

**TOWN OF SOMERS
BOARD OF SELECTMEN
MINUTES – SPECIAL MEETING & PUBLIC HEARING
Thursday, April 29, 2010, 6:00 p.m.
Town Hall Auditorium**

- 1 Call to order – First Selectman Lisa Pellegrini called the meeting to order at 6:07 p.m.
- 2 Members present – Kathleen Devlin, Lisa Pellegrini, Joseph Tolisano. Also present, Marcia Mitchell (recording), members of the ad hoc Efficiencies Committee – Chet Ladd, Jim Radziewicz and Paul Salva – and approximately 35 interested citizens. Town Attorney Carl Landolina joined the meeting at approximately 6:50 p.m., at which point parts of the original audience left and new citizens joined the audience, resulting in approximate attendance at the 7:00 p.m. public hearing of 35 interested citizens.
- 3 Pledge of Allegiance
- 4 Correspondence – Ms. Pellegrini shared with the Selectmen a letter from town employee, Michael Provencher, in which he documented his intention to retire effective July 1, 2010. Ms. Devlin and Mr. Tolisano asked Ms. Pellegrini to note their personal thanks to Mr. Provencher for his many years of service to the town. ***Motion (Ms. Devlin), seconded (Mr. Tolisano) and unanimously voted to accept Mr. Provencher's notice of retirement effective 7/1/2010, with thanks and regrets.***
- 5 New Business
 - 5.1 Efficiencies Committee Recommendation re: Health District. Ms. Pellegrini gave the audience background information. She said that late in 2009 she was contacted by both the current Health Director, Dr. Richard Segool and by the Town Sanitarian, Steven Jacobs regarding the fact that the state would be requiring towns with part-time health departments to join a health district in the not-too-distant future (2012-2014). She said that Dr. Segool had also pointed out the lack of public health programming in Somers that would be addressed by joining a health district. She explained that she had appointed an ad hoc Efficiencies Committee to evaluate the current situation and to make recommendations as to how the town should proceed in this regard. Ms. Pellegrini then read the following recommendation by the Efficiencies Committee from the minutes of its last meeting:

The committee recommends that Somers join the NCDHD for a two year commitment providing:

1. A phase-in of fees occurs over two years.
2. A mechanism to measure performance standards is in place to track NCDHD's performance.
3. It is delineated as to what town committee/body will decide to extend/not extend the commitment beyond two years.

Dr. Salva said that he had spoken with Mr. Barry, who fully supports the committee's recommendation in this direction.

The Committee voted 3-0, with one member absent, in favor of Somers joining NCDHD for the following reasons:

1. Somers will receive services and programs (VNA, Health & Nutrition Education and Maternal & Child Health) that it presently does not have.
2. Improvement in disease monitoring and control.
3. Somers will now be in a network of supporting towns in regards to disaster relief.
4. Streamlining of town government.
5. Secondary benefits by being eligible for grants (that would flow through NCDHD) for which the town is presently not eligible.

Ms. Pellegrini asked the present members of the Efficiencies Committee if they had any comments to add, and Dr. Salva said that the committee members believed that they had thoroughly evaluated all the available options in a relatively short timeframe (five

meetings over the last 8 weeks). Dr. Salva commented that the current situation was quickly becoming untenable, and that joining the health district was a good deal for the town. The committee spent a large amount of time with representatives of the state and the North Central District Health Department (NCDHD), and believes the organization is sound. Dr. Salva also commented that Mr. Jacobs will still be present in town and stationed at the Town Hall offices, even though he would become an employee of the Health District. Ms. Pellegrini said that there would be a public hearing regarding this move and that a special Town Meeting would be convened so that the legislative body could vote on whether or not the Town should join a health district. Ms. Pellegrini said that the selectmen would be happy to hear comments from the audience. James Botellio, chairman of the Somers WPCA expressed his concerns about joining a health district and the impact on the sewer plant of not having Mr. Jacobs. Ms. Pellegrini said that the NCDHD said that they could be flexible in allowing Mr. Jacobs to continue supporting the Somers WPCA. Mr. Botellio also requested that the NCDHD be present to answer questions at the Public Hearing. David Birkenshaw Sr., and Jeff Lipton, spoke against joining the health district, saying that their experience as contractors with the NCDHD was very negative; and that the service NCDHD provided in other towns was poor. Steven Getman, a member of the WPCA said he was concerned that Somers was one of the smallest towns among the members of the NCDHD. The Selectmen established that the process for determining whether or not the Town would join NCDHD – a public hearing will be held in the next several weeks, and subsequently a special town meeting will be scheduled for the legislative body to vote on the issue.

6 **Authorization of Scheduled Payments – *Motion (Mr. Tolisano), seconded (Ms. Devlin) and unanimously voted to authorize scheduled payments totaling \$303,429.06.***

At 6:50 the selectmen said that they would take a short recess until convening the public hearing at 7:00.

7 **Public Hearing (7:00 p.m.): *An Ordinance Combining the Planning and Zoning Commissions and Establishing the Somers Planning and Zoning Commission* – Ms. Pellegrini called the public hearing to order and gave some background in this regard. The public hearing notice was read for the record. Ms. Pellegrini introduced Town Attorney, Carl Landolina, who gave background information about past activity regarding the potential combining of the Planning and Zoning commissions by ordinance, and reviewed both opinions issued by his firm supporting the legality of this action. Ms. Pellegrini opened the floor to comments opposing the ordinance. *The following individuals spoke in opposition to the selectmen adopting the subject ordinance:***

Eva Brown, 125 Watchaug Road
Patrice Carson, 6 Camp Road
Ed Fedorowich, 232 Stafford Road
Barry Moynihan, 119 Maple Street
Diane Nelson, 106 Stafford Road
Bradley Pellissier, 167 Scully Road

David Pinney, 214 Maple Street
Carole Pyne, 46 Sunset Drive
Jeanne Reed, 32 Mountain View Road
W. Karl Walton, 45 Sunset Drive
Ralph Williams, 42 Springfield Road

Concerns in this regard related to the legality of taking this action without a charter revision; the checks and balances provided by having two separate committees; the fear that planning will be overlooked and/or ignored; why were the selectmen in a hurry to get this done; most towns that have combined commissions have a certified planner on staff; zoning issues, which are more tactical in nature, will dominate and planning issues, which are more strategic in nature, will be overlooked; mistrust in town government by finding a back-door way of changing the law of the town. When no further negative comments were forthcoming, Ms. Pellegrini opened the floor to comments in favor of the ordinance. *The following individuals spoke in favor of the selectmen adopting the subject ordinance:*

Timothy Keeney, 57 Maple Street
Chet Ladd, 184 Mountain View Road
William Salka, 43 Bald Mountain Road

Individuals who spoke during this section allowed that they might not be opposed or in favor, but that citizens needed to see all the pros and cons and the citizens should decide. Comments in favor included: applicants could benefit from improved communication created by a combined commission. Questions were asked about a planning subcommittee that the selectmen referred to, and how this subcommittee would be formed. Attorney Landolina said that all boards and commissions have the right to form subcommittees as long as they subcommittee is made up of

standing members of the commission. The selectmen commented that they envisioned this subcommittee taking up long-term planning issues separately from regular Planning/Zoning Commission meetings. Comments heard tonight are the same that were voiced at times when this action was considered in the past, people need to be aware of the risks of combining but also the opportunities that a combined commission would present. People who voiced opposition in the past were members or former members of planning and zoning commissions. When no further favorable comments were forthcoming, Ms. Pellegrini and the selectmen discussed the process they would follow in considering their decision of whether to adopt/drop the ordinance. They will have further discussion at their next meeting (5/6 cancelled and will be rescheduled for 5/13 so all selectmen can be present), and will make a decision at their regular meeting scheduled for 5/20. ***Motion (Ms. Devlin), seconded (Mr. Tolisano) and unanimously voted to close the hearing at 8:00 p.m.***

8 Adjournment – ***Motion (Ms. Devlin), seconded (Ms. Pellegrini) and unanimously voted to adjourn the meeting at 8:00 p.m.***

Respectfully submitted,

Marcia L. Mitchell
Exec Asst/Ops Mgr
Recording Secretary

MINUTES ARE NOT FINAL UNTIL APPROVAL AT A SUBSEQUENT MEETING