

Town of New Fairfield
Board of Selectmen
4 Brush Hill Road
New Fairfield, CT 06812

MINUTES

Board of Selectmen Regular Meeting
Thursday, December 14, 2023
7:30 PM
Via Zoom

Members present:

Melissa Lindsey, First Selectman
Pat Del Monaco, Selectman
Tom Perkins, Selectman

Other Town Officials Present:

Olga Melnikov, Finance Director
Holly Smith, Town Clerk
Shareen Langdon, Tax Collector
Dr. Kenneth Craw, Superintendent of Schools
Carrie DePuy, Director of Business and Operations
Doug Jendras, BOF Chairman
Wes Marsh, BOF Member
Thora Perkins, BOF Member
Claudia Willard, BOF Member
Dominic Cipollone, BOE Chairman
Tim Blair, BOE Member
Greg Flanagan, BOE Member
Ed Sbordone, BOE/PBC Member
Amy Johnson, BOE Member
Sue Huwer, BOE Member
Don Kellogg, PBC Chairman

Quintin Flower explained the rules and procedures for a virtual meeting.

Call To Order First Selectman Melissa Lindsey called the meeting to order at 7:32pm.

Pledge of Allegiance

Public Comment

Chairman of the Permanent Building Committee Don Kellogg spoke of concerns that members of the PBC were not notified about the Executive Session on the agenda even though the PBC is a plaintiff in the case.

Christine Garabo pointed out that the PBC members are appointed members and not elected members.

Correspondence and Announcements- None

Approval of Minutes

Tom Perkins made a motion to approve the minutes of the special meeting of November 30, 2023.
Pat Del Monaco seconded the motion. **Vote: 3-0-0 (Motion approved)**

Budget Transfers

Pat Del Monaco made a motion to approve the following Intra-Departmental transfer of \$32,400.

Tom Perkins seconded the motion. **Vote: 3-0-0 (Motion approved)**

\$	Transfer From		\$	Transfer To	
\$1,000.00	001-4160-0000-000/250.00	Unclassified Payroll and Benefits- Unemployment	\$1,000.00	001-4160-0000-000/580.00	Unclassified Payroll and Benefits- Mileage
\$500.00	001-4164-0000-000/615.00	Business Machines- Postage	\$500.00	001-4164-0002-000/413.01	Business Machines- Tax Collector
\$900.00	001-4210-0005-000/130.00	Police-SRO Overtime	\$900.00	001-4210-0006-000/100.01	Police-Specialty Pay
\$30,000.00	001-4210-0005-000/130.00	Police-SRO Overtime		001-4210-0005-000/130.00	Police-Overtime
\$32,400.00			\$32,400.00		

Approve Tax Refunds recommended by the Tax Collector

Tom Perkins made a motion to approve the Tax Collector’s refund requests for December 14, 2023 totaling \$2,783.01 as presented. Melissa Lindsey seconded the motion. **Vote: 3-0-0 (Motion approved)**

Personnel Report- None

Appointments

Melissa Lindsey made a motion to appoint Ken Huwer as an alternate member of the Zoning Commission. Tom Perkins seconded the motion. **Vote: 2-1-0 (Motion approved- Pat Del Monaco opposed)**

Melissa Lindsey made a motion to appoint Tom Perkins, Pat Del Monaco and Melissa Lindsey as the Traffic Authority of the Town. Tom Perkins seconded the motion.

Vote: 3-0-0 (Motion approved)

Melissa Lindsey made a motion to appoint Ann Brown as an alternate member of the Zoning Board of Appeals. Tom Perkins seconded the motion. **Vote: 3-0-0 (Motion approved)**

Melissa Lindsey made a motion to appoint Tom Perkins as an ex-officio member of the Housing Opportunities Committee. Tom Perkins seconded the motion. **Vote: 3-0-0 (Motion approved)**

Melissa Lindsey made a motion to appoint Pat Del Monaco as an ex-officio member of the Housing Opportunities Committee. Tom Perkins seconded the motion. **Vote: 3-0-0 (Motion approved)**

Old Business- None

New Business

Executive Session for the purpose of discussing pending litigation regarding Town of New Fairfield et al vs. Zoning Commission of the Town of New Fairfield

Melissa Lindsey made a motion to enter into Executive Session at 7:46pm for the purpose of discussing pending litigation regarding Town of New Fairfield et al vs. Zoning Commission of the Town of New Fairfield and to invite Town Counsel John Marini from the firm of Marino, Zabel & Schellenberg into the Executive Session. **Vote: 2-1-0 (Motion approved- Pat Del Monaco opposed)**

Pat Del Monaco spoke of concerns as to why this matter needed to be discussed in Executive Session since it was currently before the judge. Attorney John Marini explained that this matter is still eligible for Executive Session since it is pending litigation.

Pat Del Monaco asked that the Permanent Building Committee Chairman, Board of Education Chairman and Superintendent of Schools be invited into the Executive Session and explained how this lawsuit affects their respective roles.

Melissa Lindsey made a motion to come out of Executive Session at 8:30pm. Pat Del Monaco seconded the motion. **Vote: 3-0-0 (Motion approved)**

Melissa Lindsey made a motion to authorize and direct Town Counsel to withdraw the lawsuit entitled Town of New Fairfield, et al v. Zoning Commission of New Fairfield, currently pending in the Hartford Superior Court, on behalf of all plaintiffs, including the Town of New Fairfield, the First Selectman of New Fairfield, and the Permanent Building Committee of New Fairfield. Tom Perkins seconded the motion. **Vote: 2-1-0 (Motion approved- Pat Del Monaco opposed)**

Selectman Pat Del Monaco spoke of her disappointment with the decision to withdraw this lawsuit. She noted that the appeal is currently before the judge and there are no more charges associated with it. She noted that the taxpayers have the right to hear the what the judge's decision would be in regard to this case. She further spoke of the cost to the taxpayers to construct an alternate location for the bus lot. She explained the role of the Board of Selectmen and implications to other boards regarding this matter.

First Selectman Melissa Lindsey explained that the decision was solely to withdraw the lawsuit and no decisions have been made regarding the location of the bus lot.

Public Comment

Olivia Micca spoke of her disappointment with the BOS decision to withdraw the lawsuit.

Terra Volpe spoke of her concerns regarding the decision to withdraw the lawsuit and noted that the decision to move the bus lot is confusing.

Gary Reetz spoke in support of the BOS's decision to withdraw the lawsuit.

Gabriel Gouveia spoke of concerns of decisions made by the new administration and the costs involved.

Sue Huwer thanked the BOS for taking the bus lot matter out of the courts and returning it to the town.

Jane Landers thanked the BOS for dropping the litigation regarding the bus lot.

Ken Huwer thanked the BOS for his recent appointment as an alternate member to the Zoning Commission. He further thanked the BOS for dropping the lawsuit.

Dominic Cipollone spoke of his disappointment with the withdrawal of the lawsuit and hopes that there is a better solution.

Thora Perkins thanked everyone involved with the decision of the bus lot and noted that it should not have been solved with litigation and encouraged boards to work together in the future.

Don Kellogg spoke of the inability of the PBC and the Zoning Commission to come up with a resolution and hopes that boards can work together better in the future. He spoke of the due diligence that the PBC did to determine that the Consolidated location is the best location.

Joshua Beckett-Flores spoke of his opposition with the decision to withdraw the lawsuit. He noted that Consolidated School has had a significant bus traffic for many years.

Superintendent of Schools Dr. Ken Craw spoke of the significant operational and financial implications to the schools if the bus lot is kept at the high school. He noted that the temporary location is not a feasible permanent solution. He asked to be kept apprised of any ideas or decisions regarding the bus lot in the future.

Greg Flanagan spoke of ways that the project has been modified to accommodate the homeowners in the area. He spoke of concerns of the financial impact of having to construct the bus lot in a different location.

Cynthia Ross-Zweig spoke as the chairman of the Planning Commission and reminded everyone of the statutory process for utilizing town properties.

Adjournment

Melissa Lindsey made a motion to adjourn the meeting at 8:53 pm. Tom Perkins seconded the motion.

Vote: 3-0-0 (Motion approved)

Respectfully submitted,
Suzanne Kloos

Received by email on 12/18/2023 @ 8:30 a.m.
by Chrystie M. Bontempo, Asst. Town Clerk, New Fairfield