

TOWN OF OLD SAYBROOK
SELECTMEN'S OFFICE

CARL P. FORTUNA JR., FIRST SELECTMAN

SCOTT M. GIEGERICH, SELECTMAN

MATTHEW PUGLIESE, SELECTMAN

302 Main Street • Old Saybrook, Connecticut 06475-2384
Telephone (860) 395-3123 • Fax (860) 395-3125

REGULAR MEETING AGENDA

Tuesday, August 22, 2023
4:00 p.m.

Old Saybrook Town Hall – First Floor Conference Room

Public Zoom Link:

<https://zoom.us/j/97813035481?pwd=QkE1OVFXZlhIRTVTaGhMdjZKMkNOQT09>

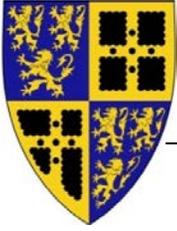
Dial In: 929-436-2866

Meeting ID: 978 1303 5481

Passcode: 302302

One Tap Mobile: <tel://9294362866,,97813035481#>

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. COMMENTS FROM THE PUBLIC**
- IV. COMMENTS FROM THE SELECTMEN**
- V. APPROVAL OF MINUTES:** Board of Selectmen Meeting August 8, 2023
- VI. BUSINESS BEFORE THE BOARD**
 - A.** Saybrook Manor Meeting Notice: Discussion regarding referendum.
 - B.** Urban Action Grant: Main Street Connection Park use of proprietary items inclusive of lighting and benches to match previous projects on the town campus. Action required.
 - C.** Discussion: Transfer Station fees.
 - D.** Discussion: Letter from Police Commission Chairman, Alfred Wilcox.
- VII. ADJOURNMENT**



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REGULAR MEETING MINUTES
Tuesday, August 8, 2023
8:30 a.m.

Old Saybrook Town Hall – First Floor Conference Room

Direct link to the recording: https://youtu.be/1y2_zRtljnQ

It is also included in the following playlists:

Board of Selectmen Meetings: _

<https://www.youtube.com/playlist?list=PLKX0JMf1KPP9SQAHO0GUQCR3yLtNYxKOWK>

- I. CALL TO ORDER** – Mr. Fortuna called the meeting to order at 8:30 a.m. All members present.
- II. PLEDGE OF ALLEGIANCE** -Recited
- III. COMMENTS FROM THE PUBLIC** - None
- IV. COMMENTS FROM THE FIRST SELECTMAN:** Mr. Fortuna commented that he was appointed to the MIRA Dissolution Committee, that Pat Regan was promoted to Maintainer III, that the Route 1 sidewalk project is mostly complete except for grass and some asphalt, that the Main St. Connection Park design has been submitted to the State of CT for review and comment, that the transfer station had its grand opening of the Commodities Exchange on Wednesday, August 2 which was very well attended and that the former Tax Collector, Carol Rzasz, passed away recently and her services will be Friday, August 11.
- V. COMMENTS FROM THE SELECTMEN** - Mr. Giegerich commented that monument way is being constructed. The bricks have arrived.
- VI. APPROVAL OF MINUTES:** Board of Selectmen Meeting July 25, 2023. A *MOTION was made to approve the July 25, 2023 minutes.*
FORTUNA /GIEGERICH
MOTION CARRIED UNANIMOUSLY
- VII. BUSINESS BEFORE THE BOARD**
 - A.** Petition for Referendum: Special Tax District The Cove at Saybrook Manor. Action requested.
The Board of Selectmen received the petition. Ms. Breen commented that LLC and Trust owned property will not be voters, that marsh lots had been removed, deeded individual owners will vote and this will include renters. They presented with the petition a boundary map. There ensued a long discussion, with some questions from the audience, about who can vote. Mr. Cronin is of the opinion that, based on a CT Supreme Court case, that only those who consider this to be their residence can vote. Residence can be construed liberally and would mean summer residents who have a permanent residence elsewhere. However, it would not include those who do not live at the property ever and rent it out 12 months a year. A comment was then made stating a renter could vote yes for the tax

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district even if the owner of the property was not in favor. The registrars stated that they will allow owners of the property to vote but will await Attorney Cronin's opinion. There was also much discussion on the process: A meeting must be noticed twice at least 15 days before the meeting takes place. Attorney Cronin will prepare the notice for advertisement. The Board of Selectmen, at the meeting, will set a referendum date (at least that is the current consensus). Several people in the audience were concerned about notice: both to the community affected by the vote and the substance of the notice. Mr. Fortuna stated that the town does not intend to go door to door but will meet its notice obligations. Mr. Pugliese stated that the meeting should be clear as to what powers could be given to the district should it be voted favorably. He proposed that the meeting take place on September 7. Moved and approved.

B. Encroachment Permit Bond Release: 17 Old South Cove Road. *A MOTION was made to approve the encroachment bond release.*

FORTUNA /GIEGERICH

MOTION CARRIED UNANIMOUSLY

C. Discussion and possible action Fiscal Year 23 Surplus recommendations
Mr. Fortuna went through all the recommendations with some explanation. All were voted favorably. Mr. Pugliese asked about the remaining surplus funds. Mr. Fortuna stated that the rest of the surplus funds will go into the capital non-recurring account except for whatever funds it would take to keep the "rainy day" fund at 17%. A MOTION was made to approve all recommendations.

FORTUNA /PUGLIESE

MOTION CARRIED UNANIMOUSLY

D. Discussion Transfer Station Fee Schedule and Encroachment Permit penalties for offenses.

Due to time constraints, this discussion did not take place.

E. Discussion and possible action on Call of Special Town Meeting. *A MOTION was made to approve for August 28, 2023 at 6:00 p.m.*

FORTUNA /GIEGERICH

MOTION CARRIED UNANIMOUSLY

F. Appointments

- 1. Tax Collector** – Due to the passing of Carol Rzasa, Mr. Delmonico was appointed tax collector. *A MOTION was made to approve Marc Delmonico as tax collector.*

FORTUNA /GIEGERICH

MOTION CARRIED UNANIMOUSLY

- 2. Conservation Committee**. Resignation vacancy. This appointment is for the unexpired portion of a 2-year term due to end 11/2023. *A MOTION was made to appoint Nina Regan.*

FORTUNA /GIEGERICH

MOTION CARRIED UNANIMOUSLY

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VIII. ADJOURNMENT – *A MOTION was made adjourn at 10:00 a.m.*
FORTUNA/ GIEGERICH
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Carl P. Fortuna Jr.
First Selectman

SPECIAL TOWN MEETING
SEPTEMBER 7, 2023 AT 6:30 P.M.
AT VICKI DUFFY PAVILION, 155 COLLEGE STREET EXTENSION
OLD SAYBROOK, CONNECTICUT

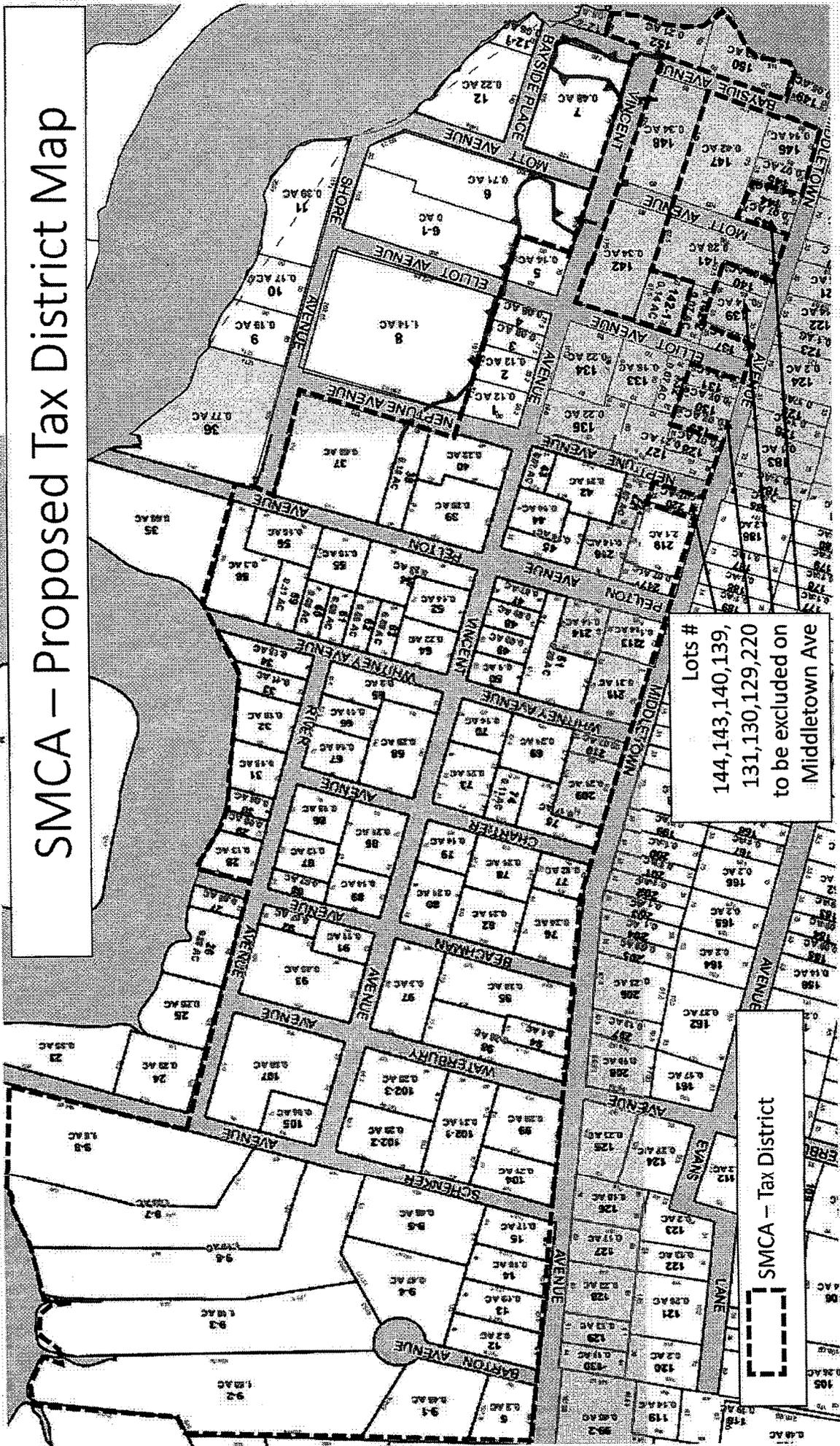
A Petition dated July 3, 2023 for the creation of a Special Tax District to be known as Saybrook Manor Cove District has been presented to the Old Saybrook Board of Selectmen under the provisions of Section 7-325 of the General Statutes of Connecticut which allows for the establishment of Districts within the Town of Old Saybrook. The proposed purpose of the District is to, among other things, maintain and manage recreational facilities and beaches located within the proposed new District.

Notice is hereby given that a meeting of the persons qualified to vote at Town Meetings under the provisions of Section 7-6 of the General Statutes of Connecticut who are residing within the specified limits of said proposed District to act upon the Petition for the creation of such new District is to be held on Thursday, September 7, 2023 at 6:30 p.m. at the Vicki Duffy Pavilion, 155 College Street Extension, Old Saybrook, Connecticut. Copies of the Petition are on file in the Old Saybrook Town Clerk's Office, and the office of the First Selectman of the Town of Old Saybrook, Town Hall, 302 Main Street, Old Saybrook, Connecticut.

Carl P. Fortuna, Jr., First Selectman
Scott M. Giegerich, Selectman
Matthew Pugliese, Selectman

Dated at Old Saybrook, Connecticut this 8th day of August, 2023
ATTEST: Sarah V. Becker, Town Clerk

SMCA – Proposed Tax District Map



Lots #
144, 143, 140, 139,
131, 130, 129, 220
to be excluded on
Middletown Ave

SMCA – Tax District

Revised Description Taken From Map Presented by Petitioner (Lot Numbers are taken from the Old Saybrook Assessor's Map #13

NORTH – by the north side of Barton Ave.

East – by the Oyster River

South – by Long Island Sound

West – by the East side of Middletown Ave. (excluding Lots #144, 143, 140, 139, 131, 130, 129 and 220 which are obligated to Saybrook Manor Tax District)

The following lots are also excluded:

Lots #

142, 142-1, 148,

7, 12, 12-1, 12-2,

6, 6-1, 11, 8, 10, 9,

36, 35, 26, 25, 24, 23, 27

MICHAEL E. CRONIN, JR.

ATTORNEY AND COUNSELOR AT LAW

201 MAIN STREET - ~~BOX 454~~

OLD SAYBROOK, CONNECTICUT 06475

(860) 388-5728

FAX (860) 388-4981

August 22, 2023

Ms. Joan Broadhurst
Ms. Joan Strickland
Office of the Registrar of Voters
Ms. Sarah Becker, Town Clerk
Town of Old Saybrook
302 Main St.
Old Saybrook, Ct. 06475

Re: Proposed Saybrook Manor Cove District

Dear Ms. Broadhurst, Ms. Strickland, and Ms. Becker:

You have asked my legal opinion with regard to the voting requirements necessary to establish a District under the provisions of Section 7-325 of the General Statutes of Connecticut. The statute is quite complicated and involves a process for essentially a Town Meeting to establish the District and, thereafter, if established, to elect officers and adopt rules and regulations regarding the operation of the District. The District becomes a political subdivision of the Town of Old Saybrook.

Under the statutes, the procedure to establish a District is made by a petition of at least 15 voters which is delivered to the Board of Selectmen. The petition has already been received, and the Board of Selectmen has established a meeting of voters entitled to vote at such meeting to be held on September 7, 2023 at the Vicki Duffy Pavilion at 6:30 p.m. The Board of Selectmen have the power under the statute to have the vote to establish such District be referred to a referendum for a "yes" or "no" vote on the voting machines of the Town of Old Saybrook. The Board of Selectmen have indicated that at or prior to the first meeting they will issue an appropriate order to proceed to a referendum. This referendum must occur no less 7 nor more than 14 days after the date of such order. The Board of Selectmen have not as yet issued this order.

Section 7-325 specifies that the meeting and the referendum shall be "...of the voters residing within such specified limits" of the proposed District. The statute states that the term "voters" are to be defined by Section 7-6 of the General Statutes entitled "Eligibility to Vote". It sets forth the qualifications of the term "voter" as follows:

1. Any person who is an elector of the Town.
2. A citizen of the United States of the age of 18 years or more who jointly or severally is liable to the Town for taxes against him or her on an assessment of not less than \$1,000.00 on the last completed Grand List of the Town.

Section 7-325 imposes an additional requirement for the eligibility to vote at the meeting. That requirement is that a voter is "residing within the specified limits of the District". This requirement applies to both of the voters qualified as voters in Paragraphs #1 and #2 above.

The question has come up continually as to what the term "residing within the limits of the District" shall be interpreted and applied. Black's Law Dictionary defines the term "residence" in several different ways. The following language is:

"The act or fact of living in a given place for some time"
"residence usually just means bodily presence as an inhabitant of a given place"
"A person thus may have more than one residence at a time....."

It defines the term "resident" as follows: "A person who has a home in a particular place". A person certainly can have more than one residence. It would appear that a person who has a summer cottage in the area of the proposed District where the person spends time living there in the summer months would clearly classify as a resident voter under this statute. On the other hand, a person who owns a vacant lot within the District would not be considered to have a "residence" for the purpose of voting under this statute, even though that person has taxable assets of more than \$1,000.00.

In order to establish the District, a vote at the Referendum must be "yes" by a 2/3 majority on those voting.

It is my advice to you as Town Attorney that you, as Registrars and Town Clerk, in order to implement this statute properly, should ask every person who presents themselves as a "voter" at the referendum or applies for an absentee ballot as to whether or not they reside on a property which is within the District. If the answer is "yes", that would, in my opinion, be a sufficient basis to allow them to vote. If you feel that additional evidence is necessary, you might reasonably ask them for other types of evidence connecting them to a residence within the District. If the answer to your question is "no", then obviously they are not entitled to vote. If their answer is "uncertain or equivocal", then it is up to the Registrars to inquire further and make a decision as to whether or not that person is entitled to vote. Any decision on that type of matter should be noted in your notes. If the Registrars disagree with each other as to whether or not a person qualifies to be a voter, then my advice would be not to allow that person to vote. To implement this procedure may be difficult and time consuming, but I believe that it is essential to do it in order to ensure the accuracy of the voting process.

If you have any questions about my opinion, please feel free to contact me.



Michael E. Cronin, Jr.,
Town Counsel

Chapter 118. Fees

Article II. Transfer Station Fees

[Adopted 5-28-1987 by Ord. No. 67; amended in its entirety 7-7-1997; 9-11-2000]

§ 118-5. Imposition of fees.

As authorized under the provisions of C.G.S. § 22a-220, as amended, the following fees are hereby imposed.

§ 118-6. Bulky trash and brush.

A. Fees for bulky/brush shall be as follows:

- (1) Pickup/van/small trailer:
 - (a) \$5 per load brush.
 - (b) \$25 per load bulky (separated).
 - (c) \$75 per load bulky (mixed).
- (2) Rack body/mason dump with one to two cubic yards:
 - (a) \$20 per load brush.
 - (b) \$40 per load bulky (separated).
 - (c) \$70 per load bulky (mixed).
- (3) Rack body/mason dump with two to four cubic yards:
 - (a) \$40 per load brush.
 - (b) \$60 per load bulky (separated).
 - (c) \$90 per load bulky (mixed).
- (4) Rack body/mason dump with four to six cubic yards:
 - (a) \$60 per load brush.
 - (b) \$95 per load bulky (separated).
 - (c) \$125 per load bulky (mixed).
- (5) Rack body/mason dump with six to 10 cubic yards:
 - (a) \$100 per load brush.
 - (b) \$150 per load bulky (separated).

(c) \$185 per load bulky (mixed).

(6) Tri-axle/trailer dump up to 16 cubic yards: \$160 per load of brush only.

(7) Tri-axle/trailer dump up to 10 cubic yard: \$185 per load bulky (mixed).

B. Notes:

(1) Bulky waste materials include items such as carpet and building/demolition materials (i.e. sheetrock, insulation, plywood, shingles, doors, windows, vinyl siding, concrete, brick, stone, etc.).

(2) For bulky and brush, no length over six feet will be accepted.

(3) For brush, no greater than three inches in diameter and no longer than six feet will be accepted.

(4) Also, a copy of the building permit, which shows where the load originated, is necessary for dumping of bulky waste or a special dump pass, which may be obtained at the Selectmen's office.

(5) The transfer station attendants are authorized to increase/decrease fees for partial loads or to waive fees for insignificant quantities that are being delivered in a resident's private automobile.

§ 118-7. Appliances.

There shall be a charge of \$10 each for the disposal of large appliances known as "white goods," which items shall include, but not necessarily be limited to, washers, dryers, dishwashers, furnaces, water heaters, refrigerators, freezers, air conditioners, stoves, etc.

§ 118-8. Disposal of tires.

A. Sixteen inches or less: \$2 each.

B. Over 16 inches: \$4 each.

C. Large trucks/equipment: \$10 each.

§ 118-9. Disposal of stuffed furniture.

A. Stuffed chairs: \$5 each.

B. Love seats, sofas: \$10 each.

C. Mattresses, box springs: \$8 each.

D. Sleeper sofa: \$18 each.

§ 118-10. Acceptance of checks.

Checks will be accepted at the Old Saybrook transfer station, provided that the resident holds a valid Connecticut driver's license.

§ 118-11. Definition of bulky waste materials.

The fees established above are for disposal of bulky waste materials, as that term is defined under the statutes of the State of Connecticut, and of the rules and regulations of the State of Connecticut Department of Environmental Protection.

§ 118-12. Restriction on delivery of solid or bulky waste.

Notwithstanding the fee schedule set forth above, no motor vehicle which is licensed to deliver solid or bulky waste to a transfer station or disposal facility owned or operated by the Connecticut Resource Recovery Authority shall be allowed to deliver or dispose of any bulky waste at the Old Saybrook transfer station.

§ 118-13. Penalties for offenses.

- A. A fine of \$100 will be imposed on any resident or nonresident caught illegally dumping at the Old Saybrook transfer station.
- B. Residents who dump materials illegally with recyclable items will lose dumping privileges for one month for the first offense and one year for the second offense.