

**MINUTES**

**Town of Guilford, CT  
Board of Selectmen  
Board of Selectmen Meeting  
Tuesday, July 6, 2021, 8:30 am - 10:00 am  
Zoom Meeting**

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

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

Town Officials: Town Attorney Peter Barrett, Parks and Recreation Director Rick Maynard, Deputy Police Chief Chris Massey, BOE Business Manager Linda Trudeau, BOE Director Facilities Cliff Gurnham, Finance Director Maryjane Malavasi, Facilities Engineer Steve Neydroff, Historic District Commission Chair Randy McCartney, PZC Chair Philip Johnson, PZC Member Sean Cosgrove and Clerk Traci Brinkman

Others: About 40 participants

Media: New Haven Register Reporter John Moritz and Guilford Courier Reporter Jesse Williams

**1. Pledge of Allegiance**

Mr. Havrda led the pledge.

**2. Public Hearing to receive public comment and consider enactment of the following ordinances:**

- 1. To Amend the Code of the Town of Guilford - Chapter 187-4  
Historic District Commission  
To Amend the Code of the Town of Guilford - Chapter 247 Taxation  
To Amend the Code of the Town of Guilford - Chapter 31 Code of Ethics  
To Amend the Code of the Town of Guilford - Chapter 131, Article III Wild Animals**

Mr. Hoey noted that the noise ordinance amendment has been withdrawn from the public hearing. This was done in consultation with staff who brought up points that will require further review.

He added that the Historic District Commission amendment request came from the commission, which was having difficulty getting members because of restrictions related to having to own property within the district. This amendment will create an opportunity to expand the pool of candidates.

Mr. Hoey explained the amendment to the taxation ordinance was related to the alternate energy systems exemption. This is part of the town's effort on sustainability initiatives. They received a designation from SolSmart, which promotes the use of solar technology for residents and businesses. The building department has been working with representatives and they modified their solar applications and methodology to promote throughout community use of solar technology. He noted that this is a minor change.

Mr. Hoey stated the Code of Ethics change was requested by the Board of Ethics in their review of the ordinance and procedures. They added a new section regarding the appearance of impropriety, even if not prohibited by the code.

Mr. Hoey noted the Wild Animal ordinance has a series of modifications. The first is that the feeding or sheltering of wild animals is prohibited and removal is encouraged unless the person is licensed and in good standing with DEEP as a wildlife rehabilitator. The person needs to comply with all rehabilitator applications, handling guidelines and disease protocols and remain in compliance with zoning regulations, state health code and the Town of Guilford health code.

In addition the health director is authorized to enforce provisions and issue warnings, citations and fines as needed. Any person issued a citation is entitled to a hearing to contest the citation.

Mr. Hoey said this change came about after review by town counsel when the issue relative to the animal rescue facility came to light. Problems with the ordinance were identified by town counsel. There was discussion at a Planning and Zoning meeting relative to the clean-up of the ordinance.

Mr. Barrett said in the early 1990s the initial ordinance was developed to address the potential rabies scare at the time. This ordinance is very broad and prohibits feeding, harboring or sheltering animals. It also authorized the director of health to add species to the ordinance without legislative review, which presents due process issues in itself. The prohibition against feeding animals at any particular site is clearly a land use issue and should not have been addressed this broadly to create land use issues through a town code ordinance. He added that they pulled it back so it still addresses rabies issues, but would also allow wildlife rehabilitation

if compliant with other regulations. It does not authorize permission in any particular zone, but eliminates flat prohibition against that town-wide. In addition it formalizes the citation, hearing and appeal process, which is the same language used for other ordinances as well.

Mr. Hoey noted that the selectmen are not taking a position relative to the applicability of Ms. DeMond's rescue work at that location. That is clearly the purview of the Planning and Zoning Commission, because it is a land use issue. This is not an endorsement, promotion or applicability of that facility relative to permitting and zoning regulations.

Ms. Renner asked where the health director stands on the ordinance. Mr. Barrett said he circulated this to the health director, zoning enforcement officer, and outside zoning counsel and all were supportive of the changes.

Planning and Zoning Commission Member Sean Cosgrove said because of the timing, the PZC has a meeting tomorrow, changing the ordinance today presents an appearance of support for Little Rascals. He wanted to make sure the Board of Selectmen was neutral on that.

Mr. Havrda said whatever their personal feelings on this are, it is a land use issue, and they wanted to have this ordinance modified and in place because it is a planning and zoning issue.

Mr. Hoey noted that the ordinances go into effect 30 days after approval by the Board of Selectmen so this will not get into effect until early August.

Mr. Hoey then opened up the public hearing to the audience for questions and comments

#### Historic District Ordinance

Historic District Commission Chair Randy McCartney said the ordinance had an inaccuracy where it stated members had to be owners or residents and the state law just states residents. They have been having trouble getting members, but this will now allow them to get more people to serve on commission.

#### Taxation Ordinance

Resident JJ Murphy asked if this change effects those employing solar technology in future or those who already have it.

Mr. Hoey noted that current people are already covered by tax breaks. This just to satisfy the SolSmart rating and it doesn't change anything else.

Ethics Ordinance

Board of Ethics Member Ken Wilson thanked the board for entertaining this request. It has been in the works for over a year. The commission felt it was time to look at wording that was missing or bring the ordinance up to date as it reflects on town officials and impropriety. The board appreciated the support.

Wild Animals Ordinance

Alicia Dolce of 301 Old Whitfield Street explained that she sent a letter on Friday and previously met with Mr. Hoey and other neighbors that live in close proximity to the wildlife facility. They were concerned this change was being fast tracked. She expressed concern this change does not go far enough to address their concerns. She noted the narrowly defined food waste products, but the broader issue of animal waste is not addressed. She noted that they have had a rat problem. The other issue has to do with transferring responsibility of enforcement to the health department who is authorized to enforce provisions of this article. She noted that the only thing that has set into motion the inspection of the property has been resident complaints. Nobody wants the responsibility alerting town rats in yard, stench and abundance of flies. It is an awkward burden on neighbors and exposes them to character assassination, signs. She asked about the town's liability and said she thinks the town should be concerned about the presence of rats in a residential neighborhood. It's a health risk. Lastly, she doesn't feel the proposed changes are setting up Eunice DeMond to succeed. Clearly there is a need for her services and has a reputation for a big heart. She added that if the town sees value in having the facility in Guilford perhaps the town can support her ability to successfully rehab animals, while making sure no negative impacts on neighbors and people walking by.

Mr. Barrett explained the state statute would that have more details specific to waste materials. He noted that the issues raised by resident are legitimate, but they are for the planning and zoning commission, which will determine where if anywhere, wildlife rehabilitation can occur.

Mr. Hoey noted that the health director is willing to do the job as described in the state statute and town ordinance. In terms of the enforcement provision he noted that his office receives numerous town complaints from citizens on a variety of issues and that is usually how they find out about issues so that is not unusual. He added that Ms. DeMond is a little different because in 2019 and 2020 the health director had intervened on facility. He is not sure if it was the direct result of a complaint, but at the time he did fulfill his duties relative to the violations.

Mr. Hoey said planning and zoning has the ability to determine the applicability of wildlife rescue in certain residential zones. There is currently a horse rescue facility on Long Hill Road.

Cindy Vaporis of East Haven, CT thanked the board for amending the ordinance. She is an animal advocate and does a lot of transporting of wildlife. She goes to Ms. DeMond's regularly and has not seen rats, flies or smelled anything. She herself composts and sometimes she has a rat. She added that Ms. DeMond is very important and she plans to be at the zoning meeting. She questioned where the complaints have been ten years prior before these neighbors moved in. Ms. Vaporis said the neighbors could have just spoken to her. She added that the animals don't stay in the neighborhood, they are babies and are eventually released. She concluded that there has to be some way to solve this and that there has to be common ground.

JJ Murphy of 765 West Lake Avenue Guilford said she has been in town for a long time and that land has always been a rehab facility. She noted that there are always rats in a flood plain.

Rick Sandella of 62 Tuttle Point Road said they are losing habitats for animals here and around globe. There will be other animals that will need Ms. DeMond's help. There are other rehabilitators, but they are so busy and need to find a way to help these animals.

Rose Morals from Claws and Paws Rehab Center said they have less than a dozen rehabbers and they rehabbers have to pay for vaccinations, because the state doesn't pay for it. She questioned how would cover the cost a facility. Rehabbers work around the clock to care for baby animals and it is not easy to travel back and forth to a facility, it is much easier to have the animals in their home.

Eunice DeMond of 311 Old Whitfield Street said she has been doing this a long time, but it has come to this. She is unaware of rats on their property. Right now she has nothing in her pens and has no food, so they are not coming from her facility or from her property.

Dr. Nicki Korman of 20 Glenwood Road, Clinton said she is a licensed marriage and family therapist. She came by Ms. DeMond after she found a baby squirrel her business parking lot all day. She cannot believe the care she provided to the squirrel. Since that time she became a volunteer and she sees what she does and how inundated she is by phone calls. She also sent her to help volunteer. She has been a service to the community and it would be a shame to take the service away. She should be congratulated for her dedication.

Steve O'Connor of 265 Old Whitfield Street said there has been a number of statements about how long the business has been in its present state and

location. He added that they have been residents for over 20 years, but recently moved to Whitfield Street. His wife and friends have been running down Whitfield Street for years and had no idea what it was. When they moved there was very small 10x10 structure with no information on google about the rehab facility. He always assumed it was a playground for kids and had no idea it was an animal rehab facility. He added that it is not like moving toward an airport, they knew there would be train noise, but had no idea what this was. It is the expansion from a small facility to the large one it is today is what is at issue here. He added that it is a planning and zoning issue.

Mr. Hoey thanked everyone for their participation on this issue and said he has trust that the Planning and Zoning Commission will weigh in on this and render a decision at some point.

The board closed the public hearing at 9:24 a.m.

**3. Public Forum (Limited to 3 minutes on agenda items)**

None

**4. Approve minutes of:**

**1. June 21, 2021 - Regular Meeting**

*Motion: Upon a motion made by Ms. Renner and seconded by Mr. Havrda, the board voted to approve the minutes of the June 21, 2021 Regular Meeting as presented.*

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

**5. BOE Director of Operations/Facilities (Cliff Gurnham):**

**1. Discuss and take possible action on the award of Bid #15-2021 - A.W. Cox and Guilford Lakes HVAC Upgrades - Phase 2 Boilers and Cooling Tower.**

Mr. Gurnham said they did a scope review with the lowest combined bidder, Controlled Air at \$1,123,400, which is less than any of totals and included two alternates. There were no issues with the scope or scheduling the work, which needs to be completed by October 15. The Standing Building Committee has recommended the Controlled Air be awarded the bid, including alternates 1 and 2.

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Ruoff, the board voted unanimously to award Bid #15-2021 – Cox and Lakes Boiler-Cooling Tower to Controlled Air, Inc., from Branford, CT for the total bid sum of \$1,123,400. This includes alternate #1 and #2 for \$129,000.*

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

**2. Consider and take possible action on the award of the A.W. Cox Doors and Locks Project.**

Mr. Gurnham said they are replacing the door and locks at Cox. This one is more complex, because they have to replace a couple of window wall configurations with doors. They did request the contractor do the install of these doors because of complexity of them, which drove the price up. The Standing Building Committee has reviewed proposal. They are the present contractor through a construction program they have used in past. The recommendation is to award to BMP construction out of Brookfield, CT in the amount of \$87,509.15.

Mr. Havrda asked how many more schools are left to do. Mr. Gurnham said Adams is the last school on the present schedule. It will probably be done over the winter once they complete Baldwin and Cox. He noted there should be enough money left to cover Adams.

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Renner, the board voted unanimously to approve the award of the A.W. Cox Doors and Locks project to BMP Construction, Inc., from Brookfield, CT for the total bid sum of \$87,509.15 through the EZIQC construction bid.*

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

**6. BOE Business Manager (Linda Trudeau):**

**1. Consider and take possible action on a resolution related to the technology lease for the Board of Education.**

Ms. Trudeau said this lease is similar to the ones they have done for multiple years. She added that they are looking to do a capital lease (not just technical equipment anymore). The total is \$500,000 to purchase \$450,000 technology equipment and \$50,000 for a facilities maintenance vehicle. The Board of Education cannot enter into debt on their own, they need Board of Selectmen authorization.

Ms. Renner asked what they are getting for rates.

Ms. Trudeau said they don't have the proposals yet. They will be in Friday and she has budgeted \$104,000 annually.

*Motion: Upon a motion made by Ms. Renner and seconded by Ms. Ruoff, the board voted unanimously to approve the resolution related to the technology lease for the Board of Education.*

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

## **7. Facilities Engineer (Steve Neydorff):**

### **1. Discuss and take possible action to contract with Air Dynamics for preventative maintenance on HVAC equipment for town buildings for FY2021-2022.**

Mr. Neydorff said he went out for quotes, four responded, and Air Dynamics was the lowest. They have had the contract for the last 12 years and he recommends they contract with them for \$12,285. They have had no issues with them and everyone is happy with their work.

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Renner, the board voted unanimously to approve the contract with Air Dynamics for preventative maintenance on HVAC equipment for town buildings for FY2021-2022.*

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

### **2. Consider and take possible action to contract with County Septic Services, LLC for septic tank pumping and disposal for town buildings for FY2021-2022.**

Mr. Neydorff said they went out bid for septic cleaning services. Two responded. They received two bids and the lowest was Country Septic of North Haven in the amount of \$29,541, which is his recommendation.

Mr. Hoey stated that they are moving from AW Sanitation and he asked if there were concerns because the new company is not well known. Mr. Neydorff said it would have been nice to go with the local vendor, but they checked the references

and there was no reason to not recommend. The contract is for one year with four possible renewals.

*Motion: Upon a motion made by Mrs. Renner and seconded by Mr. Havrda, the board voted unanimously to award Bid #16-2021 – Septic Cleaning for Town and School Facilities to Country Septic of North Haven, CT in the amount of \$29,541.*

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

## **8. Deputy Police Chief (Chris Massey):**

### **1. Consider and take possible action on the award of Bid #17-2021 - Maintenance and Cleaning Services for the Police Headquarters and Animal Shelter.**

Deputy Chief Massey said they received four bids, and two were on the lower end. One came in at \$27,000, but they are based out of Middletown New York. The current company (Performance Environmental) came in at \$30,092, which is \$3,092 higher than the low bid. Their preference is to go with them. Performance Environmental is already vetted, personnel are happy with their service and they are very quick to get to the station. If they have an issue and need to clean patrol car or cell block they are local and quickly respond.

Ms. Renner said the low bidder's hourly rate for emergencies is also quite a bit lower. She asked if there was a lot of emergency work.

Deputy Chief Massey said it happens infrequently.

*Motion: Upon a motion made by Ms. Ruoff and seconded by Mr. Havrda, the board voted unanimously to award Bid #17-2021 – Maintenance and Cleaning Services for the Police Headquarters and Animal Shelter.*

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

## **9. Discuss and take possible action on ordinances as a result of the earlier public hearing.**

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Renner, the board voted unanimously to approve the amendment to Chapter 187-4 Historic District Commission as a result of the public hearing.*

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

*Motion: Upon a motion made by Ms. Renner and seconded by Ms. Ruoff, the board voted unanimously to approve the amendment to Chapter 247, Taxation as a result of public hearing.*

*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 approve the amendment to Chapter 31, Code of Ethics as a result of public hearing.*

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

*Motion: Upon a motion made by Ms. Renner and seconded by Mr. Havrda, the board voted unanimously to approve the amendment to Article III: Wild Animals as a result of public hearing*

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

Ms. Renner said based on public comment and the correspondence, it is important to remind everyone the board is not voting for or against Ms. DeMond or Little Rascals. This is a law that applies to anyone. Her personal feeling about the change is that they should have a rabies restriction, but it is sensible at the state level that a person with proper credentialing should be able to do it rescue work. She is in favor of this change.

Mr. Havrda said the changes are making sure this is done in the proper way and they are not deciding on one particular situation. They gave a responsibility to all taxpayers.

Mr. Hoey noted that this is not a reflection or endorsement of a specific application that is under review.

## **10. Appointments and Resignations:**

### **1. Act on resignation received from Dennis Dostert from the Zoning Board of Appeals.**

*Motion:* Upon a motion made by Mr. Hoey and seconded by Ms. Ruoff, the board voted unanimously to accept with regret and appreciation the resignation of Dennis Dostert from the Zoning Board of Appeals.

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

**2. Act on resignation received from Edward Moavero from the Guilford Lakes Golf Course Commission.**

*Motion:* Upon a motion made by Ms. Ruoff and seconded by Ms. Renner, the board voted unanimously to accept with regret and appreciation the resignation of Edward Moavero from the Guilford Lakes Golf Course Commission.

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

**3. Act on a recommendation to reappoint Mike Mikolay to the Board of Police Commissioners for a term to expire June 30, 2025.**

*Motion:* Upon a motion made by Mr. Havrda and seconded by Ms. Renner, the board voted unanimously to reappoint Mike Mikolay to the Board of Police Commissioners for a term to expire June 30, 2025.

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

**4. Act on a recommendation to reappoint Paul Chello to the Board of Police Commissioners for a term to expire June 30, 2025.**

*Motion:* Upon a motion made by Ms. Renner and seconded by Mr. Havrda, the board voted unanimously to reappoint Paul Chello to the Board of Police Commissioners for a term to expire June 30, 2025.

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

**5. Act on a recommendation to appoint Gloria Gibney to the Human Rights Commission to fill a vacancy for a term to expire June 30, 2023.**

*Motion: Upon a motion made by Ms. Renner and seconded by Mr. Havrda, the board voted unanimously to appoint Gloria Gibney to the Human Rights Commission to fill a vacancy for a term to expire June 30, 2023.*

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

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

### **1. Act on request from the North Guilford Congregational Church to place a sign on the Green advertising its Church Fair taking place August 21, 2021. (Sign Placement 8/7-8/21)**

*Motion: Upon a motion made by Ms. Renner and seconded by Ms. Ruoff, the board voted unanimously to approve the request from the North Guilford Congregational Church to place a sign on the Green advertising its Church Fair taking place August 21, 2021. (Sign Placement 8/7-8/21)*

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

## **12. Committee Reports**

Ms. Ruoff noted that at a previous meeting Chris Widmer came to talk about a possible ordinance on how workforce housing could be handled through taxation. She and George Kral met with Mr. Widmer and this issue will probably fall into the hands of Peter Barrett. They are having a meeting of the general committee this Thursday at 5 p.m. in Selectmen's meeting room. They are getting an update on the Woodruff project and hopefully will have more to tell the board at the next meeting.

## **13. Correspondence**

None

## **14. Old Business**

None

## **15. New Business**

None

**16. Public Forum (Limited to 3 minutes on any issue)**

None

*Motion: Upon a motion made by Mr. Havrda and seconded by Ms. Ruoff, the board voted unanimously to adjourn the meeting at 9:49 a.m.*

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

Respectfully submitted,

*Traci K. Brinkman*

Clerk

Board of Selectmen