Minutes
Town Council Steering Committee Meeting
January 28, 2019
Town Hall Conference Room B

1. The meeting was called to order at 7:00 PM.
Present: Jonathan Hand, Julie Blanchard, Matthew O'Brien, Joan Lewis
Also present: John Elsesser, Town Manager; Richard Roberts, Attorney, Halloran & Sage; Todd Penney, Town Engineer

2. Acceptance of Minutes:
Matthew O'Brien moved to accept the Steering Committee minutes from the meeting on November 26, 2018, seconded by Julie Blanchard. The following corrections were requested:
   a. Page 2, item 6, second paragraph, last sentence: add "Someone else commented" at the beginning of the sentence.
   b. Page 2, item 6, last paragraph, first line: change "too" to "took."
   c. Page 2, item 6, last sentence: change "firm" to "form."
   d. Page 3, item 8, third line: change "the used" to "he used."
The motion to accept the minutes as corrected carried on unanimous vote.

3. Consideration/Possible Action: Acceptance of Avery Shores in Gerald Park Association:
John Elsesser introduced Attorney Richard (Rich) Roberts of Halloran & Sage. He noted that Duncan Forsyth is our Town Attorney but Rich is experienced in land use matters. We use the resources of a lot of people at Halloran & Sage based on their expertise. Over the decades we have been trying to solve unknown issues regarding roads. Rich is helping us with a series of those issues.

Town Engineer Todd Penney showed a map of Avery Shores and reviewed issues with transfers of right of way from the abutters. Attorney Roberts prepared a letter outlining issues and concerns and provided an overview of this to the Committee (attached to minutes.)

Attorney Roberts indicated that what the association currently owns isn’t enough for the Town to own or meaningfully maintain. Some of the right of ways are on private individuals’ properties and would have to be conveyed. Some of them go right up to the paved portion and rights would be needed to plow and maintain. The Town would need rights to enter the property for maintenance and drainage but it is not clear if they would transfer to the Town. That would need to be clarified. Additional easement rights would need to be obtained from most of the property owners in addition to a deed from the association. If the Town were to take over the road you would need easements to build snow shelves, turn arounds, signage, etc. of at least five feet from the edge of the pavement.

Joan Lewis asked if it would be easier if everyone who received those deeds from the association gave them back so the issue of right of way could be clear. Attorney Roberts replied that some property owners have built structures, or may have obtained loans or calculated value based on the area. So they may not be able to do that. There may also be some drainage structures that the Town might not want to be responsible for. John Elsesser said that some of the pipes that lead to the lake are near houses and they are deep underground. Replacement could be in the hundreds of thousands of dollars.

Attorney Roberts said he got a call from Stephen Penny, an attorney who said he has been retained by the association to work on this matter. Mr. Penny mentioned that they were looking at
doing some conveyances and he wanted to use the Fuss & O’Neill map rather than the Filip one. John Elsesser noted that the Fuss & O’Neill map was what was prepared for the sewer project. The Filip map used the Fuss boundary determination. There was some disagreement within the association about this. When we did the sewer project the association kept the right of way but granted us an easement based on the Filip survey. The easement was 50 feet wide. We are not sure what the association used to grant the conveyances. It may have been the original subdivision plans. As the association started getting into this and we talked about just using the paved surface to determine the right of way, we expressed concern about using the edge of a surface that can evolve to determine right of way. They are going to try to standardize it with their attorney’s help. Unless you are able to get within that 50’ right of way, with all the rights that we would need, it won’t work well. We don’t need to own a road. You can simply have an easement to it. Todd Penney said that on the easterly side of the road there is an issue where a portion of the land is not even owned by the association.

Joan Lewis said we need to know the resolution of these issues to be able to move forward. Now it looks like the association is taking some other actions that might complicate the matter even further. We believe they still want us to take the roads. Matthew O’Brien noted that the association didn’t take advantage of the limited time period for road acceptance.

Attorney Roberts said he is a little confused about why the association is going forward with additional work that may complicate matters. He told Attorney Penny that he was meeting with the Council tonight. John Elsesser recommended letting Rich talk with Attorney Penny to see where we are, but at the end of the day we still need work to be done before acceptance. A lot of the roads that were accepted after the sewer project met our stipulations, but this road was not brought up to standards. We have been able to maintain those other roads but this road has not been maintained and it has been 20 years. It continues to deteriorate. Rich can negotiate for us, but it will come back to the Council to determine what we are willing to accept.

Matthew O’Brien said first we need to agree on what needs to be done. Jonathan Hand said that was established in a report prepared by Director of Public Works Mark Kiefer in 2016. John Elsesser said how it is financed is another matter. Matthew asked if the town has financed projects like this in the past. John said no. There are some options to do a betterment assessment. It also might be possible to do the project in phases. There is one section that might only need crack sealing. We can accept sections of the road over time as the association gets the necessary work done. We could take the center sections and leave the ends where some of the more complicated issues are. Jonathan Hand asked if that would address the turnaround situation. John replied that we are dealing with it now - it isn’t great. Taking the center section would provide some linked loops that the Town could take. That will reduce the association’s maintenance costs and then they could use those savings to work on the areas that need attention. Todd Penney said the first hurdle is whether you take a road you don’t own and just accept an easement over it. Julie Blanchard said no. We have standards that were developed for a reason. Committee consensus was to have Attorney Roberts speak with Attorney Penny.

4. Reports:
   A. Chair – Jonathan Hand: Jonathan noted that there are a lot of committee changes. We certainly have a full plate of appointments to make.
   
   B. Committee Members: no reports.
   
   C. Vacancy List/Board & Commission Lists: no discussion.
5. **Inland Wetlands Agency: McNaboe Vacancy Issue:**
Mr. McNaboe expressed his intentions to resign from the Inland Wetlands Agency in an email to the Committee Chair but never submitted a formal resignation to the Town Clerk’s office. Matthew O’Brien moved to recommend the creation of a vacancy on the Inland Wetlands Agency due to a change in residency, based on Mr. McNaboe’s departure from Coventry in May of 2018. The motion was seconded by Jonathan Hand and carried on unanimous vote. Jonathan will reach out to the Committee Chair regarding alternates stepping up to full membership.

6. **Resignations/Not Wishing to be Reappointed:**
Jonathan Hand moved to accept the following resignations with appreciation for their service: Parks & Recreation Commission – Butler and Messier; and School Energy and Building Efficiency Committee – Kloster. The motion was seconded by Matthew O’Brien and carried on unanimous vote.

7. **Reappointments:**
A. Matthew O’Brien moved to recommend the reappointment of Barbara Barry to the Ad-hoc Farmers’ Market Operating Committee, term to expire 12/12/2021. The motion was seconded by Julie Blanchard and carried on unanimous vote.

B. Matthew O’Brien moved to recommend the reappointment of Jean Nelson to the Ad-hoc Farmers’ Market Operating Committee, term to expire 12/27/2021. The motion was seconded by Jonathan Hand and carried on unanimous vote.

C. Matthew O’Brien moved to recommend the reappointment of Katrina Weaver to the Ad-hoc Farmers’ Market Operating Committee, term to expire 12/27/2021. The motion was seconded by Julie Blanchard and carried on unanimous vote.

D. Matthew O’Brien moved to recommend the reappointment of Arthur Hall, Jr. to the Conservation Commission, term to expire 1/1/2023. The motion was seconded by Jonathan Hand and carried on unanimous vote.

E. Matthew O’Brien moved to recommend the reappointment of Sondra Astor Stave to the Economic Development Commission, term to expire 2/1/2024. The motion was seconded by Jonathan Hand and carried with Julie Blanchard opposed and Matthew O’Brien and Jonathan Hand in favor.

F. The reappointment of Samuel Belsito to the Economic Development Commission was discussed. It was noted that his attendance record has been poor. He missed 3 out of 11 meetings last year. Matthew O’Brien asked if someone should reach out to determine his continued commitment to serving. John Elsesser said when he is there, he brings value. It would be worth discussing. Matthew will reach out to him. Julie Blanchard moved to table consideration of the Belsito reappointment. The motion was seconded by Matthew O’Brien and carried on unanimous vote.

8. **Appointments:**
A. **Library Renovation Committee:** Jonathan Hand noted an area in the last section of the charge where the name wasn’t shortened. John said we will get it corrected. Jonathan said he has been looking at the skill set we need for this committee. Matthew O’Brien asked if we have received any input from the Library. They were supposed to give us several candidates for consideration for the Library representative. Joan Lewis said we have six available slots for the
committee and 10 applicants for consideration on the agenda. The number of interested persons went up to 11 today with a late submission of interest form by Joseph Malon. The person who was recommended to represent the Library Board was Joe Jankowski. Matthew said they were supposed to give us several choices, noting that Jim Parda could also represent the Library Board. Joan said she talked with Joe Malon and she said if we couldn't appoint him he wouldn't be upset. Many of the candidates have construction background. Joe did not. Joan also called Joshua Gemmell, who has a wonderful resume and asked if he might be interested in serving on a school building committee if not appointed to the Library committee, and he said that he would.

The Committee agreed to discuss each candidate prior to voting.

**A.1. Ackert:** Matthew O'Brien Matt is interested in him. Jonathan Hand said he thinks Mr. Ackert has good experience and expertise in some aspects of this project but also thinks he has a larger role to fulfill with his legislative responsibilities. Matthew noted that some state reps are council members in other towns. Matthew spoke to Mr. Ackert and he is willing to commit to the time. Joan noted that the legislature doesn't always give you much choice. Jonathan said we are predicting a tumultuous legislative session. Mr. Ackert might be a better choice for the alternate position, which would allow him to be at meetings when he can and give his advice, but wouldn't cause a quorum problem. Julie Blanchard said she supports Tim Ackert and thinks he would be level-headed. Joan said she supports him as an alternate and if we had a larger number of committee members, then as a full member.

**A.2. Bonney:** Matthew O'Brien supports this appointment, saying that Mr. Bonney is an engineer and understands the Library better than most. Jonathan and Joan agreed. Julie had no comments.

**A.3. Brand:** Unanimous support from all committee members.

**A.4. Gemmell:** Jonathan Hand said that Mr. Gemmell has very impressive credentials. Matthew O'Brien supports this appointment. Joan Lewis noted that if we get limited she would want to commit to some of the other Democrats on the list. Mr. Gemmell told her he just wants to serve the community. John Elsesser said we should get him on the school building committee. Julie Blanchard said she would support Mr. Gemmell as much as the others, and especially because of his youth – he might bring new ideas. Joan noted that he is new to town.

**A.5. Jankowski:** Matthew O'Brien had no comments. Jonathan Hand noted that Mr. Jankowski is the Library Board's recommended candidate. Joan Lewis said Mr. Jankowski's interest would be in making sure that the needs the Library has recognized were taken into consideration. Jonathan would support this appointment. Julie Blanchard had no comment.

**A.6. Morgan:** Matthew O'Brien wants to support this appointment because Mr. Morgan has been so active on this issue and seems pretty knowledgeable. It might be good to have someone get involved who has been on the other side of the issue. Matthew has talked to him and he does not intend to be an obstacle. Julie Blanchard said that Mr. Morgan can be very vocal but sometimes getting involved brings greater knowledge. Joan Lewis noted that Mr. Morgan has the least amount of qualifications compared to the other candidates. Matthew said that different perspectives can be helpful on a committee. Jonathan Hand agreed with Joan about Mr. Morgan's qualifications, and also recalled during the last round of discussions that Mr. Morgan publicly stated he was against the Library on more than one occasion. Matthew said Mr. Morgan is not against the Library, he was against the expansion. Julie said
she thinks it’s great if he wants to renovate what we have.

A.7. Parda: Matthew asked if Mr. Parda is the other person who could represent the Library Board. He has a good background. He would support this appointment. Mr. Parda’s wife is on the Library Board. Julie Blanchard said she has served with Mr. Parda on the Board of Education. He is reasonable and could represent the Library. He has experience serving on Town boards and commissions. Joan Lewis said she served with him on the agriculture committee. Julie said it would be good to see him get active again. Jonathan Hand said Mr. Parda’s experience on town projects was more than the others and he would definitely support this appointment.

A.8. Twerdy: Joan Lewis said that Mr. Twerdy could also represent the Library — his wife Claire is on the Library Board. She would support him based on his long service to the Town. He makes things happen and has a lot of experience with construction and building committees. John Elsesser said that Mr. Twerdy was on the fire house and town garage building committees. Jonathan Hand said that Mr. Twerdy looks like someone who can get things done. He would support this appointment. Matthew O’Brien said he thinks Mr. Twerdy is a strong candidate but picked others on the list. Julie Blanchard said that Mr. Twerdy would not be her first or second choice for a Democratic appointment.

A.9. Walsh: Jonathan Hand said it seems like Ms. Walsh is well versed in serving the Town. She has prior Library committee work. Joan Lewis said she thinks having a woman on the committee would be good. We could be criticized if we don’t. Ms. Walsh has a long connection to Town as a Town Council member and has good understanding of budget issues. She was on the committee that did the initial expansion to the Library. She has good organizational skills. Jonathan would support this appointment. Julie Blanchard had no comment. Matthew O’Brien said he would choose six other candidates. Matthew noted he did not make his selections based on party affiliation — he picked six candidates based on his sense of their expertise.

Following discussion, the following motions were made:

Brand: Matthew O’Brien moved to recommend the appointment of Dudley Brand to the Library Renovation & Improvement Committee for the life of the project. The motion was seconded by Julie Blanchard and carried on unanimous vote.

Gemmell: Matthew O’Brien moved to recommend the appointment of Joshua Gemmell to the Library Renovation & Improvement Committee for the life of the project. Julie Blanchard seconded the motion. Joan said he is a good candidate; she just thinks it’s a question of what the full Council decides. Jonathan Hand said his qualifications are exemplary and relevant. The motion carried on unanimous vote.

Ackert: Matthew O’Brien moved to recommend the appointment of Tim Ackert to the Library Renovation & Improvement Committee for the life of the project. The motion was seconded by Julie Blanchard. Joan Lewis said she would support Tim as an alternate but not as a full member. Jonathan Hand agreed, saying his concern is while Tim is an excellent candidate he has responsibilities that are larger to our town. Julie said she has no concerns. She thinks Tim will do what he says. He is very dedicated. Matthew said he has never known Tim to go back on his word. Jonathan Hand moved to table consideration of the Ackert appointment. The motion failed for lack of a second. The motion to recommend the Ackert appointment carried with Matthew O’Brien and Julie Blanchard in favor; and Jonathan Hand
abstaining.

**Bonney**: Matthew O’Brien moved to recommend the appointment of William Bonney to the Library Renovation & Improvement Committee for the life of the project. The motion was seconded by Julie Blanchard and carried on unanimous vote.

**Twerdy**: Jonathan Hand moved to recommend the appointment of John Twerdy to the Library Renovation & Improvement Committee for the life of the project. The motion failed for lack of a second.

**Walsh**: Jonathan Hand moved to recommend the appointment of M. Deborah Walsh to the Library Renovation & Improvement Committee for the life of the project. The motion failed for lack of a second.

**Jankowski**: Jonathan Hand moved to recommend the appointment of Joseph Jankowski to the Library Renovation & Improvement Committee as the Library Board Representative for the life of the project. Matthew asked if we have to select a Council representative tonight or if that is done at the Council table. Jonathan said that normally we would recommend from Steering to the full Council. The motion to recommend the Jankowski appointment failed for lack of a second.

**Morgan**: Matthew O’Brien moved to recommend the appointment of Chris Morgan as an alternate to the Library Renovation & Improvement Committee for the life of the project. The motion was seconded by Julie Blanchard and carried with Matthew O’Brien and Julie Blanchard in favor; and Jonathan Hand opposed.

**Parda**: Matthew O’Brien moved to recommend the appointment of Jim Parda to the Library Renovation & Improvement Committee as the Library Board Representative for the life of the project. The motion was seconded by Julie Blanchard and carried on unanimous vote.

It was agreed to defer to the full Town Council to determine the Town Council’s representative on this committee.

**B. Parks & Recreation Commission**: Matthew O’Brien moved to recommend the appointment of Robert Martin from an alternate to a full member of the Parks & Recreation Commission, term to expire 1/1/2021. The motion was seconded by Julie Blanchard and carried on unanimous vote.

9. **Consideration/possible action: Park and Facility Naming Policy**: The Committee reviewed a revised draft. Jonathan Hand said he would like to be specific about excluding school fields under applications. Julie Blanchard said to add the word “regional” in section one after items 2, 3, and 4, “Regional and national significance.” Jonathan Hand moved to recommend the adoption of the Park and Facility Naming Policy as amended. The motion was seconded by Matthew O’Brien and carried on unanimous vote.

10. **Employee and volunteer recognition**: John Elsesser said that Police and Public Works employees who have reached service milestones have not yet been recognized. Doing something on site at Public Works might be an option—we could call them in early at the end of the day. Police will be more difficult to schedule because they all work different shifts. Matthew O’Brien said he would be willing to attend a recognition event with a few days’ notice. John said that Police would probably be best on a Wednesday. John will talk to the Chief but it would probably be in late afternoon. Public Works will be at the
whim of the weather, but would probably be at 2:15-2:30 PM at the garage.

Joan Lewis said we have some volunteers who have served in the community for a long time. Some are becoming elderly or ill. It seems like we should recognize them. We are working on a resolution to honor Al Bradley on the first Monday in February. The other two people she was thinking of are Eric Ohlund, who has served on the Veterans Memorial Commission since 1988, and Sandy Sanborn – who ran his garage in town for 50 years. Julie Blanchard said she thinks Eric was also on the CERT team.

11. Consideration/Possible Action: Resolution for Tax Deferment for Federal Employees Affected by Government Shutdown:
John Elsesser said this is a fairly easy resolution – but it is difficult to know if it’s moot or not, since the shutdown has ended. Matthew O’Brien asked if we have had any requests for assistance. John replied that no one has contacted the tax office as of today. Joan Lewis said they might not be aware of it, but could be if we take action. Jonathan Hand moved to recommend to adoption of the resolution to the full Council. Julie Blanchard seconded the motion. Matthew said if you read it, it says that the Town shall not collect interest on any real estate that is payable by the affected employee. If they are no longer affected does it mean that doesn’t apply? Joan said she feels this is a way for the Town to show empathy. Julie asked how the tax office will deal with this. John replied on a case-by-case basis. We will have to manually calculate it. It gives them 60 days to catch up. We could check with Halloran & Sage to see if the language should be modified. Julie asked if it sunsets. John replied yes. Jonathan said it is very specific to the original shutdown. The impact is relatively small. It is just the interest. They still have to pay their taxes. He thinks we should recommend it to the full Council. Jonathan Hand amended his motion to forward the resolution to the full Council for discussion. Julie Blanchard agreed to the amendment for her second. The motion carried on unanimous vote.

12. Adjournment:
The meeting was adjourned at 9:59 PM on a motion by Matthew O’Brien, seconded by Julie Blanchard and unanimously approved.

Respectfully submitted,

Laura Stone
Town Council Clerk
January 28, 2019

Mr. John A. Elsesser
Town Manager
Town of Coventry
Coventry Town Hall
1712 Main Street
Coventry, CT 06238

Re: Avery Shores Roadway Acceptance
Our File No. 17996.0001

Dear Mr. Elsesser:

This letter is intended to follow up on the recent discussion among the two of us, Todd Penney and Mark Kiefer regarding the potential acceptance of the Avery Shores roadway currently owned by the Gerald Park Association. As was noted at that meeting, the legal status of the ownership of the right-of-way of this particular roadway is substantially different from many of the lake association roads previously conveyed to the Town. In addition to various legal complications, this transaction could create precedential issues for the Town as it is confronted with other private road scenarios in the future.

The following is a summary of the principal issues that we discussed, as well as some of the legal issues that would need to be resolved.

- Gerald Park Association (the “Association”) has conveyed out some parcels of the right of way to abutters, reserving limited rights to enter the property for road maintenance and drainage. It appears that a conveyance by the abutters back to the Association is unrealistic. Therefore, the Association would have to convey to the Town all of its rights that had been retained in those deeds.

- The rights that were retained in the deeds to the abutters do not explicitly state that they run in favor of the Association, its successors and assigns. We will have to determine whether or not a conveyance of those rights by the Association is binding on the abutting property owners or if we will need to obtain an acknowledgment or conveyance from those individuals.
• The rights that were retained in the deeds to the abutters will have to be reviewed in each instance to determine whether they are sufficient to allow the Town to do any road or drainage repairs or maintenance that may be necessary in the future.

• In some instances, the paved portion of the roadway extends beyond the Association’s property and is located on the abutter’s property. We will need to have the Association obtain deeds to those portions of the roadway. Additionally, an easement of five feet from that deeded line will need to be obtained in order for the Town to do necessary maintenance, repairs and snow removal.

• In several instances on the southerly side of the roadway, the property line between the Association and the abutters ends nearly at the edge of the pavement. In order for the Town to do necessary maintenance, repairs and snow removal, it will be necessary to get an additional easement from the abutting property owner of at least five feet from the edge of the pavement.

• It is also necessary to obtain an easement from one or more of the owners to install appropriate signage.

• At the end of the roadway, it will be necessary to obtain an easement from the owner for snow shelf purposes and a turnaround.

• The Town will want to have the Association update the existing Filip surveys in order to show these additional easements and deeded portions of the roadway.

• The Town will want to have the Association provide a certificate of title in order to determine that it has the ability to convey its property interests to the Town and that there are no encumbrances on such interests.

• Prior to any potential acceptance of the roadway, the Town would want to have the paved portion crack-sealed in order to delay the inevitable future expenditures for maintenance.

• Prior to any potential acceptance of the roadway, the Town would want to have one or more trees removed from within the right-of-way and the five foot easement along the paved portions. Several of them pose immediate traffic hazards.

• The Town will have to determine whether, and to what extent, parking will be allowed within the right-of-way.

• The Town will have to establish a policy with respect to the removal or replacement of any existing structures located within the right-of-way. It is likely that the Town would allow any such structures to remain or to be replaced within the exact footprint currently occupied.
• The Town will have to determine which rights or obligations of the Association that it does not wish to assume. For example, there may be drainage rights held by the Association that the Town does not wish to become a party to.

As we discussed, the Town would allocate of many of these tasks to the Association in order to reduce the expense to the Town of facilitating the transfer from the Association. This itemization of issues is intended to be the basis for discussion and deliberation by the Council and does not purport to be exhaustive. For example, a referral of the matter to the Planning and Zoning Commission under CGS 8-24 is also required as a preliminary step in the process. We hope this is helpful to frame those deliberations. Please feel free to contact me with any questions or concerns in this regard.

Very truly yours,

Richard P. Roberts

RPR/pcs

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