

**REGULAR MEETING AGENDA
COLUMBIA BOARD OF SELECTMEN**

Tuesday, January 20, 2015, 7 pm

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

CALL TO ORDER

- 1. PLEDGE OF ALLEGIANCE**
- 2. MINUTES:** 1/6/15 Regular Meeting
- 3. AUDIENCE OF CITIZENS**
- 4. OLD BUSINESS**
 - 4.1** Request from Walter Tabor to acquire town property
- 5. NEW BUSINESS**
 - 5.1** 2014 Audit
- 6. COLUMBIA LAKE / DAM / BEACH**
 - 6.1** Concrete dock at town beach
- 7. APPOINTMENTS / RESIGNATIONS**
 - 7.1** Resignation of Maureen Allen from Commission on Aging (CONA)
 - 7.2** Appointment of Jill Livingston (R) to CONA
- 8. TOWN ADMINISTRATOR REPORT**
- 9. CORRESPONDENCE**
- 10. BUDGET**
 - 10.1** Transfers
 - 10.2** Refunds
- 11. APPROVE PAYMENT OF BILLS**
- 12. BOARD MEMBER COMMENTS**
- 13. EXECUTIVE SESSION**
 - 13.1** 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);
- 14. ADJOURNMENT**

REGULAR MEETING MINUTES
COLUMBIA BOARD OF SELECTMEN
Tuesday, January 6, 2015, 7 pm
Adella G. Urban Administrative Offices Conference Room
323 Route 87, Columbia, CT

Members Present: Deputy Selectman Steven Everett, Selectman William O'Brien, Selectman Robert Hellstrom. Selectman Robert Bogue arrived at 7:08 pm.

Also Present: Interim Town Administrator Mark Paquette, Finance Director Bev Ciurylo and others.

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

1. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
2. **MINUTES:** 12/16/14 Regular Meeting; 12/17/14 Special Meeting (Tri-Board): W. O'Brien MOVED to approve the Regular meeting minutes of 12/16/14 and the Special Tri-Board meeting minutes of 12/17/14. MOTION CARRIED 3:0.

W. O'Brien MOVED to add item 7.4 entitled, "Appointment of Maureen Allen (R) to the Youth Services Committee" to the agenda. MOTION CARRIED 3:0.
3. **AUDIENCE OF CITIZENS:** Leslie Kittle of Thompson Hill Road read his resignation letter as Columbia's Fire Marshal in to the record. He expressed his disappointment with the way the BOS and former Town Administrator handled personnel issues that concerned him while he was employed for the town. On behalf of the BOS, S. Everett wished L. Kittle the best of luck in the future and with his retirement.
4. **OLD BUSINESS:** None.
5. **NEW BUSINESS**
 - 5.1 **Final report - Ad Hoc Committee on Zoning and Preservation of Columbia Lake:** S. Everett stated that Final Report from the Ad Hoc Committee is for BOS review at this time. He asked the BOS to please read the report and bring any suggested changes, issues, etc. they may have to the next meeting for discussion purposes.

R. Bogue arrived at 7:08 pm.
 - 5.2 **Draft Pump-Out Ordinance as recommended by the Ad-Hoc Committee:** S. Everett stated that Draft Pump-Out Ordinance presented from the Ad Hoc Committee is for BOS review at this time. He asked the BOS to please read the report and bring any suggested changes, issues, etc. they may have to the next meeting for discussion purposes.
 - 5.3 **Establishment of Special Town Meeting for purposes of financial transfers:** M. Paquette discussed the three transfers with the BOS. W. O'Brien stated for the record that the BOS did not make a decision regarding "the concrete dock purchase looking less feasible due to cost consideration" as stated in a portion of the explanation for Clause 1. S. Everett concurred. Discussion followed. R. Bogue MOVED to establish a Special Town Meeting on January 20, 2015 at 6:45 pm in the Adella G. Urban Administrative Offices Conference Room for the following purposes:
Clause 1 - Transfer \$3,500 from Capital Account #20-6190-001 entitled "Rec Area Improvement" to Capital Account #20-6403-011 entitled "Boathouse & Murphy House Renovations."
Clause 2 - Transfer \$272,000 from Capital Account #20-6206-999 entitled "Capital Project Reserve" to Capital Account #20-6206-009 entitled "Bridge on Baker Hill Road.

Clause 3 – Transfer \$15,000 from Capital Account #20-6206-999 entitled “Capital Project Reserve” to new Capital Account #20-6206-016 entitled “Bridge on Latham Hill.” MOTION CARRIED 4:0.

6. COLUMBIA LAKE / DAM / BEACH

6.1 Sposito boat cover: S. Everett stated that he has been in contact with Angela Sposito in regards to the boat cover and would like to see it prior to voting on the applicant’s for a permit. This ITEM has been TABLED.

7. APPOINTMENTS / RESIGNATIONS

7.1 Hire of Jason Ferrigno as substitute Facilities Maintainer: R. Hellstrom MOVED to hire Jason Ferrigno as substitute Facilities Maintainer. MOTION CARRIED 4:0.

7.2 Resignation of Fire Marshal Les Kittle: The BOS thanked L. Kittle for his time serving the town and accepted his resignation.

7.3 Appointment of Michael Lester as Acting Fire Marshal: W. O’Brien MOVED to appoint M. Lester as Acting Fire Marshal for a term lasting no longer than July 5, 2015 or until a permanent Fire Marshal is hired. MOTION CARRIED 4:0.

7.4 Appointment of Maureen Allen (R) to Youth Services Committee: W. O’Brien MOVED to appoint M. Allen to the Youth Services Committee. MOTION CARRIED 4:0.

8. TOWN ADMINISTRATOR REPORT: M. Paquette stated that everything is going well and that staff has been helpful and great to work with. He explained that Jonathan Luiz spent a lot of time helping him prepare for his interim term. M. Paquette stated that he will focus on recruiting a permanent replacement for the Town Administrator and will assist with the FY 15-16 budget process. He plans on ensuring that town projects continue to move forward and that overall, things in town remain on track.

9. CORRESPONDENCE

9.1 Letter from St. Columba Church re donation to Fuel Assistance Fund

S. Everett shared recent correspondence received via mail with the BOS.

BUDGET

10.1 Transfers: None.

10.2 Refunds: R. Bogue MOVED to approve following refund:

AMOUNT	FROM	TO
\$278.41	Town of Columbia	CAB EAST LLC

MOTION CARRIED 4:0.

11. APPROVE PAYMENT OF BILLS: W. O’Brien MOVED to approve the total payment of bills in the amount of \$198,836.82. MOTION CARRIED 4:0.

12. BOARD MEMBER COMMENTS: R. Hellstrom stated that he is going to make a point to look at Szegda field.

13. EXECUTIVE SESSION

13.1 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): None.

14. ADJOURNMENT: S. Everett MOVED to adjourn at 7:39 pm and the MOTION CARRIED 4:0.

Respectfully submitted by Kimberly A. Bona



TOWN OF COLUMBIA

323 Jonathan Trumbull Highway, Columbia, CT 06237
(860) 228-0440 FAX: (860) 228-2847

Building & Land Use Department

TO: Board of Selectman
FROM: Paula Stahl, Town Planner
DATE: January 12, 2015

RE: Request from Walter Tabor to acquire town property

Jonathan asked that I prepare information for you regarding this request to acquire a 50' x 244' strip of land between the Robert Drive cul-de-sac and the Tabor property.

Background

In 1993 Paul Randazzo began developing Trumbull Estates in phases, the second phase included constructing Randazzo Drive. In 1995, the PZC approved the next phase of the subdivision that created Robert Drive with a cul-de-sac at the southern end with a 50' wide strip of land for a future connection to the undeveloped land to the south which was at that time owned by Sirak. The Town accepted Robert Drive as a town road on 6/18/96 and at the same time acquired this strip of land as town property.

In February 2000, after the town acquired the strip of land, Nancy Tabor acquired the parcel to the south. In 2013, a grassland reserve easement prohibiting development was placed on some of the Tabor property, including on several acres opposite the Robert Drive cul-de-sac. Although development would be prohibited on the conservation areas, there are strips of land without the easement that would provide access to land to the east and west of the conservation area for future development.

Legal Considerations

In looking through the deed records in the Town Clerk's office, I did not find a deeded right-of-way on file that grants a written right-of-way for the Tabor's, or the prior owner, to cross the strip of land at the Robert Drive cul-de-sac.

In CT law, if one land owner has continuously crossed over another's property for 15 years they are considered to have a right-of-way; however, unlike with an individual's ownership, that right does not automatically continue if the property is acquired as municipal land as this strip has been.

I asked Rich Roberts, Town Attorney, for information concerning rights-of-way and if the Tabor's had a legal right-of-way across the town land. Rich said, "he would have to demonstrate that he had either been granted a formal written right-of-way or that he had used the right-of-way continuously for at least 15 years prior to the time the town acquired the strip. If the right to use that right-of-way had been with the consent and acquiescence of the prior owner, he may

January 12, 2015 to Board of Selectmen cont.

not have the right to continue to do so because it is not an easement that ripened into title by virtue of being "adverse" but was a license granted by the prior owner which may be revoked at any time. If the BOS wants to be accommodating, they can grant the farmer a revocable license to use the right-of-way but require insurance, etc. " Attached is the full email from Rich Roberts.

Considerations

Although several acres of the Tabor property have an easement prohibiting development, there still is significant land that could be subdivided by the Tabors or a future owner. The access for the rear portion of that subdivision would be off the Robert Drive cul-de-sac.

Process

Mr. Tabor needs to formally request the purchase in writing, the request needs to include the intended use and intensity of the use.

If the Board of Selectmen wishes to either sell or grant a license to use the strip of land the process would be the similar to any other sale of town owned land.

If the land were to be sold:

The fair market value of the property would need to be determined.

The PZC would need to modify the original subdivision; the modification could be done in conjunction with the 8-24 referral needed before any property is sold.

The decision to sell would be by Town Meeting, and residents on Roberts Drive should be notified of the meeting.

The condition of the sale would include the limitation on permitted uses and activity levels based on the Tabor's written request and public comment at the Town Meeting.

The 50' x 244' parcel cannot stand alone and must be combined with a larger property as statutes prohibit the creation of a non-buildable lot.

If a license were granted to use the property:

Mr. Tabor would need to request the ability to use the property for specific uses.

The Board would need to agree to those uses, and refer it to PZC for 8-24 review.

The Town Attorney would draft the appropriate language for the license.

From: Roberts, Richard P. [mailto:ROBERTS@halloransage.com]
Sent: Monday, December 15, 2014 10:10 AM
To: Paula Stahl
Subject: RE: right of way - continued ...

Hi. I will respond to the various issues below. Please let me know if you have any questions. Thanks.
Rich

From: Paula Stahl [mailto:pstahl@columbiact.org]
Sent: Thursday, December 11, 2014 2:03 PM
To: Roberts, Richard P.
Subject: right of way - continued ...

Hi Rich,

We spoke earlier this week about a farmer wanting to purchase the strip of land (244' x 50') that was left as a stub for future connections to his property for development. Jonathan would like me to provide a list of scenarios.

Assuming that the abutter currently has a right to cross this strip of town owned land – would he be able to improve the access (such as remove the curb and improve the path with gravel) without purchasing the strip. I'm presuming that would need to be with town approval.

The farmer's rights to modify the right of way depend in part on how he acquired it. If it was ever formally granted, he would have whatever rights are set forth in the written instrument. Otherwise, he probably only has the right to continue to use it in substantially the same manner that he has been using it. Any changes to the scope of that use or to the land itself would require the consent of the town as the landowner.

A bit of the time line with the subdivision and the farmer's land. In 1995 the town approved the subdivision, and took the road as a town road in 6/18/96. In 1998 the adjacent farm was acquired by the current owner (actually his wife). The land was acquired from an estate of a previous dairy farmer who had farmed it for 40 years; my guess is that there was a lag in operations as the property's ownership was three individuals. The property has frontage on Rte 87, and the dairy farm 'appears' to have been located near Rte 87 as that's where the old barn is located – although there may have been fields in the middle of the parcel, near the strip of land in question.

Did the town get a certificate of title or a title insurance policy at the time it accepted the road and the access strip? Those would identify any third party rights that existed at that time.

I don't know if the BOS would want to require him to prove his right to pass. But how would he go about it?

If they want to require him to prove his rights, he would have to demonstrate that he had either been granted a formal written right-of-way or that he had used the right-of-way continuously for at least 15 years prior to the time the town acquired the strip. If the right to use that right-of-way had been with the consent and acquiescence of the prior owner, he may not have the right to continue to do so because it is not an easement that ripened into title by virtue of being "adverse" but was a license granted by the prior owner which may be revoked at any time. If the BOS wants to be accommodating, they can grant the farmer a revocable license to use the right-of-way but require insurance, etc.

You can call or email with comments, or more questions. I'm here until about 3, and you can get me at 860 428 0369 anytime.

Paula

Paula Stahl, LLA, AICP
Town Planner
Columbia, CT
860-228-0440

Kim Bona

From: Bernadette Derring
Sent: Thursday, January 08, 2015 8:30 AM
To: Robin Kenefick
Cc: Kim Bona
Subject: FW: Letter of' Regisnation

Below is what Maureen Allen has sent me for resignation from her seat on Commission on Aging!

From: MJALLEN33@aol.com [mailto:MJALLEN33@aol.com]
Sent: Wednesday, January 07, 2015 11:23 AM
To: Bernadette Derring
Subject: Letter of' Regisnation

I hereby submit my letter of resignation to the CONA commission as of January 4th, 2015.

Sincerely,
Maureen Ann Allen

Kim Bona

From: Tom Livingston [tjbr@sbcglobal.net]
Sent: Thursday, January 15, 2015 3:16 PM
To: Kim Bona
Subject: COLUMBIA COMMISSION ON AGING

To whom it may concern,

I, Jill Livingston would like to become a member of the "Columbia Commission On Aging" on January 16, 2015

Respectfully,
Jill Livingston

Sent from my iPad

Town of Columbia
Budget Transfer Request
 FY: 2014-2015

DATE: 01/12/15 Budget Transfer # 2015-020

TO: Board of Selectmen

FROM: Administration 112
(Department Name) Dept. No.)

SUBJECT: REQUEST FOR TRANSFER OF FUNDS

I hereby request the following transfer of funds:

In-Budget (up to \$500) From Contingency (requires FIPAC)
 In-Budget (\$501 - \$10,000 requires FIPAC) Town Meeting

<i>Amount</i> <small>(whole dollars only)</small>	<i>From</i> <small>A/C#</small>	<i>Description</i>	<i>To</i> <small>A/C #</small>	<i>Description</i>
\$65.00	10-4112-300	Admin- Gen supplies	10-4112-750	Admin-Conferences/Seminars
\$				
\$				
\$				

REASON:

Need more funds in the 14/15 budget to send Interim Town Administrator to the Connecticut Council of Small Town Annual Town meeting on 01/14/2015

Signature of Dept. Head: _____

Date: _____

Date of BOS Meeting: <u>01/20/2015</u>		Refer to FIPAC : <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/> Approved by the Board of Selectmen		<input type="checkbox"/> Not Approved	
First Selectman Signature: _____		Date: _____	

Date of FIPAC Meeting: <u>N/A</u>	
<input type="checkbox"/> Approved by FIPAC <input type="checkbox"/> Not Approved	
FIPAC Chairman Signature: _____ N/A _____ Date: _____	

DETAIL STATEMENT OF ACCOUNTS - EXPENDITURE
 Itemized Appropriation, Expenditure and Encumbrance Transactions
 Account = First thru Last; Mask = 10-4112-750
 From July 2014 to June 2015

Account Number	Account Name	Current Year Budgeted	Period Expenditures	Current Year Expenditures	Encumbrances	Balance Remaining	Percent Left
10-4112-750	Conferences/Seminars	500.00	565.00	565.00	0.00	(65.00)	(13.00)
Transaction	Period	Date	Transaction Description	Vnd#	Vendor Name	Document#	Trn Amount
007746-000028	Ju1	2014	07/01/14	FY 14-15 OPERATING BUDGET		BG E BO	500.00
Appropriation Total							500.00
Transaction	Period	Date	Transaction Description	Vnd#	Vendor Name	Document#	Trn Amount
007924-000001	Ju1	2014	07/10/14	WORKSHOP 8-7-14 LUIZ	TECHNO TECHNOLOGY TRANSFER CENTER	AP V 037307 VE	75.00
007924-000002	Ju1	2014	07/10/14	WORKSHOP 8-26-14 LUIZ	TECHNO TECHNOLOGY TRANSFER CENTER	AP V 037307 VE	75.00
008028-000020	Ju1	2014	08/04/14	2014 ANNUAL CONVENTION	CCM CCM	AP V 037559 VE	120.00
008028-000069	Ju1	2014	08/04/14	LEGAL TRAFFIC AUTHORITY CLASS	UCONCT UCONN	AP V 037605 VE	75.00
008077-000010	Aug	2014	08/21/14	Repost Boat Safety Course		GL E EI	150.00
008367-000001	Jan	2015	01/12/15	2015 CT TOWN MEETING 01/14/15	COST CT COUNCIL OF SMALL TOWNS	AP V 038760 VE	70.00
Expenditure Total							565.00

* Need \$ 65.00 transfer
 Suggest 10-4112-300
 supplies

REQUEST FOR ABATEMENT OR REFUND OF PROPERTY TAXES

Sec. 12-81(20), Sec. 12-124, 12-125, 12-126, 12-127, 12-127a, 12-128, 12-129 Rev. as Amended
 This is to certify that Lenzi Richard P. + Luisa E.

has presented satisfactory proof that -he is entitled to an exemption on the assessment list of 10/01/2013

- Sec. 12-81 (20) Servicemen Having Disability Rating.
- Sec. 12-124 Abatement to poor.
- Sec. 12-125 Abatement of Taxes of Corporations.
- Sec. 12-126 Tangible Personal Property Assessed in more than one Municipality.
- Sec. 12-127 Abatement or Refund to Blind Persons.
- Sec. 12-127A Abatement of Taxes on Structures of Historical or Architectural Merit.
- Sec. 12-128 Refund of Taxes Erroneously Collected from Veterans and Relatives.
- Sec. 12-129 Refund of Excess Payments.

LENZI RICHARD P & LUISA E
 1 HENNEQUIN RD
 COLUMBIA CT 06237-0000

2013-01-0001303
 00008600
 341 RT 87 EAST



To **CAROL W. PRICE CCMC** Collector of **TOWN OF COLUMBIA** State of Connecticut.

hereby apply for ~~abatement or~~ refund* of such part of my tax as shall represent:

~~The service exemption or~~ Sec. 12-129 Refund of Excess Payments. 2nd installment paid in error.
 (State reason -- Cross out service exemption if it does not apply)

		Tax	Interest	Lien	Fee	Total	Overpaid Tax
Total Due	07/01/2014	2,930.04	0.00	0.00	0.00	2,930.04	
Total Paid	12/30/2014	4,395.06	0.00	0.00	0.00	4,395.06	-1,465.02 ***
Adjusted Refund		-1,465.02	0.00	0.00	0.00	1,465.02	

PLEASE READ, SIGN, AND DATE BELOW:

I am entitled to this refund because I made the payments from funds under my control, and no other party will be requesting this refund. I understand that false or deliberately misleading statements subject me to penalties for perjury and/or for obtaining money under false pretenses.

X RICHARD P. LENZI
 Print Name

Richard P. Lenzi 1-9-15
 Signature of Taxpayer Date

COLLECTOR'S RECOMMENDATION TO THE GOVERNING BODY

To the First Selectman, or _____
 It is recommended that refund* of property taxes and interest in the amount of 1,465.02
 be made to the above-named taxpayer in accordance with the provisions of Section (s): 12-129

DATED AT TOWN OF COLUMBIA, CONNECTICUT THIS 08 DAY OF January 2015

Carol W. Price
 CAROL W. PRICE CCMC
 (860) 228-0230

ACTION TAKEN BY GOVERNING BODY

The First Selectman, as authorized by the Board of Selectman, or _____
 approved on the _____ day of _____ 20____. It was voted to refund
 Property Taxes and Interest amounting to \$ _____ to _____.

 First Selectman

 Other Governing Body

 Clerk

**Cross out abatement or refund as required.

