

**TOWN OF SOMERS
PLANNING COMMISSION
P.O. Box 308
Somers, Connecticut, 06071**

**REGULAR MEETING
THURSDAY, AUGUST 6, 2009
7:00 PM - TOWN HALL
MINUTES**

I. PUBLIC HEARINGS:

- a. SUBDIVISION APPLICATION #407, 3-LOTS, 380 FOUR BRIDGES ROAD (FOUR BRIDGES ESTATES), LIPTON – Vice Chairman, Clifford Bordeaux reconvened the captioned public hearing at 7:00 p.m. Commissioners briefly reviewed the minutes from the prior portion of the hearing. Mr. Genlot asked if procedure had been changed and commented that he had not received the 7/16/09 meeting package prior to that meeting. Ms. Mitchell and Mr. Cafarelli agreed that they would review the distribution procedures with the Land Use support staff. Mr. Pellissier commented that all the meeting materials were made available to the commissioners in the past in advance of the meetings. They don't necessarily need all the maps, but any requests of or concerns expressed by the Land Use staff were provided as part of the package. Mr. Bordeaux asked Mr. Lipton whether or not the most current plans showed the road improvements planned as part of the subdivision across the street. Mr. Cafarelli confirmed that those improvements were included; however, there were no road improvements planned as part of the subdivision application being reviewed. Mr. Cafarelli also commented that he had requested the applicant's engineer to confirm that the planned road width was sufficient for the average daily traffic (ADT) flow, and that the engineer had subsequently confirmed that fact. Mr. Lipton confirmed that he would accept the Town's appraisal for purposes of assessing the open space fee. Mr. Bordeaux asked Mr. Cafarelli if the application had currently met all the requirements of the Town's subdivision regulations, and Mr. Cafarelli confirmed that fact.
- Mr. Pellissier asked Mr. Cafarelli to explain the newspaper article that noted that his Connecticut PE License had lapsed.
- Mr. Cafarelli offered the following information: He has been a practicing PE since 1979. He has many licenses and certifications. In November of 2007 when he accepted his current position, he was in the process of closing his business, the renewal application for his CT PE license went to an invalid address and was never received by him. The newspaper article was his first notification that the license had lapsed. He has subsequently sent in his renewal application fee and has received his renewal license. A CT PE license is only required to stamp and certify plans, which he is not required to do in his current position, and has not done since taking his current position. He has both a Bachelor's degree and a Master's degree in Civil Engineering, and has been a practicing engineer for 30 years. During the time his CT PE license was lapsed, he did have a Massachusetts PE License, and Massachusetts and Connecticut are reciprocal on these licenses.
- Mr. Pellissier asked if the actions Mr. Cafarelli had taken in reviewing this subdivision came under the auspices of his PE License and Mr. Cafarelli replied that they did not, and in fact, if they had, the Town would need to have a special insurance policy to cover his individual liability in such a review. .
- Mr. Genlot commented that if he did not have a license he was not allowed to work, and that if Mr. Cafarelli did not have a license, he was not a PE in his (Mr. Genlot's) eyes. Mr. Genlot also commented that he did not have confidence in Mr. Cafarelli, and that, in his opinion, Mr. Cafarelli views the Town of Somers as only a paycheck.

Mr. Bordeaux asked if the commissioners had any other questions in relation to Mr. Lipton's subdivision application. There being none, Mr. Bordeaux asked for a motion to close the public hearing. ***Motion by Mr. Pellissier, seconded by Mr. Sutter and unanimously carried to close the public hearing on SUBDIVISION APPLICATION #407, 3-LOTS, 380 FOUR BRIDGES ROAD (FOUR BRIDGES ESTATES), LIPTON.***

II. CALL TO ORDER - Vice Chairman, Clifford Bordeaux, called the meeting to order at 7:25 p.m. Present, other than Mr. Bordeaux were Bradley Pellissier, Greg Genlot, Scott Sutter (seated for current commission vacancy), and William Salka (seated for Karl Walton). Also present were Selectman Kathleen Devlin, Selectman Joseph Tolisano, Town Engineer Robert Cafarelli, Marcia Mitchell as recording secretary, and two interested individuals.

Since the Town Attorney was not yet present, ***motion by Mr. Pellissier, seconded by Mr. Genlot, and unanimously carried to take the agenda out of order, beginning with item IV. a.*** until the arrival of the Town Attorney.

Town Attorney Carl Landolina arrived at 7:50 p.m. At 7:56 p.m., ***motion by Mr. Pellissier, seconded by Mr. Sutter and unanimously carried to resume the agenda in order beginning at item III. a., followed by item IV. b. and continuing in order thereafter.***

III. EXECUTIVE SESSION: at 7:56 p.m., motion by Mr. Pellissier, seconded by Mr. Salka, and unanimously carried to recess to Executive Session and to include in that session Mr. Tolisano, Ms. Devlin, and Mr. Cafarelli. Ms. Mitchell was excused.

- a. MEET WITH TOWN ATTORNEY TO DISCUSS PENDING CLAIMS AND LITIGATION: GEORGE SCHOBBER VS TOWN OF SOMERS – Commissioners, Town Attorney and invited guests came out of Executive Session at 8:31 p.m. No votes were taken.
- b. ***Motion by Mr. Pellissier, seconded by Mr. Sutter and unanimously carried to add an agenda item convening an EXECUTIVE SESSION TO DISCUSS PENDING CLAIMS AND LITIGATION: WYSOCKI VS. TOWN OF SOMERS.***

At 8:31 p.m., ***motion by Mr. Pellissier, seconded by Mr. Sutter and unanimously carried to recess to Executive Session to discuss pending claims and litigation: Wysocki vs. Town of Somers, and to include in that session Mr. Tolisano, Ms. Devlin and Mr. Cafarelli.*** – Commissioners, Town Attorney and invited guests came out of Executive Session at 8:40 p.m. No Votes were taken.

IV. OLD BUSINESS:

- a. SUBDIVISION APPLICATION #407, 3-LOTS, 380 FOUR BRIDGES ROAD (FOUR BRIDGES ESTATES), LIPTON – Mr. Pellissier asked if Mr. Cafarelli had any conditions on the approval of the subdivision and he said there were none outside of the requirements of the subdivision regulations. Mr. Bordeaux commented that the Commission now had 65 days to move on the application, and asked Mr. Lipton if the Commission's tabling a decision at this point would cause him a problem. Mr. Lipton said it would not, and the decision was tabled for the next meeting.
- b. DISCUSSION ON PROVISIONS FOR PLANNING CONSULTANT – Mr. Bordeaux suggested that the commissioners begin the process by reviewing the job description of the former town planner, then provide their specs to the CFO for development of the RFP, have the town attorney review the requirements and RFP, then publish. Consideration should be given to what things the Town has the resources to do well and what things should be done by the consultant. Using a consultant in relation to the POCD was also discussed. Mr. Tolisano asked how the Commission would move this item forward. Mr. Bordeaux replied that the commission would review needs and tasks, amount of time needed, etc. Mr. Tolisano asked if the Commission would use an ad hoc committee as proposed by the BOS; Mr. Bordeaux said that the Commission would serve as the committee and would decide what the needs

and amount of time would be, then they may consult with the BOS, staff, etc. Mr. Tolisano asked how much time the Commission would need to have their requirements – the Commissioners agreed that they would have something for review by the second meeting in September (9/24/09). The commissioners then spent time reviewing the specifics of the job description and agreed that Mr. Bordeaux would redraft based on the input to date and distribute for the commissioners review prior to the next regular meeting.

- c. SUBDIVISION APPLICATION #408, 3-LOTS, 145 HIGHLAND VIEW DRIVE, MACCORMACK - Christopher Stinson was present representing Alford Associates and Stephen MacCormack, the owner. He reviewed the engineer's drawings and plans for the application, with primary focus on water table concerns and septic system requirements. He concluded his presentation stating that he had to date satisfied the Town Engineer's requirements, the Town Sanitarian's requirements, the Town Wetland Agent's requirements and the Town's Zoning requirements. He also inquired about a waiver of the open space fee, since a fee was paid at the time of the original subdivision. The consensus of the Commissioners and the Town Engineer was that the open space fee was payable at the time of each subdivision. Mr. Stinson also answered questions the commissioners had about the location of drainage and any potential downstream problems that might be created. Mr. Cafarelli and the Land Use staff will direct Mr. Stinson as to requirements in anticipation of a public hearing being scheduled. ***Motion by Mr. Genlot, seconded by Mr. Sutter and unanimously carried to conduct a public hearing on Thursday, September 10, 2009 at 7:00 p.m. on SUBDIVISION APPLICATION #408, 3-LOTS, 145 HIGHLAND VIEW DRIVE, MACCORMACK.***

V. NEW BUSINESS - None

VI. STAFF/COMMISSIONER REPORTS - None

VII. AUDIENCE PARTICIPATION - None

VIII. CORRESPONDENCE AND BILLS – Mr. Cafarelli presented one bill from the Journal Inquirer for a Planning commission legal notice. ***Motion by Mr. Pellissier, seconded by Mr. Sutter and unanimously carried to approve for payment a bill from the Journal Enquirer for \$141.66.*** Mr. Pellissier shared with the commission members an informal summary of the listserve communications he had received in response to his inquiry regarding operating without a Town Planner. He will forward these e-mails to Ms. Mitchell for distribution to the commission members.

IX. MINUTES APPROVAL: 6/4/09, 7/16/09 – Since the Commission members had not had the opportunity to review the 6/4/09 minutes, it was agreed to vote on the approval of these at the next meeting. ***Motion by Mr. Sutter, seconded by Mr. Pellissier, and unanimously carried, with Mr. Genlot abstaining as he was not in attendance, to approve the minutes of the 7/16/09 Planning Commission Meeting.***

X. ADJOURNMENT – ***Motion by Mr. Sutter, seconded by Mr. Salka and unanimously carried to adjourn the meeting at 9:35 p.m.***

Respectfully submitted,

Marcia L. Mitchell
Recording Secretary

Bradley Pellissier
Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING