

**MINUTES**  
**Board of Selectmen**  
**Tuesday, October 21, 2008 @ 7:30 PM**  
**Norma Drummer Room/Seymour Town Hall**

**Members present:** First Selectman Robert J. Koskelowski, John Conroy, Annmarie Drugonis, Roberta King, John Putorti, Paul Roy, Frank Conroy, and Town Counsel George Temple.

**Others present:** Economic Development Director John Criscuolo, Richard Hodges, Jordan Addis, Frank DeVecchio, Craig Stevens, Peter Satkowski, Mike Laban, Howie Simpson, Frank Gabianelli, Frank Wilkins, Frank Loda, Alex Danka, and John Leon.

- The First Selectman opened the meeting at 7:30 PM.
- Everyone Saluted the Flag and Stated the Pledge of Allegiance.

**Motion to approve minutes from Ordinance Public Hearing on 10/7/08.**

**Motion:** Frank Conroy                      **Second:** Annmarie Drugonis  
**Vote:** 7-Yes                      0-No                      0-Abstain                      0-Disqualify

**Motion to approve minutes from Board of Selectmen Meeting on 10/7/08.**

**Motion:** John Conroy                      **Second:** Roberta King  
**Vote:** 7-Yes                      0-No                      0-Abstain                      0-Disqualify

**First Selectman's Report:**

- The sidewalk replacement project is continuing on West Church Street. The Public Works Department is helping to remove some of the existing sidewalks so this project can be done before it gets too cold.
- The Day Street Bridge project is continuing. This is a two year contract for the project and it is seasonal. The project will cease on December 1, 2008 and restart in March 2009 and it should be completed in 2009.
- Basement Systems ribbon cutting for their new facility was held yesterday, October 20, 2008 and went very well. The expansion of the business with a new 57,000 square foot facility. They will probably be the largest employer and the highest tax payers in Town. The business also expands internationally to England, Scotland, and Ireland.
- The First Selectman asks the Board members to take a ride up to Silvermine Industrial Park to see how much it has grown in the past 5 to 7 years.
- The Sochrin's Dam project has not begun because the Town is waiting for the State of Connecticut DEP to issue a permit for the work.
- The Public Works Department has begun Bulk Pickup throughout Town. They have finished one side of Town, but will have to go back to get any homes that have been missed. The Town would like to try to expand the bulk pickup time next year for between April and November. Each household will be allowed one pick up per year, per appointment. This will free up the Public Works employees for the October thru November months. This will be advertised.
- The Seymour Christmas Parade will be held on Sunday, November 30, 2008 @ 2:00PM with a rain date of December 7, 2008.

- **The next Board of Selectmen meeting will be held on Tuesday, November 18, 2008, at which the First Selectman will be away, and John Conroy, Deputy First Selectman will be in charge.**

**ITEM # 1 - Take action on proposed modifications to the existing EXCAVATING Ordinance.**

**Motion to approve the following modifications to the existing EXCAVATING Ordinance effective immediately.**

**Motion: John Putorti                      Second: Frank Conroy**

**Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify**

**(Thank you to John Conroy for his hard work on these modifications.)**

**ARTICLE II. EXCAVATIONS\***

\*Cross references: Sewer construction permits, § 17-51 et seq.

**Sec. 14-21. Permit--Required; regulations.**

- (a) No person shall make any opening or excavation or shall construct any walk, curb, pavement, driveway or other construction work within, on or through any street, highway or public right-of-way including a state highway, for any purpose whatsoever, unless supervised by the director of public works or his designated representative and after proper permits have been obtained from the director of public works. Construction being done for the town or any other governmental agency within the town does not exempt the contractor from obtaining the necessary permits for the construction.
- (b) A separate permit shall be required for each location or address at which the excavator proposes to work except that only one (1) permit shall be necessary for main line construction or for adjacent locations at the same property.
- (c) No permit will be issued on any highway that has been resurfaced for a period of five years after such construction, except for emergencies, provided that all utility companies have been notified in writing one year prior to the construction.
- (d) Any applicant seeking a permit to perform work on a state highway must get a street opening permit from the town before applying for a state permit. This section will not supersede any regulations as set forth by the state department of transportation in regards to excavation in state highways.
- (e) Nothing in these regulations shall be construed to prevent the making of any necessary excavation or the performance of any work related thereto by any public service company, in the event of an emergency.
- (f) In the event the work of the permittee requires the closing of a public highway for any period of time, notice shall be given in writing 24 hours in advance to the police department and to the director of public works, or his designated representative. The director may determine the need for closing the highway and may require the work or work method be so altered as to provide for traffic flow. The director or his agent shall provide written notice to the police and fire departments in advance of closing any public highway.
- (g) Tunneling shall be done only when approved by the town engineer.
- (h) All excavation materials shall be compactly piled and shall not interfere with public travel to any greater extent than necessary. It shall be a condition of the permit and the duty of the permittee and/or contractor to maintain proper safety facilities to safely regulate both pedestrian and vehicular traffic at the site as ordered by the director of public works in his discretion including, but not limited to, barricades, warning signs, warning lights, flares, limited work hours, flagmen and/or public safety officers. If the location and extent of the work is such that the director of public works determines that flagmen and/or public safety officers are required, same shall be provided at the expense and responsibility of the contractor.
- (i) Backfill in trenches within paved areas shall be placed in layers not more than 12 inches thick and shall be thoroughly compacted by tamping or other approved means to the satisfaction of the director of public works or his agent. The materials used for backfill shall be subject to the inspection and approval of the director of public works, or his agent, and if, in his opinion, the excavated material is unsuitable for backfill, the contractor shall be required to dispose of the unsuitable material in the amounts and proportions specified by the director or his agent. When backfill has been completed within 15 inches of the finished pavement or surface grade, the next 14 inches shall be filled and compacted using an approved grade of bankrun or processed gravel. The last one inch shall be covered with adequate temporary bituminous paving material and in such a manner as shall be approved by the director of public works.
- (j) The contractor will be required to maintain his work until released by the town. During this period he shall inspect the trench at such regular intervals as may be necessary to maintain the area in satisfactory condition. The contractor shall make all necessary repairs, and in the event that the contractor fails to make such repairs as are deemed necessary the contractor shall be held liable for costs incurred to make the necessary repairs. Failure on the part of the town to give notice that repairs are needed shall not relieve the contractor of any of the duties set forth herein.
- (k) Within six months but no sooner than 30 days unless otherwise instructed by the director of public works or his agent, the contractor shall make permanent repairs in the following manner. The contractor shall cut one foot beyond all

sides of the patched area with a saw or pneumatically operated spade. The cut shall be vertical and in straight lines. After the temporary material has been removed, the edges shall be painted with an asphalt emulsion prior to the placement of the permanent pavement. Hot laid bituminous concrete shall be placed in two courses when the extent of the job warrants at the discretion of the director of public works or his agent so as to give a two-and-a-half-inch compacted surface or a surface that has a depth equal to the existing street surface, whichever is greater. Compaction shall be made with a power-driven roller, as directed by the director of public works or his agent. The finished surface shall be free from waves or depressions and properly graded to existing surface.

(l) Hot laid bituminous concrete shall be as specified by the highway department of the state in their specifications and latest revisions for "Surface Course Grading 11."

(m) Six months after completion of construction, the contractor shall apply for termination of the permit and release from any obligation involved thereafter. If in the opinion of the director or his agent the work is not satisfactorily completed, necessary repairs shall be undertaken by the contractor and an additional period of liability established by the director of public works or his agent will be established before release.

(n) If the work is not done or the surface is not maintained in a condition satisfactory to the director of public works, the contractor shall be liable for the cost of all repairs thereto which may be made by the director. A minimum charge of two hundred fifty dollars (\$250.00) will be charged to cover town expense for each occurrence which requires town maintenance.

(o) Any person violating any provision of this section shall be fined not more than \$100.00 for a first offense and \$100.00 for each subsequent offense.

(Code 1961, § 17-8)

*Cross references: Licenses, permits and miscellaneous business regulations, Ch. 10.*

#### **Sec. 14-22. Same--Fee; bond required.**

(a) Permits required pursuant to section 14-21 will not be issued until the applicant has performed the following:

(1) Paid to the town a permit fee of \$100.00. There shall be an additional charge of twenty-five dollars (\$25.00) per cut. A street opening shall be considered a multiple cut if it extends for a distance in excess of fifty (50) feet.

(2) Filed with the town surety bond of \$10,000.00 from an indemnity or surety company authorized to do business in the state, except those public utility companies which under the state statutes are exempt;

(3) Filed with the town a certificate of public liability insurance naming the town as an additional insured in an amount to be determined by the director of public works;

(4) Filed with the town an agreement to indemnify and hold the town harmless from and against any and all claims for injury to person or property arising out of the work being performed in connection with said permit;

(5) Filed his business address with the director of public works and shall notify him promptly of any changes therein. Any orders or notices the director's office may have to give to the applicant, mailed to the address so filed, shall be considered as due notice delivered to him personally;

(6) Filed and maintained names, telephone numbers and addresses of persons who may be contacted in case of emergency after regular working hours.

(b) The surety bond, certificate of insurance and indemnity agreement referred to in subsection (a) of this section shall be delivered to the director of public works and subject to the approval of the town counsel and filed with the legislative body for the town.

(Code 1961, § 17-9; Ord. of 12-6-94(3))

#### **Sec. 14-23. Resurfacing.**

If an excavation or any other activity within a roadway results in the removal or damage to six feet or more of the existing pavement, the roadway shall be repaved from curb to curb throughout the entire area where such excavation or other activity occurred.

(Ord. of 6-29-98)

Secs. 14-24--14-35. Reserved.

### **ITEM # 2 - Economic Development Director Quarterly Report.**

**John Criscuolo, Economic Development Director discusses the many things that he has been working on.**

- **New Haven Copper, Co - Waiting for a meeting date with company and engineer next week to discuss repairs to wall and parking lot. Local Developer would like to make an offer to owners, no set price for property.**
- **Seymour Lumber Co. - Owner is working with a realtor.**
- **Housatonic Wire, Co. - Owner is exploring future use of the land.**
- **Tri-Town Plaza - Continue to solicit retailers and send out informational packets of the Town of Seymour. Continue to try to work with the owners to**

fill this property. The owner is still in court for the assessment of the property with the Town of Seymour.

- Shell Station - Owner would prefer to lease property instead of sell. Owner cleaned up tall grass on property due to complaints from residents. Possible fast food restaurant instead of gas station.
- Route 67/42 - Waiting for Environmental Study to be done. Has been working closely with the VCOG on this project. This will take approximately 7 to 10 years in phases. This project hopefully will bring a lot of retail and commercial businesses to the Town of Seymour.
- Walgreen's - Project has received all approvals from DOT and is continuing.
- CVS - Developer continues to negotiate with CVS and property owners. DOT had to revise plans for a turn lane on Rte. 67. This is being handled by the developer and property owner.
- Basement Systems - Grand opening of 57,000 square foot space on October 20, 2008. World Class facility.
- Merchant Meetings - Continue to meet with downtown merchants and the meetings have been very productive. Signage has been put up to try to promote the downtown businesses.
- The Economic Development Department is going to have their own website soon, which will feature available commercial properties in the Town of Seymour.
- The Economic Development Commission is working on the survey to go to the residents and should be in the mail by November. The last survey was done in 2006.
- Also working on property on Rte 67 near the Industrial Park. New interest in that land.
- The new business "Andies", which is a bouncy house facility for kids, is having their grand opening on October 25, 2008 at 10am on Progress Avenue in the Industrial Park.
- The owners of Collins Box have a tenant leasing at this time. There has also been interest in that property by NE Cap.
- Economic Development would definitely like to revive Derby Avenue.

**ITEM # 3 - Proclamation for White Cane Safety Day.**

**Motion to approve the Proclamation for White Cane Safety Day for October 15, 2008 for the National Federation of the Blind of Connecticut.**

**Motion: John Putorti**

**Second: Paul Roy**

**Vote: 7-Yes**

**0-No**

**0-Abstain**

**0-Disqualify**

**ITEM # 4 - Review Cash Balances/Investments Report from the Finance Director.**

**The Finance Director put together a report on all Town funds and investments. Most of the Town funds are currently at TD Bank North, which is one of the most stable banks in the State. There is some money in Wachovia and we will be investing some money into Naugatuck Valley Savings Bank to support local businesses.**

**ITEM # 5 - Discussion of CL&P Energy Efficiency Programs.**



**ITEM # 14 - Executive Session (Personnel - Discussion of open Public Works position, Pending Litigation, Contract Negotiations).**  
None at this time.

**ITEM # 15 - Take any appropriate action for open Public Works position.**  
The First Selectman had interviewed at least 10 applicants and has come up with four final candidates for the open Public Works position. He makes many positive comments about each candidate and feels that each one of them would be a great choice for the job. He also states that he will not vote because he feels that the position should not be filled at this time due to the economy. Frank Conroy would like to disqualify himself from voting due to having personal friendships with at least two of the candidates. The four candidates in no particular order are: Eugene Atkas, Frank DelVecchio, Alexander Danka, and Jordan Addis. All of the candidates have their CDL licenses and are qualified in all aspects of the Public Works position. Three of the candidates do not require Town insurance and the other only needs insurance for a single person.

**Motion to hire Eugene Atkas for the open Public Works position with a starting pay of \$19.15 per hour.**

**Motion: John Conroy                      Second: Paul Roy**  
**Vote: 2-Yes (John Conroy, Paul Roy)                      2-No (John Putorti, Annmarie Drugonis)**  
**1-Abstain (Roberta King)                      1-Disqualify (Frank Conroy)**  
Robert J. Koskelowski did not vote.  
Motion Fails.

**Motion to hire Jordan Addis for the open Public Works position with a starting pay of \$19.15 per hour.**

**Motion: Annmarie Drugonis                      Second: John Putorti**  
**Vote: 3-Yes (Annmarie Drugonis, Roberta King, John Putorti)                      2-No (John Conroy, Paul Roy)**  
**1-Disqualify (Frank Conroy)**  
Robert J. Koskelowski did not vote.  
Motion passes.

The First Selectman's office will be sending letters to all of the candidates and hopes that they would consider reapplying in the future if there are more openings.

**ITEM # 16 - Adjournment.**

**Motion to adjourn at 8:45PM.**

**Motion: John Conroy                      Second: Frank Conroy**  
**Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify**

Submitted by,

Reviewed by,

Deirdre Caruso,  
Recording Secretary

Robert J. Koskelowski,  
First Selectman