

**REGULAR MEETING MINUTES  
COLUMBIA BOARD OF SELECTMEN**

**Tuesday, November 21, 2023**

**7:00 PM**

**Adella G. Urban Administrative Offices Conference Room & Virtual  
323 Route 87, Columbia, CT**

**Members Present:** Steven Everett, First Selectman; Judy Ortiz, Deputy First Selectman; William O'Brien, Selectman; Christopher Lent, Selectman.

**Members Absent:** Lisa Napolitano, Selectman.

**Also Present:** Mark Walter, Town Administrator; Mike Gnazzo, Chairman of LMAC; Mary Roickle, LMAC; Phyllis Dunn; LMAC, Henry Beck, LMAC.

**Also Present Remotely:** Bob Powell, LMAC; Barbara Wilson, Interim Acting Superintendent; Beverly Ciurylo, Finance Director.

**CALL TO ORDER:** S. Everett called the meeting to order at 7:01 pm.

1. **RULES OF CONDUCT FOR HYBRID VIRTUAL MEETING:** S. Everett read the rules of conduct for a hybrid virtual meeting.
2. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
3. **APPROVAL OF AGENDA:** S. Everett MOVED to Amend the Agenda and Add 16.1 - Legal under Executive Session. MOTION CARRIED 4.0.
4. **APPROVAL OF MINUTES:**
  - 4.1 **BOS Regular Meeting Minutes November 14, 2023.** S. Everett MOVED to Approve the BOS Regular Meeting Minutes for November 12, 2023. MOTION CARRIED 4.0.
5. **AUDIENCE OF CITIZENS:** None.
6. **OLD BUSINESS:**
  - 6.1 **Lake Management Advisory Commissions Proposed Updates to Lake Town Ordinances.** Discussion involved the clarification and update on the grandfather clause, enforcement of penalties, the application of the "reckless and unsafe" standard, and use of drones.

S. Everett asked if anyone is currently using a boat or watercraft on the lake, does this then mean that it's grandfathered forever.

H. Beck, 41 Sleepy Hollow Rd., Attorney with Halloran & Sage, and member of LMAC said that currently in the draft there is a blank to put in the number of years. He said it is all right to have an ordinance that makes it applicable

immediately, but then accepts certain circumstances that have existed for a period of time and allow them to continue for some reasonable period of time.

H. Beck said the reason to do this is to guard against the concept of unjust taking of somebody's property by a government because of the fact that suddenly they go from being able to use their property to not being able to use their property. H. Beck said research could be done to determine the length of time that is appropriate (6 to 8 months), or the Board of Selectmen could determine that it's for as long as a particular owner wants to own the boat and maintain it.

Enforcement of penalties: The First Selectman position is considered the 'police chief' position, and they should be involved in penalty decisions. S. Everett explained we do have a Citation Hearing Officer if a person wishes to address any recourse.

S. Everett read the answer on what is considered reckless or unsafe. The application of the "reckless and unsafe" standard generally is viewed as leaving some discretion with the enforcement authority to determine based on the circumstances of each incident.

H. Beck explained that recklessness is an imprecise standard which allows discretion on behalf of the reviewing authority to determine what conduct amounts to a violation. Generally, recklessness means the creation of a substantial and justifiable risk of harm, and it requires conduct demonstrating a conscious disregard or indifference to such risk.

Connecticut motor vehicle statutes do not define reckless driving. The Supreme Court of Connecticut has held that recklessness in the operation of a motor vehicle requires the conscious choice of action either with knowledge of the serious danger to others involved or a knowledge of facts which would disclose this danger to any reasonable person.

H. Beck said it is a fairly high standard, but it does give discretion in this instance the First Selectman determines whether it arises to such a level that it's in the public interest that the citation be issued.

S. Everett asked about the use of drones and asked for clarification on how they would enforce this.

M. Roickle, 34 Erdoni Road and LMAC member said that we have always prohibited remote-controlled types of water traffic, which we have deemed to be dangerous to public health. She said that on DEEP's website information is provided on the use of remote-controlled model aircraft or drones and are prohibited at Connecticut State Park or in other lands under control of DEEP unless specifically authorized by the Commissioner. She said, we are suggesting to DEEP that because they manage the waters of all of Connecticut, including Columbia Lake, would they allow the prohibition of drones other than commercially operated. Commercially operated would have to be authorized by the Commissioner.

M. Gnazzo said in order for a commercial drone operator to operate a drone they have to have a license and the FAA has to give them a permit.

Discussion ensued about enforcing the rules on drone use.

H. Beck said this could be amended to read drone use is prohibited without proper authorization.

Discussion ensued about the grandfather clause and how it would affect a houseboat that is currently on the lake. H. Beck explained that he believed that the determination was made that the boat was not a violation of the statute because it was not a houseboat. As long as it remains not a houseboat then it would be grandfathered. If it clearly becomes a houseboat under the new ordinance it would be illegal because it's changed.

H. Beck said that to get the ordinances ready for next summer it would be helpful to start the informal review with DEEP.

S. Everett asked LMAC to make the changes and get them back to BOS.

**6.2 Approval Explanatory Text for the Town-wide informational mailer regarding the HVAC Horace Porter School Project.** M. Walter explained that the explanatory text is still being worked on. A postcard was provided to the BOS that will be mailed out to residents to explain about the project.

**6.3 Legal Notice of Special Town Meeting and Referendum for the Horace W. Porter School Installation, Replacement and/or Upgrading of HVAC System and Indoor Air Quality Improvements.**

S. Everett MOVED All qualified electors of the Town of Columbia, Connecticut (the "Town") and any other persons entitled to vote upon any of the matters contained in this notice are hereby warned that a Special Town Meeting of the Town is to be held in the Yeomans Hall, 323 Route 87, Columbia, Connecticut on Thursday, November 30, 2023 at 6:30 p.m., for the following purposes:

1. To elect a moderator.
2. To consider and discuss (but not vote on) the following resolution:

RESOLUTION AUTHORIZING AN APPROPRIATION OF \$6,175,000 FOR THE INSTALLATION, REPLACEMENT AND/OR UPGRADING OF HVAC SYSTEM AND INDOOR AIR QUALITY IMPROVEMENTS AT THE HORACE W. PORTER SCHOOL AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$3,396,250

The full text of the foregoing authorizing resolution is on file and open to inspection at the office of the Town Clerk, Town Hall, 323 Route 87, Columbia, Connecticut for the use or inspection of any interested person.

All qualified electors and persons entitled to vote in town meetings of the Town are hereby further notified that pursuant to Section 2.5(a) of the Town Charter, the foregoing resolution is being submitted to the voters at referendum for a “yes” or “no” vote.

The question to be voted upon is as follows:

- I. “Shall the resolution entitled, ‘RESOLUTION AUTHORIZING AN APPROPRIATION OF \$6,175,000 FOR THE INSTALLATION, REPLACEMENT AND/OR UPGRADING OF HVAC SYSTEM AND INDOOR AIR QUALITY IMPROVEMENTS AT THE HORACE W. PORTER SCHOOL AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$3,396,250’, be approved?  
Yes \_\_\_\_\_ No \_\_\_\_\_”

The ballot label for said question shall read as follows:

- “Shall the Town appropriate \$6,175,000 for HVAC system and indoor air quality improvements at the Horace W. Porter School and authorize the issuance of general obligation bonds and notes up to \$3,396,250 to finance said appropriation?  
Yes \_\_\_\_\_ No \_\_\_\_\_”

The vote will be conducted on Tuesday, December 12, 2023, during the hours from 12:00 p.m. to 8:00 p.m. at Yeomans Hall, 323 Route 87, Columbia, Connecticut.

Absentee ballots will be available from the Town Clerk’s office in accordance with applicable law. Absentee ballots will be counted at the following central location: Yeomans Hall 323 Route 87, Columbia, Connecticut. Voters approving the resolution will vote “Yes” and voters opposing the resolution will vote “No.”

3. To adjourn the special town meeting to a referendum vote on the above question to be held on the date, during the time and at the noticed polling place referred to above.

MOTION CARRIED 4.0.

7. **NEW BUSINESS:** None.  
8. **COLUMBIA LAKE / DAM / BEACH:** None.  
9. **APPOINTMENTS / RESIGNATIONS:** None.

**9.1 Review and Discussion on members terms expiring 11/27/23 on the Inland Wetlands & Watercourses Commission, Inland Wetlands & Watercourses Commission Alternates and Recreation Commission.**

S. Everett MOVED to Appoint John Allen and Ron Wikholm to the Inland Wetlands & Watercourses Commission and Jon Dilworth as an Alternate to the Inland Wetlands & Watercourses Commission. MOTION CARRIED 4.0.

S. Everett MOVED to Appoint Nikki Keldsen and Heather Pekarovic to the Recreation Commission. MOTION CARRIED 4.0.

**10. TOWN ADMINISTRATOR REPORT:** M. Walter said Gail McGrath has notified the Town that she will be retiring as of February 2, 2024. Gail has been a dedicated and reliable employee for over 12 years. We wish her all the best in her retirement.

CRCOG has been having a lot of meetings defining a strategic playbook on how they can help the towns both small and large. CRCOG has been looking at housing toolkits strategies and HUD financial assistance and a focus statewide on creating housing.

CRCOG is also helping us in purchasing and looking at waste management.

Novus has been working on inventory of every software in our system to make sure there are no access portals.

M. Walter thanked Beverly Ciurylo for all the time she has been putting in to prepare for the audits.

**11. CORRESPONDENCE:**

11.1 AHM Program Report October 2023.

**12. BUDGET:**

12.1 **Transfers:** None.

12.2 **Refunds:** S. Everett MOVED to Approve the Refunds totaling \$909.80. MOTION CARRIED 4.0.

**13. APPROVE PAYMENT OF BILLS:** S. Everett MOVED to Approve the Payment of Bills Totaling \$43,758.93, consisting of 2023-2024 Regular, Credit Card and Paychex. MOTION CARRIED 4.0.

**14. AUDIENCE OF CITIZENS:** None.

**15. BOARD MEMBER COMMENTS:** None.

**16. EXECUTIVE SESSION: Real estate per State Statutes Section 1-200(6)(D); Pending Litigation per State Statutes Section 1-200(6)(B); Personnel per State Statues Section 1-200(6)(A).** S. Everett MOVED to Enter Into Executive Session at 8:01 PM and invite Mark Walter, Town Administrator. MOTION CARRIED 4.0. Executive Session ended at 8:18 pm.

**16.1 Legal:** No Action Taken.

**17. ADJOURNMENT:** S. Everett MOVED to ADJOURN at 8:19 pm.

MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted by Jennifer C. LaVoie