

OFFICE OF THE  
FIRST SELECTMAN

Telephone (203) 563-0100  
Fax (203) 563-0299

Email to:  
lynne.vanderslice@wiltonct.org



Lynne A. Vanderslice  
*First Selectman*

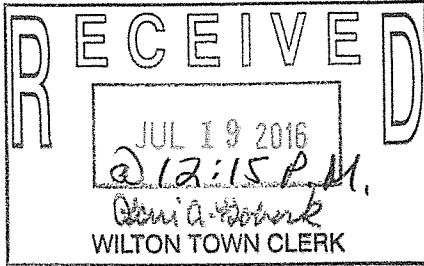
Michael P. Kaelin  
*Second Selectman*

David K. Clune  
*Selectman*

Lori A. Bufano  
*Selectman*

Richard J. Dubow  
*Selectman*

TOWN HALL  
238 Danbury Road  
Wilton, CT 06897



**BOARD OF SELECTMEN  
TUESDAY JULY 5, 2016**

**MEETING ROOM B, WILTON TOWN HALL**

**PRESENT:** First Selectman Lynne Vanderslice, Richard Dubow, Michael Kaelin, David Clune, Lori Bufano

**GUESTS:** Pat Sullivan – Associate Town Counsel, Bob Nerney, John Savarese, Anne Kelly-Lenz, Sarah Taffel

**OTHERS:** Members of the Press and Members of the Public

Ms. Vanderslice called the meeting to order at 7:31 p.m. She then asked for a Motion to add the re-appointment of Glenn Hemmerle as the BOE Liaison to the Energy Commission to Item #5 on the Agenda. Mr. Dubow so moved, Ms. Bufano seconded and the motion carried unanimously.

**A. Consent Agenda**

Motion made by Mr. Kaelin to approve the consent agenda as follows, seconded by Ms. Bufano and unanimously carried.

Minutes

- Board of Selectmen Meeting – June 6, 2016

**B Discussion and/or Actions**

**1. Two Rod Highway Update – Associate Town Counsel Pat Sullivan**

Ms. Sullivan gave background history on this road, saying the Town has no obligation to maintain it. She then stated the steps involved if the Board were to vote to discontinue the road, which included a vote at a Special Town Meeting followed by an appeal period. Ms. Sullivan recommended discontinuance to the Board. Ms. Vanderslice gave the Board a handout of FAQ's (attached) for their notes. Bob Nerney also spoke, expressing his concerns about this Town road for the Board to consider in their subsequent discussion.

The Board then discussed the merits of discontinuing said road. Mr. Clune, as an Ambler Farm Trustee, stated that he would abstain from voting. Mr. Kaelin made the motion to refer the matter to the Planning and Zoning for a recommendation report, pursuant to Connecticut General Statutes 8-24. This was seconded by Ms. Bufano, and the motion carried 4-0-1, with Mr. Clune abstaining.

2. Authorization to sign contract for network upgrade

Ms. Vanderslice summarized the need for the upgrade of the network between Miller Driscoll and the BOE, with the cost being covered by \$270,000 approved by the BOS as part of the 2016 and the previous year's budgets. The network is old and will be inadequate in the next couple years, not protected by conduit. Further it is not owned by the Town and requires an annual maintenance payment.

The BOE receives free internet from the state and the schools share in the free internet though this network. Replacing the network is less costly than the other alternatives.

John Savarese is Chair of the phone installation committee for both the BOE and the BOS. He briefed the BOS on what has been done to date. Ms. Vanderslice then asked for a Motion to authorize her to sign the contract for the upgrade. Mr. Kaelin so moved, seconded by Mr. Dubow and carried unanimously.

3. Authorization to sign Inland Wetland Third Party Review Contracts

Ms. Vanderslice mentioned a previous contract for such, saying a third party is only required if the work is more complex than the department can handle, payment for the consultant is collected upfront from the applicant and the Town has no financial exposure. She asked for a Motion to allow her to sign these contracts, as well as any future contracts. Mr. Dubow so moved, seconded by Ms. Bufano and the Motion carried unanimously.

4. General Liability Insurance Renewal

Anne Kelly-Lenz reviewed the insurance renewals before the Board saying there was overall savings of about \$30,000 from the budgeted amount but that liability insurance has gone up due to pending lawsuits, which may or may not come to fruition. Mr. Dubow stated that the limit on the Umbrella policy has been the same for quite some time and asked Ms. Kelly-Lenz to find out if this is still an appropriate amount. She will report her findings. Motion made by Mr. Dubow to allow Ms. Vanderslice to sign both the Commercial and Umbrella renewals, subject to information on the Umbrella policy. Mr. Clune seconded and the Motion carried unanimously.

5. Appointments/Reappointments/Vacancies

- Discussion of Procedures

Michael Kaelin recommended the appointment of a temporary study committee to review the current procedures for appointments/

reappointments/vacancies and to make recommendations to the BOS as to what we do going forward. There was consensus.

Michael Kaelin and David Clune agreed to serve as members, and Michael as Chair. The DTC and RTC will be asked to each recommend an individual for appointment. As members of both were present, they were asked to submit recommendations to Mr. Kaelin.

The current procedures, as documented for the meeting by Lynne, will be followed for all openings as of the meeting date. No new vacancies will be posted or filled prior to the BOS receiving and voting on the recommendations of the Study Committee. The Study Committee will report to the BOS at the October 4<sup>th</sup> meeting.

#### Appointments/Reappointments/Vacancies

Ms. Vanderslice asked for a Motion to add Bruce Hampson to the list of reappointments to the Energy Commission. Dave Clune so moved, Michael Kaelin seconded and the Motion carried unanimously.

Motion made by Mr. Kaelin to reappoint Ileana Barns-Slavin, Gary Battaglia, Glenn Hemmerle and Bruce Hampson to the respective committees as documented on the attached, seconded by Mr. Clune and carried unanimously.

Anne Kelly-Lenz – Ms. Vanderslice asked for a Motion to extend Ms. Kelly-Lenz's term as Treasurer to 11/30/2017. Dave Clune moved, Lori Bufano seconded and Motion carried unanimously.

#### 6. Town Counsel Search - Update

Mr. Clune gave an update on the Search, with the RFP having been posted in several publications. To date seven responses for the "intent to respond" have been received. He explained what next steps in the process would be with the ultimate goal that, at the October 17<sup>th</sup> BOS meeting, the Board would be in a position to say who they want to appoint.

#### 7. Miscellaneous Other Business

None

### C Reports

#### First Selectman's Report

Recognized Town employee Claire Furano, who most recently worked in the Police Department and has retired after 17 years' of service. There was a well-attended cookout for her at the Police Department yesterday.

Attended ceremony today for Kevin Plank's promotion to Deputy Fire Marshall. Kevin has a total of more than 40 years Fire Department service, and it was nice to see a well-attended event for him.

Also want to thank the volunteers on the July 4<sup>th</sup> Committee, as well as the volunteers of CERT, the Police and Fire Departments for an outstanding celebration. Everyone appreciated it.

There was one hiccup, however, which Steve Piece, Director of Parks & Recreation wanted noted. The new company used for the portable toilets made a mistake with the delivery and neglected to deliver to the designated locations, in addition to not delivering one that is handicap-accessible. Steve and his staff worked as quickly as possible to rectify both problems and had someone deployed to take a gentleman to Comstock where there is such an accessible facility. Apologies are extended and Steve is already looking into another company to use for next year's July 4<sup>th</sup> events.

### Selectmen's Reports

#### Ms. Bufano

Recently went to the Gilbert & Bennett Cultural Center and encourages all to go see all that they offer.

#### Mr. Clune

Fourth of July fireworks were fantastic; the fireworks and the Memorial Day parade are two good events for Wilton.

#### Mr. Kaelin

Agreed with Mr. Clune about the fireworks; they get better every year. The softball game between the Republicans and the Democrats was entertaining with those who participated.

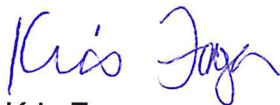
#### Mr. Dubow

Agreed with Mr. Kaelin's comments about the softball game.

#### B. Public Comment

None

#### C. Adjournment – Having no further business, Ms. Vanderslice asked for a motion to adjourn. Motion made by Mr. Clune to adjourn meeting at 9:00 PM. Motion was seconded by Mr. Kaelin and unanimously carried.



Kris Fager  
Recording Secretary  
Taken from Video

## **Two Rod Highway-Frequently Asked Questions**

### **What is Two Rod Highway?**

Two Rod Highway dates to 1730. It was set out by the Norwalk Proprietors along with several other highways. It has not been improved or maintained by the town.

Several years ago, Chris Montanaro a contract purchaser of property abutting the Two Rod Highway brought a lawsuit against the Town of Wilton and the Aspetuck Land Trust. The suit contained five counts, one of which was a request for a declaratory judgment that Two Rod Highway is a road. In 2010 the court declared Two Rod Highway a public road. The judgment was upheld on appeal.

### **Now that it has been declared a road, must the Town improve and maintain it?**

The Town is not required to improve or maintain the road.

### **What are the implications to the adjacent property owners now that it is a road?**

Property owners abutting the Two Rod Highway have the right to pass over the Two Rod Highway. They have the right to improve and maintain the Two Rod Highway to allow passage. They maintain the right to potentially further subdivide land holdings.

### **What are the Town's options?**

The town can do nothing. Concerns:

- Adjacent property owners could construct their own access and the town could be liable for any issues arising on or because of the access way.
- The law could change and require the Town to construct a road.
- Adjacent property owners could press the Town to construct a road. Tom Thurkettle estimates the cost at several million dollars.

The town can discontinue the road:

- Adjacent property owners can develop their property including their one free cut.
- Zoning regulations limit the number of homes which can share a driveway

### **If the Town discontinues the road, does the Town have input in the driveway construction?**

Yes, driveway construction requires a permit. Driveways must be constructed in a manner to allow access by safety equipment.

### **Has the Town communicated with the adjacent property owners?**

Yes, the Town held a public information session on Nov 3, 2014. Notice letters were sent to the adjacent property owners in Wilton and Weston.

### **Are any of the adjacent property owners currently developing their property?**

The Deilius property, which Chris Montanaro is the contract purchaser of, has been first cut. Montanaro is now seeking to construct access to the two lots.

**Aspetuck Land Trust has expressed interest in acquiring properties to prevent development. Has the town had any conversations with them?**

Yes, at their request, Lynne Vanderslice has met with them. ALT does not have the funds to purchase the adjacent properties. They were seeking contributions by the Town and other non profits.

**What are the procedures to discontinue a road?**

Any proposal to discontinue a road must be referred to the Planning Commission for an Connecticut General Statute 8-24 report.

The BOS must vote to approve to discontinue the road. In addition to an approval of the Board of Selectmen, discontinuing a road is subject to approval by a majority vote at a town meeting.

Anyone aggrieved by the decision may appeal to the Superior Court. The lawsuit must be brought within eight months of the decision.

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**Candidates for Reappointment as of: July 1 2016**

*Instructions: List all pending reappointments, grouped by Board or Commission*

Ready for consideration

<u>Board or Commission</u>	<u>Candidate</u>	<u>Political Affiliation</u>	<u>Endorsement Status</u>	<u>Term Start Date</u>	<u>Term End Date</u>	<u>Years Served</u>	<u>Attendance Record</u>	<u>Date of BOS Notific</u>	<u>yes or no</u>		
									<u>Interview Requested</u>	<u>Interview Date</u>	<u>Vote Date</u>
Wilton Library Assoc	Illeana Barns-Slavin	Republican	Yes*	7/1/2014**	6/30/2017	3	na	30-Jun			
Wilton Library Assoc	Gary Battaglia	Republican	Yes*	7/1/2016	6/30/2019	3	na	30-Jun			
Energy Commission	Bruce Hampson	Democrat	Yes*	12/1/2015	11/30/2017	8	11 of 12	30-Jun			

\*Discussion with Nominating chairs-DTC voting at 7:00

\*\*reappointment wasn't done in 2014. WLA incorrectly thought reappointment by the BOS was not necessary