



Town of Griswold

Board of Selectmen

Regular Meeting

May 12, 2015

6:30 PM

Griswold Senior Center, Downstairs Meeting Room
22 Soule Street, Jewett City, CT 06351



MINUTES

1. **Call to Order/Roll** - Meeting was called to order at 6:30 PM by Kevin Skulczyck, First Selectman

Members Present: Kevin Skulczyck, First Selectman
Steve Mikutel, Second Selectman
Philip Anthony, Third Selectman

Others Present: Lisa M. Wood, Executive Assistant
Todd Babbitt, Public Works Superintendent/Senior Center Building Committee Chair.
Tina Falck-Babbitt, Senior Center Director
Atty. Mark Branse, Town Counsel (arrived at 6:40 PM)
17 interested citizens
1 member of the press

2. **Approval of Minutes**

- a. **April 28, 2015 – Regular Meeting Minutes**

MOTION: Motion was made by S. Mikutel, seconded by P. Anthony, to approve the minutes of April 28, 2015. **Motion carried unanimously.**

3. **Correspondence - None**

4. **New Business**

- a. **Discussion and possible action on tax refunds as presented by Rich Grabowski, Tax Collector**

MOTION: Motion was made by P. Anthony, seconded by S. Mikutel, to accept tax refunds as presented by Tax Collector, Richard Grabowski, including the one additional one received tonight. **Motion carried unanimously.**

- b. Discussion and possible action on presentation by Senior Center Building Committee Chair, Todd Babbitt** – T. Babbitt noted a letter had been received from a resident desiring to serve on the Senior Center Building Committee and asked that the person be appointed as an alternate member. He then requested a letter from the Board of Selectmen expressing their support for the project of building a new senior center on the property located behind McCluggage Manor. He noted this letter will be needed for Planning & Zoning as well as grant opportunities.
- c. Executive Session – Discussion with town attorney on proceedings of on-going legal action** – item skipped awaiting arrival of town attorney
- d. Executive Session – Discussion on pending CHRO complaint**

MOTION: Motion was made by S. Mikutel, seconded by P. Anthony, to go into executive session at 6:33 PM to discuss pending CHRO complaint. **Motion carried unanimously.**

MOTION: Motion was made by P. Anthony, seconded by S. Mikutel, to come out of executive session at 6:46 PM. **Motion carried unanimously.**

MOTION: Motion was made by S. Mikutel, seconded by P. Anthony, to skip to agenda item 4g. **Motion carried unanimously.**

- e. Discussion and possible action on proceedings of on-going legal action** – No action taken on this item
- f. Discussion and possible action on pending CHRO complaint** – No action taken on this item
- g. Discussion and possible action on update of Ambulance** – K. Skulczyck noted the last of the paperwork has been handed in and there should be a hearing scheduled within the next couple of weeks. The state anticipates a decision by the 1st of June. He noted the hearing would be held in Hartford and replied to P. Anthony that he is sure they would accept written comment. He also noted if the approval is granted and the current ambulance building is occupied, American does have plans to be housed at one of the local fire departments with definite future plans of new construction.

5. Old Business - None

6. Any Other Business that may properly come before the Board

MOTION: Motion was made by P. Anthony, seconded by S. Mikutel, to add to the

agenda for discussion and possible action the two items of Todd Babbitt, first one is the appointment of Judy Merrill as an alternate member of the Senior Center Building Committee and the second is the letter of support from the Board of Selectmen for endorsing the Senior Center building project behind McCluggage on Taylor Hill Rd. **Motion carried unanimously.**

MOTION: Motion was made by S. Mikutel, seconded by P. Anthony, to add Judy Merrill as an alternate member of the Senior Center Building Committee. **Motion carried unanimously.**

MOTION: Motion was made by S. Mikutel, seconded by P. Anthony, that the Board of Selectmen write a letter of support for the new senior center building over behind McCluggage Manor. **Motion carried unanimously.**

7. Public Forum

Ransom Young – R. Young noted his opposition to the use of Florida Lee in regards to the Bicentennial events.

Beverlee Cholewa - B. Cholewa noted her opposition to the request being brought forth by American Industries to increase their hours of operation. Atty. Branse asked if there has been any noticeable difference in sound since a recommended shield is supposedly been put in place. B. Cholewa noted the noise and odor have been worse, but is not sure the process is completed.

Fabiola Proulx – F. Proulx noted the stipulation judgement that is supposed to be in effect is not being enforced. American Industries continue to operate beyond the allowed hours, the berm is not in place and there has been issues with the health of the nearby residents. She is in opposition to extending the hours and would like to see them shut down. Atty. Branse noted the berm cannot be put in until the wetlands permit is received and that should be within the next couple of weeks. The plans for the berm have been revised to be longer and higher as requested by the residents. The stipulation states 100' but that is for a vegetated buffer not a berm.

Mike Mc Kenna - M. Mc Kenna noted there was a berm there so if they can't put it up, then why did they take it down. He noted he feels they pile the dirt there and then remove it to use as needed. He confirmed for Atty. Branse, there is almost no berm at all at this point, roads have been created and there is silt fencing in place, but there is still silt going into the river.

Jeff Ryan –J. Ryan also noted the berm is gone. The noise and hours of operation continue to be an issue. He noted from his house, he can clearly see the dozers operating, which he could not see before. Atty. Branse and J. Ryan agreed they must have removed the vegetated buffer. J. Ryan also agreed he wants the berm as long and as high as allowed. He also noted the blue slide the IWWCC has a problem with has been there for seven years and finds it unlikely that it could not have been noticed by town staff doing previous inspections.

George Wood – G. Wood noted the water in front of his house is not as deep as it used to be. He wanted to reinforce the previous comments made by J. Ryan about the berm being gone and the clear visibility to the work site of American Industries. He also noted he has had several perspective buyers view his house who noted they would not buy because of American Industries. He also confirmed they are operating well beyond the stipulated hours.

Norm Higgins – N. Higgins noted his concern for the residents and their issues with American Industries and hopes the town addresses their issues. He also suggested the residents pool their money and get someone to monitor the operation and document the hours they are operating.

Kathy Londe – K. Londe read from the stipulation the details outlining the buffer and the restrictions on modifying it and wanted to know how the clearing could have taken place. She also questioned that if and when the berm gets put up, will it go by the same way and was also concerned about the ground being structurally sound to hold the berm and prevent blowing. Atty. Branse noted the berm will be extended that far and an engineer has been consulted as far as structural stability. K. Londe also noted that she is afraid American Industries is going to try to go to court to overturn the stipulation and if so desires to be contacted.

Bill Sugden – B. Sugden commented the smell and the dust are real issues as well. He is concerned about potential health issues.

Nancy Richardson – N. Richardson also commented on the awful smell and the dust, as well as the hours of operation straight through the night. It is unbearable. She commented she feels that not much progress has been made in resolving the issues.

Fabiola Proulx – F. Proulx noted next week they have a job with the DOT and are supposed to be operating 24/7. She invited anyone down next week to observe the hours and the smell. The residents are very frustrated that nothing is being done. S. Mikutel commented he was led to believe that American Industries has been working with town boards to address issues and thought progress has been being made.

Stephen Webster – S. Webster noted last Monday at 4:15 AM he heard the rock crusher operating. A berm is not going to stop the noise of a rock crusher.

Beverlee Cholewa – B. Cholewa noted there was no asphalt plant prior to 1994 and noted since then her daughter would get hives if out in the pool. She also noted there is clear visibility of the plant and there used to not be.

Andrew Barrios – A. Barrios wanted to know who they could call to enforce it if they hear them operating after hours. K. Skulczyck noted they could call him and he would direct staff. Atty. Branse pointed out that it is unlikely a judge would not tell them they cannot operate over night because that may put them out of business.

Norm Higgins – N. Higgins suggested they find out when the DOT started night paving and find out if the pavement needs to be manufactured after 10 PM and also feels they don't need the asphalt after 3 AM because they need to get the road ready to reopen. Could they make enough product during the day?

Darlene Lussier – D. Lussier complained about the dust and the cough she has and is concerned about the health issues that may be a result of the dust and smells in the air from American Industries. She also noted the noise sounds like trains rumbling through at night.

Kathy Londe – K. Londe noted the stipulation shows they are supposed to contact the First Selectman if they are operating beyond their hours and wanted to know if they have. K. Skulczyck commented they have not. She also noted recent health issues with her lungs that are caused by chemicals. She also noted she is tired of hearing the other town boards and commissions respond that it is not their job.

Earl Proulx – E. Proulx commented if they are not in compliance how are they allowed to keep running? K. Skulczyck commented they are working to come into compliance with issues other than the operating hours.

Beverlee Cholewa – B. Cholewa wanted to know why we can't enforce them working within the hours of the stipulation. Atty. Branse commented that because they will say if you do that then we will be out of business and a judge is hesitant to do that.

Jeff Ryan – J. Ryan noted just because the DOT needs them to run at night, it is not an excuse.

c. Executive Session – Discussion with town attorney on proceedings of on-going legal action – item skipped awaiting arrival of town attorney

MOTION: Motion was made by S. Mikutel, seconded by P. Anthony, to enter into executive session with town attorney, Mark Branse, to discuss proceedings of on-going legal action at 7:55 PM. **Motion carried unanimously.**

MOTION: Motion was made by S. Mikutel, seconded by P. Anthony, to come out of executive session at 8:15 PM. **Motion carried unanimously.**

Town Attorney Mark Branse noted no decisions were made or votes taken during executive session.

7. Adjournment

MOTION: Motion was made by S. Mikutel, seconded by P. Anthony, to adjourn the meeting at 8:16 PM. **Motion carried unanimously.**

Respectfully Submitted,

Lisa M. Wood,
Executive Assistant