

OFFICE OF THE  
FIRST SELECTMAN

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Lynne A. Vanderslice  
*First Selectman*

David K. Clune  
*Second Selectman*

Michael P. Kaelin  
*Selectman*

Lori A. Bufano  
*Selectman*

Deborah McFadden  
*Selectman*

TOWN HALL  
238 Danbury Road  
Wilton, CT 06897

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BY: a7

**BOARD OF SELECTMEN**  
**Monday, April 16, 2018 at 7:30 PM**  
**Meeting Room B, Town Hall**

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

**ABSENT:** Deborah McFadden (Excused)

**GUESTS:** Michael Conklin, Chief John Lynch, Town Labor Attorney Chris Hodgson,  
Anne Kelly-Lenz, Sarah Taffel, Erik Haakonsen-BoE, Charlie Taney-NRVT

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

**A. Call to Order**

Ms. Vanderslice called the meeting to order at 7:30 PM.

Ms. Vanderslice asked for a motion to move Item E-10 – BoE Computer Lease ahead of the Executive Session and a motion to add an Update on Café Ruche lawsuit to Item H – Executive Session. Motion made by Mr. Clune, seconded by Ms. Bufano and carried 4-0.

**B. BoE Computer Lease**

Mr. Haakonsen, IS consultant for the BoE, and CFO Anne Kelly-Lenz presented a lease for BoE equipment, requesting it be authorized by the BOS subject to approval of the BoE budget at the Adjourned Town Meeting. After review Ms. Vanderslice asked for a motion to tentatively approve a potential lease for the purchase of items as listed on the schedule (attached) in an amount equal to what will be budgeted for FY19. Moved by Mr. Clune seconded by Mr. Kaelin and carried 4-0.

**C. Executive Session**

Ms. Vanderslice asked for a motion to go into Executive Session for Discussion of Pending Claim/Pending Litigation, Zimnoch vs. Town of Wilton and invite Sarah Taffel, Chief John Lynch and Town Labor Attorney Chris Hodgson. Motion moved by Ms. Bufano, seconded by Mr. Clune and carried 4-0.

Out of Executive Session at 7:58PM

**D. Consent Agenda**

Motion made by Mr. Clune seconded by Mr. Kaelin and carried 4-0 to approve the consent agenda as follows:

**Minutes**

- Board of Selectmen Regular Meeting – April 2, 2018

**Gifts**

- Donation for shade tree in Wilton Center – Mark & Rachel Dibner - \$525

**E. Public Comment**

None

Ms. Vanderslice asked for a motion to move Item 6 – NRVT Stantec Engineering Contract under Discussion and/or Action to Item 1. Motion moved by Mr. Clune, seconded by Mr. Kaelin and carried 4-0.

**F. Discussion and/or Action**

**1. NRVT Stantec Engineering Contract**

Charlie Taney, Executive Director of the NRVT reviewed the NRVT Stantec Contract. Mr. Taney noted that the contract is for engineering and permitting work that will be done for the WilWalk (called WilWalk because of the connection between Wilton and Norwalk) section of the NRVT. After review motion moved by Mr. Clune to approve the contract with Stantec Engineering and authorize the First Selectman to sign the contract subject to final verification that it is fully reimbursable even if construction does not proceed. Motion seconded by Ms. Bufano and carried 4-0.

**2. Keep America Beautiful and Town Wide Clean up-April 28<sup>th</sup> – Mike Conklin**  
Mr. Conklin updated the board on Town Wide Clean up Day which is taking place on April 28, 2018. He noted that Jennifer Fanzutti in the Environmental Department is taking the lead on Town Wide Clean-up. He noted that raffle prizes will be given out again this year. Wilton Kiwanis will be donating \$500 in raffle prizes. Pinochio's Pizza will have a coupon for a free slice of pizza for all participants and Wilton Hardware will be providing \$100 in gift certificates. Motion made by Mr. Kaelin to accept the donation of \$500 in raffle prizes from Wilton Kiwanis for Town Wide Clean up Day. Motion seconded by Mr. Clune and carried 4-0.

Mr. Conklin reviewed Keep America Beautiful application. He is recommending that the Town of Wilton become an affiliate of Keep America Beautiful. There is an initial \$3000 fee to become an affiliate and an annual renewal fee of \$165. He noted that he believes becoming an affiliate will be beneficial to the Town. After review, motion made by Mr. Clune to approve the application and paying the necessary fee, seconded by Ms. Bufano and carried 4-0.

**3. Dana Dam – Mike Conklin**

Mr. Conklin reviewed Dana Dam. Ms. Vanderslice clarified for those not familiar that Dana Dam is located on the Norwalk River in the stretch between Merwin Meadows and School Road. He noted that the dam will soon be the lead impediment for fish passage in a 14 mile stretch of the Norwalk River. There is

8000 cubic yards of contaminated sediment behind the dam. Looking for the Town to partner with Trout Unlimited in removal of the dam, and the first step would be to prepare a formal letter from the Town of Wilton in support of the removal and assign Mike Conklin & Chris Burney as lead project managers for the Town to begin the permitting process. Further into the project Trout Unlimited will be investigating grants to fund the cost for the removal of the dam. Motion made by Mr. Clune to draft a formal letter in support of the Permit Application and to support the Permit Application and to authorize the First Selectman to sign the Permit Application, seconded by Ms. Bufano and carried 4-0

4. Wetland Permit Application 3rd Party Review Contract – Mike Conklin  
Mr. Conklin reviewed the Wetland Permit Application 3<sup>rd</sup> Party Review Contract. Mr. Conklin noted that Town Counsel has reviewed the contract. After review, motion moved by Mr. Clune to allow the First Selectman to execute the contract pertaining to the Wetland Permit Application 3<sup>rd</sup> Party Review Contract with Vanasse Hangen Brustlin LLC. Motion seconded by Mr. Kaelin and carried 4-0.
5. Update on Fracking Waste Legislation  
Ms. Vanderslice provided an update on Senate Bill 103, which would ban fracking waste Legislation that is with the legislature. Representative Gail Lavielle is a sponsor. She noted that the bill moved out of the joint environmental committee with a 29-1 favorable vote. Ms. Vanderslice read a statement, attached. She urged residents who are concerned about the bill to contact the leadership of the house and the senate and urge them to bring the bill to a vote.
6. Wilton YMCA Subordination Request  
Ms. Vanderslice reviewed the Wilton YMCA Subordination Request. The Wilton YMCA is seeking to secure two loans for the renovations of their property in town. The title to the property includes language about possible reversion to the Town should the property cease being used for YMCA purposes. The board reviewed an email from the YMCA's attorney to Town Counsel, the bank is asking the town to subordinate its reversion. The town previously did such back in 2001 for a previous loan. She noted that if the Town does not subordinate, it is unlikely the loan will be made. The Subordination Agreement was reviewed and approved by Town Counsel. After review, motion made by Mr. Kaelin to approve the Wilton YMCA Subordination Agreement and authorize the First Selectman to sign the agreement, seconded by Mr. Clune and carried 4-0.
7. Consideration of Vote to Approve Settlement Agreement in Resolution of Pending Claim/Pending Litigation, Zimnoch vs. Town of Wilton  
Ms. Taffel reviewed the Settlement Agreement in Resolution of Pending Claim/Pending Litigation, Zimnoch vs. Town of Wilton. As per discussion held in Executive Session, Ms. Vanderslice asked to receive a motion which was made by Ms. Bufano to approve the Settlement Agreement in Resolution of Pending Claim/Pending Litigation, Zimnoch vs. Town of Wilton and authorize the First Selectman to sign, seconded by Mr. Clune and carried 4-0.
8. Non Union Employees – Eligibility Benefits  
Ms. Taffel reviewed Non Union Employees – Eligibility Benefits. Ms. Taffel proposed the attached benefit eligibility for part-time employees for 2018. After review a motion to adopt a policy for the benefit eligibility requirements for town

employees as proposed moved by Mr. Clune seconded by Mr. Kaelin and carried 4-0.

9. Entry Level Firefighter Testing

Ms. Taffel reviewed the Entry Level Firefighter Testing. Ms. Taffel noted that over a year ago the Fire Chiefs Association in the state decided to explore the possibility of forming a consortium to handle recruitment for entry level firefighters. After discussions with representatives from various towns and cities (approximately 10 towns/cities), Industrial Organizational Solutions (IOS) was the company selected. Ms. Taffel noted that the agreement only covers this present recruitment and does not obligate the town any further. After further review, motion moved by Mr. Clune to authorize the First Selectman to sign the Engagement Agreement with Industrial Organizational Solutions, seconded by Ms. Bufano and carried 4-0.

10. Update on debris clean up – Burn Permits

Ms. Vanderslice provided an overview of debris clean-up-Burn Permits. She noted that clean up is ongoing and efforts are being performed street by street. Residents are reminded that the town is only picking up debris that has fallen into the town right of way. If debris is deposited into the Town right of way and co-mingled with what fell, none of that debris will be picked up.

Staging area in the parking lot by Comstock is to be used by town only. Any other disposal would be considered illegal dumping.

She noted that many residents are using SeeClickFix to notify the Town of trees which they feel could potentially fall. Ms. Vanderslice thanked them for that, and encouraged others to use SeeClickFix to report non emergency work request or issues.

Ms. Vanderslice noted that residents are burning their debris, which is allowed. She noted comments from the chief regarding burn permits that is attached.

Ms. Vanderslice read a letter from resident Suzanne Konover that was written to Chris Burney thanking the department of Public Works and especially Ben Monroe and Mike Moran for the recent roadside clean up on Morand Lane.

11. Update on Assessment Appeals

Ms. Kelly-Lenz gave an update on the Assessment Appeals process. She noted that the new Assessor Sarah Scacco started on April 2, 2018. Appeals process began last week and is a very intensive two weeks. Appeals end on April 21, 2018 and then the deliberations begin.

12. Annual Town Meeting – May 1<sup>st</sup>, Clune Center 7:30PM

- Ms. Vanderslice noted that the Annual Town Meeting is on May 1, 2018, 7:30PM at the Clune Center. She stated that she will once again nominate Scott Lawrence to be the moderator and as Town Counsel Ira Bloom is unavailable, Attorney Mario Coppola from Berchem Moses will step in as Parliamentarian. Registrars Annalisa Stravato and Karen Birck are up to speed.

- Saturday Voting-May 5, 2018, 8:00am – 6:00pm, Clune Center
- Get Out the Vote Effort  
Ms. Vanderslice noted that the code red phone call system, electronic signage on Route 7, information posted on the town website and on the Wilton 411 Facebook page will be utilized to get information out to the public on the upcoming May 1, 2018 Annual Town Meeting and vote.

### 13. Vacancies

- Zoning Board of Appeals – Replacing Kenny Rhodes who has moved  
Ms. Vanderslice noted that there is an opening on the Zoning Board of Appeals for a regular member to replace Kenny Rhodes who has moved.

Ms. Vanderslice also noted that all Economic Development Commission positions have a term ending date of June 30, 2018 and there will be openings on that commission.

## G. Selectmen's Reports

### 1. First selectman

- Town wide Clean up Day  
Ms. Vanderslice reiterated that Town Wide Clean Up Day is April 28, 2018 and takes place from 9:00am–12:00 noon - gather at the Town Green
- POCD Meeting – April 19, 2018  
Ms. Vanderslice noted that the next Planning & Zoning POCD Meeting is taking place on April 9, 2018 at Trackside at 7:00 PM. The subject is Community Facilities and Infrastructure.
- Ms. Vanderslice noted she received an update from Debra Thompson-Van who is heading up Sustainable CT for the Town. Debra will be coming to a future BoS meeting as the Board will need to adopt a resolution for participation. In the meantime, she is doing an outstanding job working with Sustainable CT to stream line the process and reaching out to various boards and commissions to inform them. She noted Ms. McFadden is interested in being involved. As it moves forward, she noted Ms. McFadden may like to act as the liaison for the BoS.
- Ms. Vanderslice noted that she will be attending the BoF meeting on April 17, 2018 and will be discussing the bonding referendum items.
- Ms. Vanderslice also noted the Library Book Sale is taking place this weekend.

### 2. Selectmen

Mr. Kaelin  
None

Mr. Clune  
None

Ms. Bufano

Ms. Bufano noted that there has been a bevy of activity around the town for the sale of properties along Route 7 and she is happy to see that.

H. Public Comment

Vicki Mavis of **Ridgefield Road** – spoke and posed questions with regard to various subjects. Questions were answered by First Selectman Vanderslice and CFO Anne Kelly-Lenz.

I. Executive Session

- Update on Pension Negotiations – Firefighters
- Discussion of Possible Land Sale
- Café Ruche Lawsuit Update

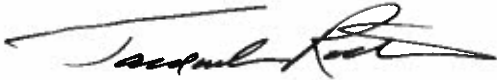
Motion made by Mr. Kaelin to enter into Executive Session at 9:31PM to discuss Update on Pension Negotiations – Firefighters and invite Sarah Taffel for that topic, an update on the Café Ruche Lawsuit and Discussion of a Possible Land Sale. Motion seconded by Mr. Clune and carried 4-0.

Out of Executive Session at 10:22PM.

J. Adjournment

Having no further business, Ms. Vanderslice asked for a motion to adjourn. Motion made by Mr. Clune to adjourn meeting at 10:24PM. Motion was seconded by Ms. Bufano and carried 4-0.

Annual Town Meeting – May 1, 2018  
Adjourned Vote – Saturday May 5, 2018  
Next Meeting – May 7, 2018

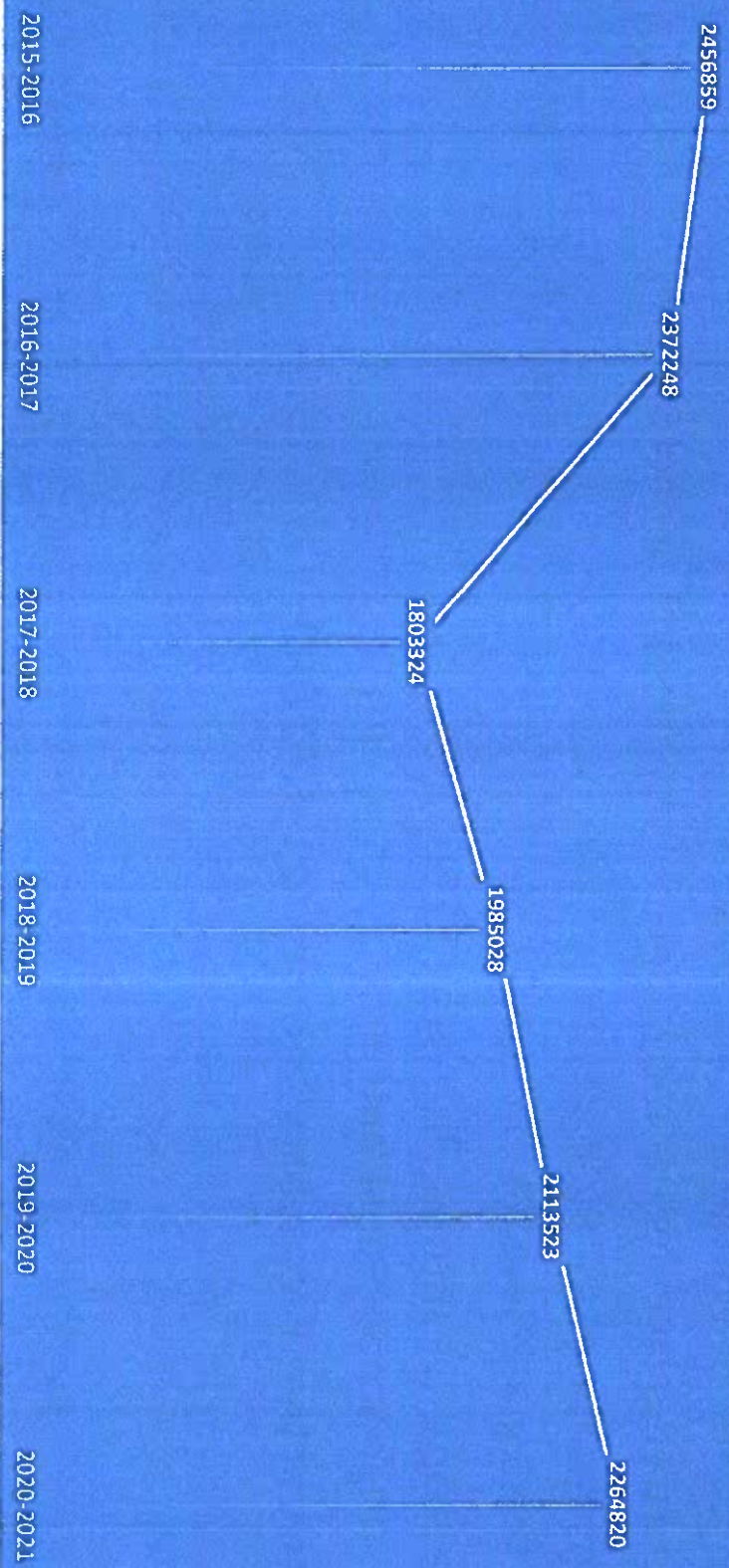


Jacqueline Rochester  
Recording Secretary  
Taken from Video

# 2018-2019 – Lease Purchases

- Switches & Wireless - \$480,000
  - Full Replacement of the Middle School and High School Systems
- Chromebooks - \$290,000
  - 985 grade level Chromebooks
- Laptops, Desktops, Tablets - \$160,000
  - High School Replacement
- Interactive Projectors and Boards - \$70,000

## TECHNOLOGY BUDGET PROJECTION





## **April 16, 2018 Board of Selectmen Meeting**

### **Update on SB 103, Ban on Fracking Waste**

You may recall at our January 8<sup>th</sup> meeting, there was a short discussion about a bill in the legislature, which would permanently ban fracking waste in CT. I want to provide an update, as now is a critical time for the bill.

SB-103, of which Rep Gail Lavielle is a co-sponsor, moved out of the Joint Environmental Committee with a 29-1 favorable vote. Gail has indicated there is good support and we should know in three and half weeks whether the bill passes the House and the Senate. In 2017, a similar bill, HB 6329, passed the House by a vote of 141-6. Unfortunately that bill, along with many others, sat in the Senate and was never acted upon.

I've been in contact with Toni Boucher. She has assured me the bill is on the calendar. But, as we know from last year, that doesn't mean the Senate will vote on the bill. Therefore residents who are concerned about the bill should now be contacting the leadership of the House and Senate, from both parties, to urge them to bring the bill up for a vote.

Fortunately in 2014, the Legislature adopted CGS 22a-472, which places a moratorium on, among other things, the receipt, storage, transfer or disposal of fracking waste. Under section (b) of the statute, the moratorium is in effect "until the Commissioner of Energy and Environmental Protection adopts regulations, in accordance with provisions of chapter 54, including approval of such regulations by the standing legislative regulation review committee." Those regulations are due on July 1 of this year. All indications are that the Commissioner will not be submitting such regulations, so the prohibition will remain, unless replaced by the ban in SB-103. Town Counsel has reviewed the statute and it is his opinion the prohibition remains in effect.

I also want to clarify a couple of related items about which this is misunderstanding:

Since fracking waste is prohibited, no application can be made to DEEP for a permit to dispose, treat, transfer, etc. fracking waste

Fracking waste is used in some liquid deicing products. Those products are prohibited in CT.

The State uses deicing products. DOT Commissioner Redeker has publicly stated the products put on state roads do not include fracking waste. Obviously it would be illegal for the State to do otherwise.

The Town does not use liquid deicing products

The Town uses crushed rock salt and sand. The sand is sourced from the provider's own property. The provider does not bring in sand from other areas. The property is not in an area where fracking occurs. The provider performs sieve analyses. We have a copy of the results.

Wilton employee Mike Ahern, who is an environmental engineer, has reviewed this information. I want to emphasize that he is an environmental engineer, not a civil engineer.

Town departments, including building and health, are required to look to CT statutes for what is allowed and not allowed.

Town Departments work in collaboration with CT DEEP. A recent example is the spill on Ridgefield Rd. DEEP was responsible for the spill assessment and clean up. Wilton's Health Director was responsible for assessing the portability of water from the contaminated well.

The Town, just like every other property owner in Wilton, must obtain the appropriate permits and approvals from the State when dealing with materials. For example, this occurred prior to the removal of asbestos and PCBs at Miller Driscoll.

I have for you a copy of SB103 and a Bulletin from CCM (CT Conference of Municipalities).

As you will note in pp4, per CCM SB103 is the same language as is being promoted by Food and Water Watch for town ordinances, except in SB103 responsibility for regulation and enforcement is with DEEP. Under the proposed town ordinance, that responsibility would be with the Town.

CCM is recommending DEEP be responsible which certainly makes sense as they have the infrastructure and expertise.



## **ORDINANCES RELATED TO FRACTURING WASTE**

By way of background, C.G.S. 22a-472, adopted in 2014, places a moratorium on the disposal of natural gas hydraulic fracturing waste in Connecticut and requires the Department of Energy and Environmental Protection (DEEP) to issue regulations regarding the handling of such waste by July 1, 2018. It appears that DEEP will not be prepared to issue regulations by that time.

Food and Water Watch (FWW), a non-profit advocacy organization, has indicated that the moratorium adopted in 2014 and the language contained in [Public Act 14-200](#) did not go far enough. Namely, in addition to the substances that are addressed under the moratorium and the proposed legislation, the organization recommends additional language that bans waste resulting from oil extraction activities; byproducts of the well drilling process, which occurs prior to fracking; and products derived from solid waste products that may include construction fill, brownfield capping materials, or used frac/silica sand that is partially processed and reused. Unsuccessful in advocacy for the inclusion of this ban expansion language at the state level, the organization has been advocating for the adoption of local ordinances banning this waste. To date, over thirty municipalities have adopted language, with some variation, as recommended by this organization.

Currently the legislature is considering a bill, [SB 103 An Act Concerning Hydraulic Fracturing Waste in Connecticut](#), that would (1) permanently ban, eliminating the current moratorium, accepting, receiving, collecting, storing, treating, transferring, selling, acquiring, handling, processing, and disposing hydraulic fracturing ("fracking") waste, natural gas waste, or oil waste in Connecticut and (2) require that before approving a research request, the DEEP commissioner must adopt regulations that, among other things, eliminate the exemption in the state's hazardous management regulations for drilling fluids, produced waters, and other wastes associated with exploring, developing, or producing crude oil, natural gas, or geothermal energy.

**This bill mirrors ordinance language that is being promoted by FWW, but the key difference is that SB 103 appropriately provides that DEEP be the regulator and enforcer of such waste statewide, while the ordinance FWW is advocating puts the responsibility of enforcement on the municipality. Should SB 103 not be enacted into law, municipal ordinances that are on the books will effectively be more expansive in banning this waste than state statute, leaving the municipality responsible for regulating and enforcing such waste in their locality. This exposure will place a fiscal burden on municipalities to ensure the proper resources and expertise are on staff or consulted to appropriately regulate and enforce such a ban.**

CCM recommends that you ask your state Senate and House delegation members to support SB 103 and place the onus on the DEEP to regulate and enforce such waste in our state.

★★★★

Please contact Donna Hamzy, Advocacy Manager, if you have questions or need further clarification regarding these public hearings via email at [dhamzy@ccm-ct.org](mailto:dhamzy@ccm-ct.org) or via phone at (203) 843-0705.

*This bulletin has been sent to CCM-member mayors, first selectmen, town/city managers.*

Benefits Eligibility Requirements for Non-Union Town Employees						
Benefit	Current Eligibility Threshold	Recommended Eligibility Threshold	Benefit	Effective Date of Change		
Health Insurance	20 Hours/Week	30 Hours/Week	Full	5/1/2018		
Dental Insurance	20 Hours/Week	30 Hours/Week	Full	5/1/2018		
Life Insurance	20 Hours/Week	30 Hours/Week	Full	5/1/2018		
AD&D Insurance	20 Hours/Week	30 Hours/Week	Full	5/1/2018		
LTD Insurance	20 Hours/Week	30 Hours/Week	Full	5/1/2018		
Retirement Plan	20 Hours/Week	20 Hours/Week	Full	N/A		
Vacation Leave*	14 Hours/Week	20 Hours/Week	Pro-rated	5/1/2018		
Sick Leave*	14 Hours/Week	20 Hours/Week	Pro-rated	5/1/2018	See Note below.	
Holiday Pay*	14 Hours/Week	20 Hours/Week	Pro-rated	5/1/2018		
Personal Leave	None	None	None	N/A		
Longevity	14 Hours/Week	20 Hours/Week	Pro-rated	5/1/2018		
* Current employees working 14-19 hours will have their benefits grandfathered.						
Note: State law provides for sick leave benefits for part-time employees that will prevail under certain circumstances.						
4/16/18:slt						

### **Burning Permits:**

- ❖ Residents obtain a burning permit at WFD Headquarters, 236 Danbury Rd.
- ❖ Permits are valid for 10 days.
- ❖ If it's the first time the permit holder will be burning, the FD will do a site survey and help the permit holder select a site.
- ❖ The area around the burn site must be wet down prior to starting and a garden hose or other suitable extinguishing device must be on hand.
- ❖ The permit holder must call in to the FD each day they wish to burn at 203-834-6246 to get daily authorization.
- ❖ Permission to burn is based on CT State DEEP (Dept. of Energy and Environmental Protection) determination in two areas: 1-the fire danger level is and 2-air quality for that day.
- ❖ Allowable materials: brush only and no larger than 2" in diameter. Processed wood (pallets, furniture, lumber, etc.) are prohibited.
- ❖ Burning is only permitted between 10AM and 5PM with winds between 5 and 15 MPH.
- ❖ Permit renewals require an in-person visit to Fire Headquarters.
- ❖ Rocco Grosso is the Town Fire Marshal and the Town's Burn Official as authorized by you and the CT State DEEP.