

**BOARD OF SELECTMEN  
MEETING MINUTES  
MONDAY, APRIL 16, 2018  
8:30 A.M. – GUILFORD TOWN HALL**

First Selectman Matthew Hoey called the meeting to order at 8:57 a.m.

Present: Board Members: Matthew Hoey, Charles Havrda, Susan Renner and Sandra Ruoff

Town Officials: Finance Director Maryjane Malavasi, Facilities Engineer Steve Neydroff, In-House Counsel/Purchasing Pam Millman and Clerk Traci Brinkman

Others: About 15 people in the audience

Media: Guilford Courier Reporter Zoe Roos and Mike Graziano, taping for GCTV

**1. Pledge of Allegiance**

Mr. Havrda led the pledge.

**2. Public Forum (limited to 3 minutes regarding agenda items)**

None

**3. Approve minutes of:**

**3.1 April 2, 2018 – Regular Meeting**

*Motion: Upon a motion made by Ms. Renner and seconded by Mr. Havrda, the board voted unanimously to approve the minutes of the April 2, 2018 Regular Meeting as presented.*

*Voted: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**3.2 April 11, 2018 – Special Meeting**

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Ruoff, the board voted unanimously to approve the minutes of the April 11, 2018 Special Meeting as presented.*

*Vote:*            *In Favor:*     *Hoey, Havrda, Renner and Ruoff*  
                      *Opposed:*     *None*  
                      *Abstaining:*  *None*

*Motion:*        *Upon a motion made by Ms. Ruoff and seconded by Ms. Renner, the board voted unanimously to add to the agenda the VFW Resolution as well as the Sign on the Green request from Kids HUGS to place a sign on the Green advertising its Bike Ride.*

*Vote:*            *In Favor:*     *Hoey, Havrda, Renner and Ruoff*  
                      *Opposed:*     *None*  
                      *Abstaining:*  *None*

**4.     Receive presentation from Verizon regarding small cell installation near the Guilford Green.**

Mr. Hoey explained that they have been having discussions with Verizon the past three to four months about Verizon’s interest in increasing cell coverage data in the downtown area. The discussions were mostly related to the most appropriate location for the equipment, but Verizon is confident that this is the best and only placement that would meet its needs.

Richard Smith of Robinson Cole, who is representing Verizon, went over the project. He added that small cells are newer projects. They have been transitioning from the large monopoles to small cell facilities, which only cover a distance of 5 to 1,500 feet. He added that the reason for this change is how people are now using mobile devices. They used to be used as phones, but now they are used as computers for email, texting, downloading and streaming. This has increased the demand from voice to data and they have been running into choke points, that the larger towers can’t handle.

Mr. Smith added that when they do see an increase in demand they first try to improve their capabilities on the larger sites. When those get maxed out they turn to the small cell projects. These serve a focused area where the point of origin of the increased demand is located. He added that they are usually near ballfields, recreational centers, even apartments and condos.

Mr. Smith then went over the approval process that is required through PURA, the Public Utilities Regulating Authority. He added that they have identified a pole in their target area on the southwest corner of the Green where there is an increase in demand for service. Mr. Smith said they had to give notice to adjacent property owners, which the town is one, as well as the owners on the opposite side of the street. This is their first small cell project in Guilford. They did ask their engineers to expand the review area and they looked at other poles around the perimeter of the Green and further out, but they cannot be on poles with transformers or some other type of equipment, therefore this is the only pole that met their needs.

Mr. Smith showed a photo simulator depicting the existing pole before and after the project. He added that the equipment could be painted brown to blend in more with the pole if the town wished.

Mr. Hoey asked if he could talk about RF equipment relate to health concerns.

Mr. Smith explained that they have 400 small cell projects approved to date in the state. If anyone has any type of question they can call him. He added that technology can spook people. Mr. Smith noted that every installation has to comply with FCC health and safety standards. These projects are well within those standards and well below anything that could potentially impact someone.

Mr. Hoey said the current height of this pole is one of the shortest on the Green. He asked after the installation if it would be more in line with the others.

Mr. Smith said it would be about the same height as the others after the expansion. The existing pole is 29.3 feet and it will be brought to a height of 34 feet after installation.

Ms. Ruoff asked how disruptive the installation process is since this is the time where there is increasing activity on the Green.

Mr. Smith said the pole change will be done by the pole owners. They usually bring in a bucket truck to change the pole. The installation is then done by Verizon and that usually requires a single bucket truck and is done in less than a full day. If there are traffic concerns Verizon will get a local police detail for traffic if necessary.

Mr. Hoey asked if they would expect to hear from other companies for requests similar to these. He asked if they would be precluded from using Verizon's pole.

Mr. Smith said it is possible for the town to get requests from other companies if their demands also require it. He added that you really cannot have multiple providers attachments to this pole.

Mr. Hoey noted that PURA provides a process for communities or individual property owners to file objections. He added that they did send a letter and have had discussions about this. Mr. Hoey said they learned that aesthetics are not a valid reason for an objection. The Green is a treasured asset in town, but the way this equipment looks is not a valid basis for objections.

Ms. Renner said that this pole is the only suitable one so what would Verizon do if there is no suitable pole.

Mr. Smith said they have already done enhancements to the Macro sites. It is unlikely they would install a new tower site. There might be the possibility of installation on the rooftop, but he doesn't know if that would work in this case. The first step for Verizon is to go to available poles.

There was further discussion about PURA and it was noted that they are the authority that makes the final decision on this project. Mr. Smith said PURA has its own criteria and Verizon would not propose something that doesn't meet that criteria. No local review is necessary.

Mr. Hoey said when there is substantial community benefit local objections are outweighed. He added that it wouldn't benefit the town to follow a legal recourse. Ms. Millman said they did consult outside counsel with expertise in this area. Ms. Ruoff asked if they had any other similar projects in the area. Mr. Smith said he would get back to them on other locations nearby where they could see similar projects.

**5. Finance Director (Maryjane Malavasi):**

**5.1 Receive monthly report from Finance Director.**

Revenues

Ms. Malavasi said overall they are in good shape. Tax collections are bringing in a surplus that they can use to cover other areas that are lagging, which they have discussed before.

Expenditures

They are at 75% through the year and they have obligated 74% of the budget. Insurance is overdrawn, but that is because they have not transferred in funds from outside sources such as the Library, Waste Transfer Station and Police, this will reimburse the account.

Mr. Hoey asked about public works overtime.

Ms. Malavasi said she estimates they will be approximately \$60,000 overdrawn at the end of the year based on where they currently are. She added that it is hard to judge how much of their encumbrances might not be needed.

Mr. Hoey said their overtime budget is 143 percent of budget. The total amount budgeted is \$84,000, but they have spent \$121,000. This is a result of snowstorms.

Ms. Malavasi said the storms also affect police, fire, natural resources and parks and recreation.

Ms. Renner asked about a \$15,000 payment to Durham/Middlefield.

Mr. Havrda explained that this is for rental of the tub grinder at the Stump Dump.

Medical

Mr. Hoey said they are still projecting an over \$700,000 surplus at the end of the year.

Ms. Malavasi said they are up \$100,000 in claims this month. Even with that they should have about a \$4 million available balance at the end of the year.

**5.2 Discuss and take possible action on negotiated salary transfers for FY 2017-2018.**

Ms. Malavasi explained that they settled the labor contracts for the GSA, Teamsters and GEA. She is seeking the transfer of \$241,382 from Reserve for Personnel to cover the increases in the budget lines. She noted that GEA is two years of increases.

*Motion: Upon a motion made by Ms. Renner and seconded by Ms. Havrda, the board voted unanimously to transfer \$241,382 from Reserve for Personnel to the various budget lines as outlined by the Finance Director in her memo and to recommend it to the Board of Finance.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**5.3 Consider and take possible action on 2017-2018 Budget Transfers as outlined by the Finance Director.**

Ms. Malavasi said they have talked about these as a previous meeting. They anticipated the budgets for Debt Retirement Interest and Revaluation would be over budget in the current year. Money for both is in reserves. In her memo she suggested the board transfers \$735,672 from Fund Balance Assigned to GHS Financing and \$40,408 from Fund Balance Committed to Revaluation.

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Ruoff, the board voted unanimously to approve the 2017-2018 Budget Transfers as outlined by the Finance Director in her memo with \$735,672 from Fund Balance Assigned to GHS Financing and \$40,408 from Fund Balance Committed to Revaluation.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**5.4 Discuss and take possible action to establish a new line item in the General Fund's Fund Balance, Committed to Technology and**

**to transfer \$100,000 into it form Assigned to Reserve for Personnel.**

Mr. Hoey said part of the focus of his administration is on technology and maximizing efficiencies using technology. He would like to take \$100,000 from Reserve for Personnel that was originally earmarked for personnel when they were talking about combining IT for the BOE and Town, but never materialized, and he would like to move that into a reserve fund where they can do studies and evaluations identifying the technology gaps. In particular, the next item on the agenda will be a potential use of some of those funds.

Mr. Hoey said the Board of Finance will have to approve establishing the line item as well as transferring the \$100,000.

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Ruoff, the board voted unanimously to establish a new line item in the General Fund's Fund Balance, titled Committed to Technology, and to transfer \$100,000 into it from the Assigned to Reserve for Personnel.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**5.5 Consider and take possible action to waive bidding on Land Use Technology Efficiency Assessment proposal and authorize the First Selectman to sign the agreement contingent upon funding authorization by the Board of Finance.**

Mr. Hoey said that they have engaged Blum Shapiro to provide the town with a proposal to study technology efficiency for the various land use departments that would include process as well as the appropriate use of technology. This is designed to touch upon the Assessor's Office, Building and Engineering, Environmental/Natural Resources, Economic Development, Fire Marshall, Planning and Zoning, the Health Department and Tax Collector.

Ms. Malavasi said it will also include a fraud risk assessment as well. The total cost is \$36,000.

Ms. Renner said they would be waiving the bidding. She knows the auditor has a lot of familiarity with the town, but she asked how they know they are the right firm.

Mr. Hoey explained that they are familiar with the town's organization. He added that it is not unusual when you are comfortable with an incumbent vendor to use their services through a bid waiver.

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Ruoff, the board voted unanimously to waive the bidding on Land Use Technology Efficiency*

*Assessment proposal and authorize the First Selectman to sign the agreement contingent upon funding authorization by the Board of Finance.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**5.6 Consider and take possible action on resolution authorizing the First Selectmen to enter into and amend contractual instruments necessary to execute the Neighborhood Facilities Program Grant with the Department of Social Services of the State of Connecticut for the VFW.**

Ms. Malavasi explained that the VFW is being reconstructed and it is expected to be completed at the end of the fiscal year. They are seeking a three month extension which makes sense because they will have all the punch list items to complete and will have to finalize the paperwork. She added that the town is the pass through for the grant and the original resolution listed Joe Mazza. Mr. Hoey wasn't authorized to sign the document so she is asking the board to approve a new resolution for Mr. Hoey.

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Renner, the board voted unanimously to approve the following resolution: "RESOLVED, that the First Selectman Matthew T. Hoey, III, is empowered to enter into and amend contractual instruments in the name and on behalf of this Contractor with the Department of Social Services of the State of Connecticut for a Neighborhood Facilities Program.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**6. Facilities Engineer (Steve Neydorff):**

**6.1 Consider and take possible action on award of ReBid #1-1718 – Community Center Roof Replacement.**

Mr. Neydorff explained that the Standing Building Committee (SBC) had a special meeting last Thursday on this item. More questions were posed that the architect could not answer. They are hoping to have some answers tomorrow and the SBC will hold a special meeting and then hopefully the Board of Selectmen can have a meeting later in the week. The board took no action at this time.

**6.2 Discuss and take possible action on award of Bid #10-1718 – Town Hall Elevator and Fire Alarm Upgrades.**

Mr. Neydorff said they received four responses. They interviewed the two low bidders and both the Standing Building Committee and the consultant are recommending Augustine Builders for \$98,000.

*Motion: Upon a motion made by Ms. Renner and seconded by Ms. Ruoff, the board voted unanimously to award Bid #10-1718 – Town Hall Elevator and Fire Alarm Upgrades to Augustine Builders in the amount of \$98,000.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**7. Discussion regarding Transportation Alternative funds and authorize First Selectman to request of SCRCOG repurposing of funds for an alternate project.**

Mr. Hoey said he has been in discussions with Steve Dudley at SCRCOG about repurposing the Transportation Alternative funds the town received, which had been anticipated to be used for Nut Plains Pathway. Since this has not proceeded based on public input and there has been a complete halt on transportation project including the road widening for Nut Plains, he has received some pressure from the state for the town's intentions to use the money.

Mr. Hoey said he would like to look at building a pathway or sidewalk at the Church Street corridor between Adams and the Guilford Racquet Club/ Guilford Art Center. He added that there are students walking up through there to get to these places and there is also the public safety complex and basketball courts. He said he was looking for the board to authorize him to formally request SCRCOG to allow them to move the funds for this project. Mr. Hoey said the SCRCOG is the authorizing body for this and preliminary discussions in indicate they would approve this.

Ms. Renner said this makes since, but in light of the Task Force they are putting together she questioned if this would become part of its charge.

Mr. Hoey said this would most likely be a standalone item, because they do have a timeline for these funds. This was not an area contemplated on the previous petitions that were submitted, but it was mentioned in the public meeting regarding the sidewalks. This project would be started independently, but at some point could be rolled into the task force.

*Motion: Upon a motion made by Ms. Ruoff and seconded by Mr. Havrda, the board voted unanimously to authorize the First Selectman to request of SCRCOG the repurposing of funds for the Church Street sidewalk project as outlined by the First Selectman.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None*

*Abstaining: None*

**8. Discussion of Guilford Safe Streets Mobility Task Force and authorize First Selectman to establish committee and make appointments as necessary.**

Mr. Hoey explained that they have talked about this task force on numerous occasions. The charge will be for them to look at the 2002 Transportation Plan and reprioritize what was identified as opportunities to improve pedestrian safety and to incorporate a variety of traffic calming and safety measures. He added that the currently has 15 people who are interested.

Mr. Havrda asked what Mr. Hoey sees at the final number for the committee.

Mr. Hoey said it would be an odd number maybe in the range of 11-13 people, because there is a possibility of several sub-committees branching off of it. He added that the community is fractured with issues pitting neighborhoods against each other. He wants it to be representative of the various groups who have opinions. In addition there are people that have experience with these types of projects. Mr. Hoey said he would make available staff resources as well. In addition they may be coming back for a funding request for an outside consultant to do some study work.

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Renner, the board voted unanimously to establish the Guilford Safe Streets Mobility Task Force and authorize the First Selectman to make appointments as necessary.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**9. Discuss and take possible action to set the Annual Town Meeting for Monday, May 14, 7 p.m. at the Guilford Town Hall.**

*Motion: Upon a motion made by Ms. Ruoff and seconded by Mr. Havrda, the board voted unanimously to set the Annual Town Meeting for Monday, May 14, 2018, 7 p.m. at the Guilford Town Hall.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**10. Appointments and Resignations:**

**10.1 Act on recommendation to appoint Amy Earls to the Human Services Council.**

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Renner, the board*

*voted unanimously to appoint Amy Earls to the Human Services Council.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**10.2 Act on resignations received from Paul Mei from the Conservation and Inland Wetlands Commissions.**

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Ruoff, the board voted unanimously to accept with regret and appreciation the resignations received from Paul Mei from the Conservation and Inland Wetlands Commissions.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**11. Requests for Use of Town Property:**

**11.1 Act on request from the Guilford High School to use the Guilford Green for its Graduation Ceremony taking place June 22, 2018.**

**11.2 Act on request from the Guilford Keeping Society to place a sign on the Green advertising its Memorial Day Picnic taking place May 28, 2018. (Sign Placement 5/13-5/27)**

**11.3 Act on request from the Ethan Miller Song Foundation to place a sign on the Green advertising its SongStrong 5K Race taking place June 9, 2018. (Sign Placement 5/23-6/9 – \*asked for extension if possible\*)**

**11.4 Act on request from Day Camp Adventure at Deer Lake to place a sign on the Green advertising its Day Camp Program for Summer 2018. (Sign Placement 5/6-5/20)**

**11.5 Act on request from Boy Scouts Troop 474 to place a sign on the Green advertising its Strawberry Social taking place June 3, 2018. (Sign Placement 5/21-6/3)**

**11.6 Act on request from the Guilford Rotary to place a sign on the Green advertising its Lobsterfest taking place June 23, 2018. (Sign Placement 6/8-6/23)**

**11.7 Act on request from the GHS Girl's Swim Team to place a sign on the Green advertising its paper Shred Day fundraiser taking place May 12, 2018. (Sign Placement 4/28-5/12)**

**11.8 Act on request from the Guilford Art Center to place a sign on the Green advertising its Craft Expo taking place July 13-15, 2018. (Sign Placement 6/30-7/15)**

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Ruoff, the board voted unanimously to approve the Requests for Use of Town Property as outlined in items 11.1-11.8.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

**12. Correspondence**

**12.1 Building Official's Monthly Report**

**12.2 Public Works Department Monthly Report**

Received without comment.

**13. Committee Reports**

Mr. Hoey said he would put together a list of the committees the board should keep up with.

**14. Old Business**

None

**15. New Business**

None

**16. Public Forum (limited to 3 minutes regarding any issue)**

Dr. David Young said he is a long-time resident. He noted that there were over 10 people in the audience on behalf of his dog Simon. Mr. Young explained in August his dog was being watched by a sitter in their yard and the teenager next door came across the fence with his lacrosse stick and startled the sitter and the dog. The dog bit him on the ankle. Simon was quarantined by the police and they were not given the chance to quarantine them on their own property. He has no history of biting and stays on his own property. When they do take them off the property he is on a leash.

Mr. Young said the dog is protected by state statute which states the dog is not liable if the person is on the dog's property, if the person injured is committing trespass and or teasing or tormenting the dog. He added that there has been a history of things being

thrown at the dog over the fence. Mr. Young said according to the police report the dog was on his own property and did nothing wrong. One day there was a private meeting with neighbors and First Selectman Joe Mazza and the neighbors insisted Simon be put down. A decision was then made to euthanize him. Mr. Young asked Mr. Hoey do to the right thing and reverse this decision. He is willing to put up a larger fence to keep people out. There is no risk to the town if Simon gets out and bites someone, he would be responsible. He has a petition of 8,000 signatures and multiple letters of support for Simon.

Ms. Millman explained to the board that this matter is involved in ongoing litigation so the board should not make any comments about this.

Ms. Renner asked if the board could have an executive session on the matter at an upcoming meeting since she has no knowledge about this issue at all.

*Motion: Upon a motion made by Mr. Havrda and seconded by Mr. Renner, the board voted unanimously to adjourn the meeting at 10:25 a.m.*

*Vote: In Favor: Hoey, Havrda, Renner and Ruoff  
Opposed: None  
Abstaining: None*

Respectfully submitted,

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Traci K. Brinkman  
Clerk  
Board of Selectmen