

**Minutes of the Board of Selectmen  
Regular Meeting, October 12, 2021, at 7:00pm, via GoToMeeting**

In attendance: Catherine Iino, Louis Annino, Eileen Blewett

Visitors: K. Vecchitto, N. Gorski, B. Crowley, K. Amoia, G. Judge, J. Young, M. Parahus, A. Stirna, A. O'Neill, C. Judge, M. Szeligowski, S. Allard, J. Gay, K. LiDonni, G. Regolo, R. Darin, E. Serignano, K. Wodatch, L. Lefko, T. Hajek, M. Couture, G. Vecchitto, C. Fine, M. Neveu, W. Linsley, D. Tyca, C. DeFilippo

1. **Call to Order** – Catherine Iino called the meeting to order at 7:01pm.
2. **Public comment**
  - Karen Vecchitto: No comments at this time
  - Nancy Gorski: Would like to understand what the Resident State Trooper is doing regarding recent crime spree (car break-ins) – Iino doesn't have any updates, but Trooper is pursuing their normal investigations
  - Brendan Crowley – No comments
  - Kathleen Amoia – No comments
  - Mike Ferns – No comments
  - Graig Judge – Questioned why an executive session is necessary on the purchase of property. Iino responded that: Exec sessions can be called if going into negotiations over the acquisition/disposal of property.
  - Jamie Young (Caller 02) – No comments
  - Tod Fruit (Caller 01)– No comments
  - Kristi LiDonni – No comments
  - Laura Lefko – No comments
  - Ken Wodatch – Nothing now
  - Ed Sirignano – No response
  - Mike – No comments; joined to find out info about break-ins
  - Wayne Linsley – No comments
  - Malorie Neveu – No comments
  - Annie Stirna – submitted an email to the Selectmen regarding an unresolved issue between the Town of Killingworth and the RSD17 Board of Education. RSD17 is holding \$1.7 million in an insurance fund that should have been returned to the Towns. Sterna requests meetings resume prior to November 2<sup>nd</sup> and include new Superintendent and other interested parties.
3. **Selectmen's comments**: Iino reported that DOT has approved the Middletown Transit District and Estuary Transit District merger has been approved. Joan Gay said she had received a letter from the Commissioner of Transportation who approved everything that had been negotiated. She thanked everyone for their support.
4. **Department/Board of Education reports** – Health & Building reports are in the file. BoE report to come.
5. **Approval of Minutes** – Blewett moved approval of the minutes of September 27<sup>th</sup> for the purpose of discussion; Anino seconded. Blewett mentioned that the minutes of the August 9<sup>th</sup> meeting indicated the letter from Town Counsel had been distributed, but she did not receive the letter.  
Section 8. Old Business, Item A: Annino proposed the insertion, “**pending selectmen's receipt of copies with the latest proposed revisions.**”  
  
Section 10, Selectmen's Comments, Item B (re bottled water): Blewett proposed “investing in water treatment **could** be more effective” instead of “**would** be more effective.”

Section 10, Selectmen's comments, Item C (re Town first aid kits): Annino proposed inserting after "Regolo responded" "**that this was a cost-effective approach.**"

Section 10, Selectmen's comments, Item E (regarding Charter Revision Commission), paragraph 3: Blewett proposed amending the second sentence to read, "Blewett agreed, but said that **the legal opinion** was not the basis for her vote."

Annino stated the recording should be reviewed for accuracy. As long as the motion is contingent on the validation, it will be fine.

Blewett made a motion to accept September 27<sup>th</sup> minutes as amended and subject to review of the recording; Annino seconded. No further discussion. The motion passed unanimously.

Blewett made a motion to approve the Minutes of the Special meeting of October 6<sup>th</sup>; Annino seconded. No further discussion. Motion unanimously approved.

## 6. **Refunds and Abatements**

Annino made a motion to approve the following refunds:

1. William M. Leidt	2714 Park Place	\$22.47	Overpaid COC#10173M
2. VW Credit Leasing	1401 Franklin Blvd	\$257.42	Overpaid COC#10169M
3. Jean P/Robin B. Vuillermet	78 River Rd.	\$41.45	Overpaid COC#10163M
4. Honda Lease Trust	600 Kelly Way	\$747.30	Overpaid COC#10167M
5. Dennis P. Murphy	51 Fawn Hill Rd.	\$58.81	Overpaid COC#10187M
6. Dennis P. Murphy	51 Fawn Hill Rd.	\$34.55	Overpaid COC#10125M
7. Kenneth E/Kathleen A. Ness	42 Burr Hill Rd	\$56.43	Overpaid COC#10175M
8. Honda Lease Trust	600 Kelly Way	\$197.89	Overpaid COC#10176M
9. Hyundai Lease Titling Trust	4000 MacArthur	\$308.51	Overpaid COC#10142M

Blewett seconded. No further discussion and the motion passed unanimously.

## 7. **Appointments**

Iino nominated Aaron Dollar (Unaffiliated) for the Open Space Committee. He is a professor in the Yale School of Engineering and is very interested in the Town's involvement with the Deer Lake Camp property. Blewett seconded the nomination. No further discussion. The motion passed unanimously. There are currently 3 openings on the Open Space Committee.

## 8. **Old Business**

A. **Budget review** – Finance Director Regolo was attending the Board of Finance meeting; Iino made a motion to table this discussion until Regolo was available. Blewett seconded. No further discussion. The motion passed unanimously.

Regolo later entered the meeting and indicated she was available to answer questions about the materials. No questions at this time.

B. **Parmelee/Killingworth Historical Society barn project** – In November 2020, the Selectmen approved an MOU with KHS, with the understanding that the KHS would come back to the Board of Selectmen once it had a firm location and design for the structure that had been approved by the Parmelee Farm Committee. A plan has now been approved, and KHS has sent new MoU.

Iino opened a discussion of whether the MoU is an adequate agreement between the Town and KHS, or whether a more comprehensive lease, like those in place for the farmhouse and the Black Rock schoolhouse, is needed.

KHS President Ken Wodatch reported location would be to the east of the existing farmhouse, behind the garage. The barn would be 15' behind stone wall in the open lot; building is a 36'x36' footprint (2-story barn) 21.5' tall at peak; post-and-beam. Intent of use – downstairs to be used for display (hearse, wagons, possibly an antique hay bailer KHS attempting to acquire); upper level of barn would be used for storage (archive materials).

Iino inquired about the stone wall (removal, replacement) as well as plumbing/electricity, ADA compliance.

Wodatch replied that there would be electricity but no plumbing and access would be ADA compliant.

Annino continued the discussion, indicating it would be helpful to have representatives from Parmelee Farm Committee (PFC) endorse the proposed plan, including location and present it in the strategic plan for that property's development.

Wodatch responded that KHS presented the plan to full PFC in August, including a walk through the property to address concerns with wetlands and protection of maple trees (none will be removed). PFC approved the plan. Wodatch offered to secure a letter from the PFC confirming their approval. Iino indicated the decision is within the PFC's meeting Minutes.

The discussion turned to fundraising for the project. Wodatch indicated KHS has funding to break ground in early Spring 2022 and is working with Lions Club to put together a fundraising concert; KHS has received donations specifically for barn. Upon approval from Town, KHS is committed to additional fundraising to raise \$50k. Anticipated completion over the summer of 2022. Barn will be constructed by Country Carpenters.

Iino addressed the brevity of the MoU and Wodatch stated the MoU is not a replacement for a lease but confirmation to proceed with the project. Iino stated there should be reference to a lease in the MoU. Wodatch replied there could be comments listed under the Obligations section.

Annino suggested the possibility of amending the lease to the existing house. He suggested approving the MoU as submitted and moved that the BOS approve a Memorandum of Understanding for the construction of a barn on the Parmelee property for the use of the Killingworth Historical Society, with a lease by the Town to the KHS to be signed prior to KHS occupancy of the building. Iino seconded the motion. No further discussion. The motion passed unanimously. Iino will prepare for signature. Wodatch left the meeting.

## **9. New Business**

- A. Upcoming Town Meeting: Operating Budget Overs and Unders – Iino indicated the need to find a date for a Town Meeting to approve the FY21 budget overexpenditures greater than \$20,000. Capital overs and unders have already been approved.

Gina Regolo stated this meeting must take place prior to the Board of Finance meeting on Nov 9<sup>th</sup>.

Iino made a motion to issue a call for a Town Meeting for Thursday, October 28<sup>th</sup> at 7:00 pm, location TBD, to fund from the underexpended lines the over expenditures in fiscal year 2020-21 in excess of \$20,000 for the following line items:

Selectman office expense \$41,002 (COVID-related)  
Town Counsel \$32,199  
Compactor operation \$51,729  
Tax refunds \$29,875

Iino amended the motion to add to the call to a Town Hall Meeting the appointment the board of the Haddam-Killingworth Recreation Department William Raymond Burley, Brian James Blair, and James Joseph Duffield for terms to end on June 30, 2022. [Appointments had been made previously but appointees had failed to qualify.] Annino seconded the motion. No further discussion. The motion passed unanimously.

B. Hemlock Drive - Iino received communications from residents on Hemlock Drive regarding the street being used as a cut-through to avoid the traffic circle. To do this, the town must apply to the Office of State Traffic Administration. Iino moved that the Board, acting as the Local Traffic Authority apply to have Hemlock Drive designated as a no thru traffic road. Blewett seconded.

Blewett questioned whether residents of the street had been consulted. Iino responded that they had not, other than the few who had requested the measure.

Wayne Linsley commented there is the same scenario with Roast Meat Hill Road and Route 81. The only way to do no thru traffic is to enforce it - people ignore signs.

Annino suggested that DoT look at the situation, and perhaps the Town can investigate more with the neighbors on the road. He specified that the BoS would have final approval before any signage was erected.

Motion to submit application to ConnDOT passed unanimously.

C. Town Office Building Emergency Repairs

Three items are in need of immediate attention:

The HVAC system on the Selectman's office side of the modules has failed. Quotes have been secured on using mini splits but because of layout, they would be more expensive than replacing the HVAC. Quotes so far for either option are over \$10k. Iino will send quotes to Blewett and Annino, but action needs to be taken quicker than going through full bidding process.

Stairs/handicapped accessible ramp in back of building— dangerously in need of repair; discussed removing the ramp, which isn't being used. Building Official indicates old ramp is adequate to size of building. Iino says that if we can remove the ramp, we could save money.

Siding/Envelope of building – some pieces blown off in Hurricane Ida – included in FEMA request, but unsure if that will come thru – needs to be done quickly.

Discussion turned to concern for the lack of a long-term plan for maintenance of buildings. These repairs are needed now, however. Board should solicit and review proposals from contractors and determine the right solutions. No action taken during October 12<sup>th</sup> meeting.

D. Technical assistance request: Trust for Public Land - The Trust is prepared to work out an arrangement to preserve Deer Lake Camp as a public open space and would like a request for technical assistance from town.

CT Yankee Council of Boy Scouts, which owns the Deer Lake Camp, has it on the market and is interested in selling the parcel as one piece. It comprises 255 acres, listed for \$5.2 million, and the Scouts may have offers for \$4+ million. The camp has been used for town picnics other portions are contiguous with Forster Pond portion of state forest. Questions to be considered include to what extent the town wants to be involved. Do we want to acquire all or parts of Deer Lake as town property? How would we manage it? Will the state purchase some or all of the parcel and/or give town some funding? Some private donors are interested in doing something to preserve the space and camp. TPL has a lot of experience in putting together deals with multiple parties in order to

preserve open space and space for outdoor recreation and preservation. Killingworth would like to ask their help in seeing what they can negotiate. Town would not be obligated to anything, and any town funding would come up for town referendum.

Iino made a motion to send an official request for technical assistance and advice from the Trust for Public Land. Blewett seconded the motion. No further discussion. The motion passed unanimously.

E. Green Hill Road repairs.– A temporary repair of the damage from Storm Ida will be made early next week. We are looking at longer-term solution, but not a fully engineered solution. Town has included this in the FEMA application for Storm Ida funding. Disaster funding for Middlesex County has not been approved. State and County thresholds must be met in order to be eligible for funding.

Annino indicated a repair is necessary and when the time comes for an engineered solution, discuss the criteria at that time.

Iino moved that further Selectmen's Comments be added to the agenda as Item 9.E.1. Blewett seconded. No further discussion. Motion passed unanimously.

E.1 Blewett had read in Minutes from Public Health Agency about issues with activities such as smoking, vaping, and use of marijuana at Killingworth Recreation Park, and signage pertaining to those activities.

Iino responded that, according to Charter, the Park and Rec commission may set rules for parks, but P&R is looking to public health agency for guidance on appropriate signage.

Blewett inquired about rates for someone to take the Minutes. Iino will provide.

Blewett inquired about water testing done for Library. Regolo responded that there are quarterly tests of public facilities; Blewett continued the discussion of water-related issues regarding Wolf Hollow residents. Iino replied that DEEP is working with residents who had systems installed by DEEP.

Annino asked about the process for the 2020 Annual Report. Iino explained the 2020 Annual Report will become a bi-annual report for 2019-2021.

F. Board of Selectmen Composition (Town Charter, Section VI: 6.1) Issues have come up about composition of the Board of Selectman, specifically whether it is legal by Town Charter to hold a seat on the Board of Selectmen and a seat on the Regional School District Board of Education. and Iino presented a timeline to summarize how the issue has developed.

July 12: Blewett notes that there may be a statute prohibiting a Charter Revision Commission from having more than one-third of its members be town officials.

July: Rob Rimmer, chair of the Charter Revision Commission, requests a legal analysis from Town Attorney Tycz on the statutory requirements regarding composition of the Charter Revision Commission.

July: Eileen Blewett files her candidacy on the Republic ticket for Board of Selectmen and Board of Education. Craig Judge files his candidacy for Board of Selectmen and Zoning Board of Appeals.

Aug. 7: Attorney Tycz provides a memo finding that the commission as constituted does not meet the statutory requirement that no more than one third of its members hold any other public office in the municipality.

Aug.: Town Clerk Dawn Mooney, in preparation for the upcoming elections, requests an analysis from Attorney Tycz as to whether an elector of the Town of Killingworth may concurrently serve on both the Board of Selectmen and the District 17 Regional School Board.

Sept. 9: Attorney Tycz provides a memo to the Town Clerk laying out the reasons for his opinion that a member of the RSD17 School Board, elected by the electors of Killingworth, holds a public office in the government of Killingworth and, therefore, may not also be a member of the Board of Selectmen, pursuant to Killingworth Charter §6-1.

Attorney Tycz also noted that an individual is not prohibited from running for incompatible offices at the same time, but, upon election to both offices, must decline one of them.

Sept.: Town Clerk Mooney provides Attorney Tycz's memo of Sept. 9 to the Killingworth Democratic Town Committee and the Killingworth Republican Town Committee.

Sept. 28: The Killingworth Republican Town Committee sends to First Selectman Iino, Attorney Tycz, and Attorney John Porzuc (of the law firm of Howard McMillan & Tycz, LL.C.), a "Memorandum in opposition to Town Counsel Legal Opinion on Incompatible Offices in the Town of Killingworth." In a cover letter, KRTC Attorney Cutillo demands that the Town Attorney revise his opinion and notify the KRTC by October 7, 2021. "If such actions are not forthcoming in a timely manner, we are prepared to go forward with legal action against all responsible parties both in their professional capacities and personally, as we believe the misapplication of clear Charter provisions is motivated, at least partially, by personal animus towards Mrs. Blewett. . . ."

Sept. 30: Attorney Tycz responds to KRTC Attorney Cutillo, saying that he will give careful consideration to the issues raised by Attorney Cutillo. Attorney Tycz added,

We must take exception to your threat of legal action against anyone "personally" and your misguided beliefs that our legal analysis and opinions are motivated by any personal animus toward Mrs. Blewett or any effort to thwart the voice of the voters. Our September 9, 2021 memorandum was in response to a request for a legal opinion made by the Town Clerk. The Town Clerk asked that we respond in a timely manner so that she could provide as much notice as possible to the interested parties prior to election-related deadlines. We researched the issues and provided our legal opinion. Since your letter was also directed to First Selectwoman Iino, I will also clarify for you that she had no participation in the request to our office, which was made by the Town Clerk. In addition, First Selectwoman Iino had no communications with me, or my office related to the substance of our legal opinion from the time of the request by the Town Clerk until receiving your response today. . . .

Oct. 7: Attorney Tycz responds to KRTC that "we stand by our September 9, 2021 legal opinion for the reasons stated therein."

Blewett recommended reviewing Charter, Section 1.2, Definitions – "Board or Boards means all Boards, Commissions and Permanent Committees established by Town Ordinance or by this Charter."

She said that the Board of Education was established by CT Gen Stat 10-46a. Since RSD 17 was established by a CT General Statute and statutorily required multi-town referendum, the RFD Board of Education is not a Killingworth town board.

Iino moved to go into Executive Session to discuss a privileged communication from town attorney, inviting Town Attorney Tycz. to attend. Annino seconded. Blewett asked to bring Andy O'Neill into the executive session. Request was rejected. Iino, Annino, aye; Blewett, nay.

The Board went into executive session at 8:56.

The Board came out of executive session at 9:22 pm.

#### 10. Adjournment

Annino moved that the meeting be adjourned. Iino seconded the motion. Motion passed unanimously. Meeting adjourned at 9:25.

Respectfully submitted,

Cheryl DeFilippo