufithis looked at all of last year's notes about the Tourism position and didn't find anything. Mr. Yamartino felt that it was an appointment by the First Selectman at that time.

Selectmen/Selectwoman Reports

a. Sustainable CT Update

Carol Bufithis reported that they have had two meetings, including Barbara Nadeau and Ruth Vizard, and have started the process. They hope to get some information to Sustainable CT by April for their critique and have everything in by August. Jim Irish offered to provide documentation of things that have been done at the lake. Ms. Bufithis has taken some classes as well. She noted that only 40 towns have done this. Bob Yamartino thought that Sustainable CT needs to be integrated into the town's Plan of Conservation and Development, but that has not happened yet. Jim Irish felt that the town would get points if it was integrated into the POCD, but not necessarily required.

b. Public Works Facility Update

Bob Yamartino that some work has been started on the facility and, as of Friday, the bathroom is complete. Carol Bufithis asked if it was better now and was told it was about the same. All that happened was the walls were painted. The floor has been painted gray, but is still dirty.

Mr. Yamartino added that the final OSHA audit report has not yet been received, but a preliminary verbal report has been received. One of the items was that the floor needed to be tested for asbestos. That was done and came back positive. The tiles have been covered until it can be remediated. The wall separating the file room from the office has been removed. The joint compound was positive for asbestos as well, but the wall itself was not. An AWP (alternative work practice) will need to be established during the remediation, but they don't know exactly what that will entail. Al Rusilowicz and Jerry Russ are meeting with the contractor today. Mr. Yamartino is not sure if they can continue to use the room as they have been until they hear back from the design engineer about the AWP. He has kept OSHA informed and they hope to see the final report soon.

Bob Yamartino added that they have gone through the land records and found that asbestos had been installed on the roof of the garage, but was redone a few years back. He does want to get a full inspection of all buildings. Mr. Yamartino added that it is dust from the asbestos that is the problem. Some asbestos testing has been done in various parts of the Community Center building, but they will probably want to get a complete survey done.

There is now a plan for the break room and it has been reviewed with the town crew. Jim Irish asked if any damage was done to pipes because of the cold weather, but Bob Yamartino has not heard about any.

c. Solar Project Update

Bob Yamartino reported that they had a meeting and he was a little disappointed because he thought that they would be getting three different options. Everything was put together for the project incentives being offered by Eversource. That means a system is installed and a bid is put in to Eversource with a fixed rate of 18.7 (or 18.5) cents per kilowatt hour and if the town is chosen, they would get that for the next 20 years. That also means that they are not protected if electricity costs go up. What ultimately happens is the town continues to have an electric bill and pay on any fluctuation in the market.

Bob Yamartino explained that Titan Energy put out a bid and received three bids back. One bid was for a ground lease at \$100,000/year (split between the two towns) which would cover the town's electrical costs, but do nothing for the school district. The system would have covered both towns, the school district and a good chunk of Old Saybrook but the results would not even cover the costs of what the town pays. Another option would provide dollar credits which ends up being a lower number than the ground lease. If the system is owned by the towns and district, Eversource would buy the power at 18.5 cents but that will not change over the next 20 years. It was generally felt that none of the options made sense for the towns.

Jim Irish added that they asked Titan Energy to go back to the three bidders to reconfigure them to accommodate the school district's electric load behind the meter. He explained that they cannot do behind the meter for the town properties because each building needs to be very local. They will get other bids on designs that address the needs of the two towns. Mr. Yamartino then discussed different solar project designs. He will also ask if they can do a power purchase agreement for the towns and if they have to be behind the meter.

Carol Bufithis asked where the 18 cents comes from and Bob Yamartino explained that Eversource will buy the cheapest they can. Because the project will be on the transfer station, they will also get a 20 percent kicker which would mean the bid would go in at about 14.5 cents and the bid would be accepted. Mr. Yamartino believes that the best thing for the Town of Middlefield would be to have somebody do an assessment on the Community Center to see if the roof can handle solar panels.

Mr. Yamartino summarized that the project can technically be done, the transfer station is a good place to do it, everyone is trying to maximize it and the towns will make the least money. Right now, the town cannot do behind the meter on any of the properties it owns, but that would be the best way to go. If they go behind the meter, it would probably be less than four years to pay it off. Carol Bufithis wondered if it would be possible to put solar panels on top of the new firehouse. Bob Yamartino thought that would be possible and the salt garage behind the Town Hall would be another place. Jim Irish added that the best bet would be at the high school and the town would get a third of that.

c. Ross Road Tires Update

Bob Yamartino is trying to get feedback from DEEP because he has drafted letters to the State Representatives and Senator to support the bill to go to the bonding commission. Craig Fishbein has submitted a bill to go to the state bonding commission for \$80,000 to pay for clean-up of the site which is currently the best estimate. The town's injunction from the court allows the town to go onto the site and remove the tires as of March 2nd at the town's expense. The bill can then be sent to the current occupants of the house, but they have no money and a lien is not possible. They are now trying to get the bank to be held responsible, but they have been told that the bank is an innocent party. Mr. Yamartino felt that there was no way that the bank didn't know the tires were on the property. The property has been listed for sale, but no one can look at it. Bob Yamartino wrote a note to the Lieutenant Governor and DEEP and said that the town and the health district is now pursuing criminal allegations against the bank because they have been notified and have not gotten back to the town to say how they intend to clean it up. They are also being fined \$150/day for zoning violations and an injunction will now be filed against the bank to get the same clean-up order that they got against the occupants. If that happens, the bank will be responsible for the clean-up. If that doesn't happen, the town will be stuck with the bill.

Bob Yamartino reviewed that he reached out to DEEP back in June or July, but never heard back even though they did pursue criminal charges against the occupants. Those are no longer being pursued because of the bank taking ownership. Mr. Yamartino was told that what was happening on the property constituted illegal dumping and if someone is doing that, the vehicle used for transport can be seized and sold with the proceeds going to whoever seized it. He was also told that since it was two guys bringing in the tires and dumping on the mother's property, they were illegally dumping because they did not own the land. Permission cannot be given to do any illegal dumping. This all means that the town could have seized the vehicles back in June or July, but they didn't find that out until recently. No one was sure whether tires were still being brought onto the property and Mr. Yamartino encouraged any citizens to call 911 immediately if they see it happening.

The bonding issue will come up during this legislative session and Mr. Yamartino would like everyone in town to write letters to the legislators. He explained that he would rather have 3 million taxpayers in Connecticut pay for the clean-up rather than 3,000 taxpayers in Middlefield pay for it. Carol Bufithis asked if Mr. Yamartino would write something in the Town Times about this issue.

Jim Irish summarized that the health district is going after the bank with criminal charges because of the health hazards present on the property. The town is fining the bank \$150/day for zoning violations. The town is pursuing an emergency injunction against the bank ordering them to clean up the tires. The town has already gotten an injunction against the occupants, but the bank now owns the property. The occupants have until March 1st to remove the tires, after which the town can remove the tires with the occupants being responsible for the cost. Everyone knows that the town will not recover the money from the occupants. Bob Yamartino felt that

they could be successful with the injunction against the bank, but they could say they didn't create the mess.

Mr. Yamartino noted that he wrote to DEEP asking what they were doing to remove the tires and stop the bank from selling a contaminated property and they said they were following policy. His next letter to DEEP will be that he is writing to the legislators and the public about the situation and will say that DEEP is following policy and he has no idea if they are taking any action. TD Bank is the parent organization of the mortgage company involved.

Carol Bufithis added that they have long conversations about this issue at every meeting. Jim Irish summarized that Craig Fishbein has proposed a bill to move this to the bonding commission. Bob Yamartino added that he told the Lieutenant Governor that the Town of Middlefield cannot afford to clean this up and would need some funding from the state. DEEP has stated they have a slush fund for environmental clean-ups, but is typically used for liquid spills and this would not qualify. Mr. Yamartino then asked her if the governor would entertain putting a line item in the DEEP budget to cover the remediation of the property and she wasn't sure. The Lieutenant Governor felt that going to the bonding commission would probably be the best option. Mr. Yamartino then called Craig Fishbein and he agreed to submit the bill that day. If the bill goes through to the bonding commission, it will be an outright grant to the town.

Bob Yamartino has asked Jerry Russ to get some bids from clean-up companies. It may also be possible to have the town crew do the work and haul them to a disposal facility. Anne Olszewski asked why they can't grind them and use them to layer the parking lot at the park. Mr. Yamartino explained that any time a tire is ground, all of the steel has to be removed.

Carol Bufithis asked why the tires were even brought to the property and Anne Olszewski stated that they said they had permission from the Building Department to build a wall around their property. Mr. Yamartino did not believe that to be true. He felt that they got money to take the tires, went to buy drugs and then dumped the tires on the property.

d. Other

None.

Tax Refunds

Anne Olszewski noted that she gave all of the tax refund information to Judi Rand, but the Board did not have any of it.

It was agreed to table the tax refunds until the next meeting on February 21, 2023.

Executive Session - Wages

Jim Irish made a motion, seconded by Carol Bufithis, to enter into Executive Session to discuss wages. Motion carried unanimously.

Adjournment

_____ made a motion, seconded by _____, to adjourn the regular meeting of the Board of Selectmen. Motion carried unanimously.

The meeting was adjourned at _____ PM.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First