

**BOARD OF SELECTMEN
MEETING MINUTES
MONDAY, MAY 21, 2018
8:30 A.M. – GUILFORD TOWN HALL**

First Selectman Matthew Hoey called the meeting to order at 8:30 a.m.

Present: Board Members: Matthew Hoey, Charles Havrda, Susan Renner,
Louis Federici and Sandy Ruoff

Town Officials: In-House Counsel Pam Millman, Finance Director
Maryjane Malavasi, Human Resources Director
Mitch Goldblatt, Police Chief Jeff Hutchinson,
Facilities Engineer Steve Neydorff, Parks and
Recreation Director Rick Maynard and Clerk
Traci Brinkman

Others: About four others in the audience

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

1. Pledge of Allegiance

Mr. Havrda led the pledge.

Motion: Upon a motion made by Ms. Renner and seconded by Ms. Ruoff, the board voted unanimously to add to the agenda item 12.2 – a Use of the Green request from the Guilford Lions Club.

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

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

None

3. Approve minutes of:

3.1 May 7, 2018 – Regular Meeting

Ms. Renner noted that the motion on page 12.4 was made by her not Ms. Ruoff since she was not in attendance.

Motion: Upon a motion made by Ms. Renner and seconded by Mr. Havrda, the board voted to approve the minutes of the May 7, 2018 Regular Meeting as amended.

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

4. Finance Director (Maryjane Malavasi):

4.1 Receive monthly report from Finance Director.

Ms. Malavasi updated the board on the FY 2018-2019 now that the state budget has been approved. Overall there will be a \$91,000 increase than what was budgeted for state revenues.

Mr. Hoey noted that the legislature also passed a bill prohibiting the governor from making mid-year rescissions to the ECS Grant.

Revenues

Ms. Malavasi said they are 100% collected the end of April. They are currently over \$12,000. A number of departments are falling short, but they are small dollars. She noted that the land use offices are lower, because building may be down due to the bad winter. Fire is falling behind due to a reduction in Medicare reimbursement. She added that they will have to watch that next year and maybe take a stronger look when they craft the 2020 budget.

Ms. Malavasi said Town Clerk conveyance is low, but they have no control over that. She added that she is unsure if they will receive the final town aid road payment, which is \$180,000. If not there will be a total \$300,000 shortfall on the state revenues. Ms. Malavasi said overall they are in good shape and will meet their financial obligations for the year due to the tax collection rate.

Expenditures

Ms. Malavasi said they are on target. They approved the transfers last month and incorporated those into the budget. Legal is showing over this month by about \$17,000. She has previously reported that it could go over substantially. They are looking at other budgets and sources of funds that they can tap into to mitigate the overage.

Medical

Ms. Malavasi said there has been another slight increase in claims. She added that they had been anticipating this with the implementation of the HSA, but they are still tracking a \$700,000 surplus in claims. There was also a large jump in

March in the catastrophic claims.

Ms. Malavasi said she and Mr. Hoey met with the professionals that manage the medical fund to talk about the fund balance, how much should be in it and the appropriateness of using some of those funds. She added that the professionals do not feel the fund balance is too high, but they are still looking at appropriate ways to possibly reduce it. A few years ago they had a deficit in that fund and for three years in a row the BOE and town added to it to make it whole. It is appropriate to use some of that reimbursement, which totals about \$700,000 and possibly reallocate some of that to the BOE pension. Ms. Malavasi said more discussion on this would be taking place.

5. Facilities Engineer (Steve Neydorff):

5.1 Discuss and take possible action to contract with Air Dynamics Heating and Cooling to perform preventative maintenance on hvac equipment for town buildings for fiscal year 2018-2019.

Mr. Neydorff said he received proposals from five companies to perform the preventative hvac maintenance for town buildings the upcoming fiscal year. Bids ranged from \$11,000 to \$51,000. Air Dynamics was the lowest at \$11,636. The BOE has been using them for the past three to four years and are pleased with their work. In addition they are certified to work on Trane equipment. They are also located in Guilford. Mr. Neydorff recommended they contract with Air Dynamics in the amount of \$11,636.

There was a discussion about the range in prices.

Motion: Upon a motion made by Mr. Federici and seconded by Mr. Havrda, the board voted unanimously to contract with Air Dynamics Heating and Cooling to perform preventative maintenance on hvac equipment for town buildings for fiscal year 2018-2019.

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

6. Police Chief (Jeff Hutchinson):

6.1 Consider and take possible action on award of Bid #11-17-18 - Maintenance and Cleaning Services for Police Headquarters and Animal Shelter.

Chief Hutchinson said they received three bids. The police commission is recommending the middle bid from Performance Environmental Services, this was \$776 more than the low bid. He added they are the current vendor and they

are happy with them. In addition there are confidentiality issues in their department and it is beneficial to have the same people working in the building.

Motion: Upon a motion made by Ms. Ruoff and seconded by Ms. Renner, the board voted unanimously to award Bid #11-1718 – Maintenance and Cleaning Services for Police Headquarters and Animal Shelter to Performance Environmental Services in the amount of \$26,776.

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

7. Parks and Recreation Director (Rick Maynard):

7.1 Discuss and take possible action on contractor for the HVAC upgrades in the Community Center.

Mr. Maynard said years ago they contracted with a company to do a facility assessment at the Community Center. One of their recommendations was to upgrade the HVAC system because some of the VAV boxes are 25 years old and they need to start replacing them. The proposal is to do five to ten a year. They are doing five this year as well as adding a wireless component so they can wirelessly control the building. He sought additional quotes from their current contractor Econ as well as CT Air Dynamics, but neither wished to quote and suggested the town go with Trane because the equipment and program are Trane. He is recommending they contract with Trane for the upgrades in the amount of \$24,417.

It was noted that the funds are coming from bonded Energy Funds.

Motion: Upon a motion made by Ms. Renner and seconded by Ms. Ruoff, the board voted unanimously to contract with Trane USA for the HVAC upgrades in the Community Center as outlined by the Parks and Recreation Director in the amount of \$24,417.

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

8. Discussion of the Energy Task Force and the Sustainable CT Program.

Mr. Hoey said they have discussed the Sustainable CT Program and he would like Guilford to participate. He added that they could use the Energy Task Force as the vehicle to start the process. There is only one member currently on the ETF. Mr. Hoey said they could have discussions with people who might be interested in serving and they could reinstate the Task Force who would then work with the staff towards

the town's application on becoming a Sustainable CT Community. The benefits in doing so is to protect the environment by becoming more energy efficient.

The board was in agreement to work toward this.

9. Consider and take possible action to set a Public Hearing date of June 18, 2018, 8:30 a.m. in the Guilford Town Hall, 31 Park Street for programs that shall be included in the 2018 Neighborhood Assistance Act Program.

Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Renner the board voted unanimously to set a Public Hearing date of June 18, 2018, 8:30 a.m. in the Guilford Town Hall, 31 Park Street for programs that shall be included in the 2018 Neighborhood Assistance Act Program.

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

10. Discuss and take possible action to set a Public Information Meeting for Thursday, June 21, 2018, 7:30 p.m. at the Community Center on the Saw Mill Road Bridge Project.

Motion: Upon a motion made by Ms. Ruoff and seconded by Mr. Havrda, the board voted unanimously to set a Public Information Meeting for Thursday, June 21, 2018, 7:30 p.m. at the Community Center on the Saw Mill Road Bridge Project.

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

11. Appointments and Resignations:

11.1 Act on recommendation to move Robert Burger from alternate to regular member on the Shellfish Commission for a term to expire February 28, 2021.

Motion: Upon a motion made by Ms. Renner and seconded by Mr. Havrda, the board voted unanimously to move Robert Burger from alternate to regular member on the Shellfish Commission for a term to expire February 28, 2021.

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

12. Requests for Use of Town Property:

12.1 Act on request from Bare Necessities to place a sign on the Green advertising

its Rubber Duck Race taking place July 14, 2018. (Sign Placement 6/30-7/14)

Motion: Upon a motion made by Mr. Havrda and seconded by Mr. Federici, the board voted unanimously to approve the request from Bare Necessities to place a sign on the Green advertising its Rubber Duck Race taking place July 14, 2018.

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

12.2 Act on request from the Guilford Lions Club to use the Green June 14, 2018 for its Salute to the US Flag.

Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Ruoff, the board voted unanimously to approve the request from the Guilford Lions Club to use the Green June 14, 2018 for its Salute to the US Flag.

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

13. Correspondence:

13.1 Building Official's Monthly Report

Mr. Federici said they are beginning the process of evaluating the fees in the land use offices.

13.2 Public Works Department Monthly Report

There was discussion about storm cleanup and if the department keeps track of the time and manpower for the various jobs done.

14. Committee Reports

None

15. Old Business

Mr. Havrda asked about the progress of the property the town recently purchased on Church Street.

Mr. Hoey said they have been cleaning it up. He had a discussion with Mr. Neydorff regarding the use of that building. He added that in the near future they are contemplating using it as a staging area for the carpet replacement project at Town Hall. Mr. Hoey said this project is three years overdue. There is a potential asbestos issue so

they have to isolate the area and do things to mitigate any health concerns. They can use the house as temporary office space for portions of Town Hall, because they will need to shut down a portion for the building for up to a week.

Ms. Millman said the town is contracting with environmental experts on best how to handle the project.

16. New Business

None

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

David Young of 87 Oxbow Lane said he was here representing his dog Simon. He appealed for a reasonable solution to this. Simon was protecting his own property and for him to be euthanized doing what a dog should be doing is unjust. He added that the board could come off as heroes for standing up for what is right. Mr. Young said the first selectman has the power to undo this decision and they should not be deferring to the Department of Agriculture.

Ms. Millman said they have consulted outside counsel who has been working on this matter. He issued a legal opinion that states the jurisdiction over the matter is with the Department of Agriculture. This board has no authority on this issue, it is with the Department of Agriculture. She added that it might be helpful to read out loud an excerpt from the ruling by Hearing Officer Wayne Kasacek of the Department of Agriculture addressing a Motion for Probable Cause Hearing, “Nevertheless, a hearing on a disposal order issued to an owner of a dog is governed by Chapters 54 and 435 of the Connecticut General Statutes. A Hearing before the Department of Agriculture will determine the validity of the disposal order, which necessarily involves the validity of the initial seizure. Imbedded in the consideration of whether the dog should be destroyed is a consideration of whether the dog should have been seized in the first place. If a dog is seized and a disposal order is issued, if the owner appeals, the procedure before the Department requires the municipality to present its case first. During the municipality’s case-in-chief, the municipality will need to put on evidence justifying the seizure of the dog and the disposal order. The entire factual context of the bite or the attack, of the dog’s propensities, of the taking of the dog, and of the need for the disposal order will be the subject of evidence and argument. The owner will have the opportunity to cross-examine and to challenge the municipality’s evidence. At the conclusion of the Town’s presentation, the Dog Owner will be afforded an opportunity to put on their case and offer whatever relevant evidence they have in support of their position. All parties will be noticed when a hearing is scheduled.”

Ms. Millman stated that they are waiting to be notified when the hearing is scheduled. That is the process and it will allow the owner of the dog to present his case. That is the appropriate jurisdiction for it.

Mr. Young said that is if it is allowed to go to the Department of Agriculture. He added that they are understaffed and ill equipped. They do not want the job. As CEO of this town the first selectman has the authority and is the boss not the Department of Agriculture, but if you choose not to make a decision it goes to the Department of Agriculture where in 99% of the cases they rule against the dog.

Mr. Hoey said the process has been started and they have no authority to intervene after the process has been started.

Mr. Young said he disagreed.

Cheryl Valukevich of 221 Williams Street in Meriden, CT said she belongs to the group Desmonds Army that work in conjunction with State Animal Control Officers to help get cases tried in court with positive outcomes. They are a group of animal advocates that allow for pro bono attorneys or law students to attend the trial. This is a very serious matter for them to come and they do feel there was an error in judgement and execution has occurred. The catalyst was not that the dog was in his yard or the ball that came into the yard, it was the destruction of private property that was meant to keep people out and the animal in. Citizens are expected to follow the letter of the law to maintain a harmonious community and we should expect civil servants to do the same to maintain a harmonious community and follow due process.

Motion: Upon a motion made by Mr. Federici and seconded by Ms. Ruoff, the board voted unanimously to adjourn the meeting at 9:40 a.m.

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

Respectfully submitted

Traci K. Brinkman
Clerk
Board of Selectmen