

MIDDLEFIELD BOARD OF SELECTMEN
405 Main Street
Middlefield, Connecticut 06455

Minutes of the June 6, 2022 Regular Meeting

Call to Order

Bob Yamartino called the meeting to order at 6:30 PM. Bob Yamartino, Jim Irish and Carol Bufithis were present.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Approval of Agenda

Carol Bufithis made a motion, seconded by Jim Irish, to approve the agenda, as presented. Motion carried unanimously.

Public Comment

Bob Yamartino asked for anyone speaking about item 7 on the agenda wait until that time. Otherwise, there was no public comment.

Affordable Housing Plan

Bob Yamartino reviewed that the board has discussed the Affordable Housing plan in the past and they will vote on accepting it tonight. This plan is required to be adopted by the State of Connecticut. This plan gives the right to the homeowner to have an accessory dwelling, but all Board of Health requirements remain intact. The Board of Selectmen also need to appoint an Affordable Housing committee. The goal of this plan is to increase the level of affordable housing in town, not to be mistaken for low-income housing.

Carol Bufithis asked if this committee would be separate from the Housing Authority and Bob Yamartino explained that the board will discuss that over the next few meetings.

Jim Irish made a motion, seconded by Carol Bufithis, to accept the Affordable Housing Plan, as presented. Motion carried unanimously.

New Business

None.

Leases of Town-Owned Properties involving Haying and Grassland Birds

Carol Bufithis noted that she had told people not to come to the meeting until 7:00 for this agenda item and asked if they could delay this discussion. It was decided to move item 8 ahead of item 7.

Emergency Operations Center - 6:45 PM

- a. Architect Status
- b. Grant Update

Pete Tyc introduced Ken Wilson, Bruce Villwock, Ryan Kowal and Paul Pizzo, chairman of the Firehouse Building committee.

Pete Tyc felt that the committee is moving forward in a very good direction. He showed some basic drawings to the board to show the general concept. Most of the current apparatus bays do not meet regulations. A firehouse is a class IV building which has the most restrictive requirements, but the current building does not meet those requirements. The building also needs to comply with building and FPA standards.

They are trying to incorporate an Emergency Operations Center into the firehouse which brings even more requirements. They are in the beginning stages of applying for a federal grant and have been told it looks favorable. The hope is to have a building that will serve the town for the next 40 years. The state has also passed legislation that will require firehouses to be divided into two separate sections, with administrative and meeting rooms being separate. Chief Tyc added that all firefighters need to completely wash their gear and take a shower within an hour of fighting a fire due to the carcinogens. There also needs to be a storage area/locker room to keep the gear.

There is no doubt that the building will need to be bigger than it is now. The average fire truck used to carry 210 sq.ft. of equipment and is now required to carry 433 sq.ft. They do not foresee an immediate need for a ladder truck or bunk areas for paid staff though it may make sense to have that space available. Chief Tyc is confident that they can get volunteers for the next five years. He also noted that an exercise room is required in the new firehouse. They would also like to incorporate a meeting room.

Pete Tyc summarized that they hope to have something back to the board in the next month-and-a-half. The committee meets every two weeks and they are trying their best to stay within the

current footprint. They do know that they will have to put in a sprinkler system with a 30,000 gallon tank and an increased septic system.

Jim Irish confirmed that the plan is to have six drive-through bays. Paul Pizzo added that the drawings presented tonight do not represent a solution from the architects and is just their first attempt. They acknowledge that the proposed building is too big. They have been in touch with the Federated Church about part of their property as well. Two other solutions will be offered, including an addition and a replacement building. Each solution will have a budget and can be presented to the town separately. They are also looking at Town Hall Road. The committee is meeting with the architects again next week.

Jim Irish asked if the committee has a final list of must-have criteria that has been presented to the architect and if that list includes the emergency operations center. Chief Tyc confirmed that they have done that and it does include the emergency operations center. He also mentioned that an elevator will need to be installed per ADA regulations. Paul Pizzo added that the building will be between 25,000 and 30,000 sq.ft., while the current building is just under 10,000 sq.ft.

Jim Irish asked that the committee connect with Allison Dodge at Rosa DeLauro's office because she has asked for some quotes to help with the grant process. Bob Yamartino added that this project will probably be the largest project the town has ever undertaken. It also appears that the amount the grant is being put in for will be the largest grant the town has ever received and will cover roughly 25 percent of the cost. Bob Yamartino also discussed staffing in town offices and possibly having the addition connect the firehouse and the Community Center and possibly combine all of the town offices into that area. Paul Pizzo noted that that idea will invoke another agreement with the architect and slow down the operation. Mr. Yamartino would just like them to ask if it is even feasible. He also asked if there would be a reduction in the cost of construction if the building were to be built somewhere else in town. Mr. Pizzo will ask that question, but wondered what the town would do with the old building. He added that if they were to construct a new building on the site, that would make it easier to connect to the Community Center.

Chief Tyc also mentioned that the firehouse does have to stay fully operational and that is a consideration while looking at the designs. Currently, the plan is to repurpose the current building. The current firehouse is ideally located because it is within five miles of all the whole town. Bob Yamartino reiterated that he would not want to see the town green get any smaller.

Leases of Town-Owned Properties involving Haying and Grassland Birds - 7:18 PM

Anita Mesick, from Durham, belongs to Birding for Pleasure in Durham and Middlefield. They are active from May til August. There are regulations regarding grassland birds. She is aware there is a fine line for haying making money vs. town-owned property. Birding for Pleasure only goes to open space and has nothing to do with private farmland. She then played a recording of

bobolinks and noted that they counted 12 bobolinks at White's Farm on Saturday, with 11 of them being male. The males protect the female in the nest. There are 10 or 12 nests at White's which would hold 30 to 40 chicks.

Bobolinks appear around May 4 or May 5. The New Haven Bird Club brought about 30 people and they all went to Lyman Orchards for lunch.

Anita then showed pictures of both male and female bobolinks and explained that they need nutrition from Strickland Farm because they fly all the way down to South America. The nests can only be found by bird dogs and humans cannot find them. She added that mowing was being done right over the nests, but they could not find them and pick them up.

Anita wanted to talk about a long-term goal of saving species on town-owned property. She explained that the Durham Fair leases Strickland Farm, but then releases the property to a hay broker who sells the hay throughout New England. She reiterated that mowing is done right over the nests including hundreds of eggs. Bobolinks are fully active through July. There are other birds nesting in Strickland Farm as well. Anita then showed pictures of what was left of the eggs and nests after mowing.

Anita asked everyone to think about what they want the town to look like in 40 to 50 years and if there will still be birds. She noted that certain wildlife is specific to grasslands and these species are constantly declining in numbers.

An audience member asked if the bobolink is protected or endangered and Anita confirmed that they are. She has sent the US Fish & Wildlife list to the Board and lists from the state as well. Another member of the audience noted that they are protected and you cannot own a feather, touch a nest, own an egg or kill a bird of any of these protected species. That list does include bobolinks, sparrows and meadowlarks.

Ruth Pine, from the Lake Beseck area, stated that she lives here because she loves the area. She was always under the impression that the land will never change and it is starting to make her nervous. She felt that it's important to plan for the future and keep people in town.

Chris Hurlbert, 55 Cherry Hill Road, is a member of the Conservation Committee and Park and Rec Commission. He asked if the group has gone to School Street, the open space on Strickland Road and a number of other spaces in town that do not have any mowing.

Chris Price, 9 Cherry Hill Road, is a bird photographer as a hobby and was at the Cuginchaug Greenway today and photographed bobolinks. He spoke with the person who cuts the pathways, who also happens to be a bird lover and maintains the nests. Mr. Price noted that the Strickland Farm property on Cherry Hill Road is 115 acres and the Durham Fair Association needs that land only three days out of the year, but is farming it. He feels that it is a big cash cow for the fair and

they are making far more than the \$13,000 that they pay to lease the property. He feels that the town gave away the rights and mentioned a news article from 2012 in which the Durham Fair's attorney John Corona stated that they can do whatever they want on the property. He recently issued an FOI request for the lease agreement because he is very concerned with what the town is doing with the property. Most other New England states have a bobolink project and the state pays farmers not to mow the grasslands during nesting season, but Connecticut does not.

Anita also reported that the Durham Fair records show a lease of Strickland Farm for parking, but does not refer to a hay broker.

Gloria Algieri, from Rockfall, stated that she goes to Strickland daily with her dog and it breaks her heart to see what's happening there. She felt that they could let the bobolinks live and mow the hay. She reminded everyone that this land is for everyone's children and their children.

James Brown, 27 Long Hill Road, has heard of the birds being discussed in Virginia when he was a kid, but has never heard them here. He has seen bobolinks gathered across from the pine tree in Lyman Orchards. He has personally witnessed the decline in the bird population and this is just one more example, but this is something the town can do something about.

Pat Brown, 97 Long Hill Road, is a birder who has gone all over the world on birding trips. She stated that birding is getting to be very popular and is a good tourism dollar. Bobolinks are rare and birders from all over the nation will come to see them. These people spend money in the area and contribute to the quality of life in town. She felt that anything that the town can do to preserve the birds is helpful. She felt that the haying could be delayed a few weeks.

Bob Yamartino explained that the lease for Strickland Farm expires in 2028 and was a 10-year lease. Pat Brown asked if something can be negotiated to help with this and the bobolinks will be gone by 2028. Another audience member noted that the Durham Fair stopped all mowing the year before last until the end of July. Bobolinks usually leave by the end of July.

Bob Yamartino explained that takes his walks in Wadsworth Falls every morning and most evenings with his dogs. He was just recently surprised to see a pileated woodpecker. He has done some research in the town records and explained that 85 percent of the Town of Middlefield is within the Cuginchaug Greenway. He believes the town does have a responsibility to protect that river basin and the entire greenway. The Strickland Farm property on Cherry Hill Road was farmed for many years, primarily growing corn, which left no grassland available. When the town took the property over and leased it to the Durham Fair Association, part of the original lease was that the property would be appropriately maintained and the soil would be tested. The Fair Association fulfilled that obligation and started to hay it, which the town agreed to. By allowing that to happen, the grasslands were formed, giving habitat to these birds even though that was never the intent. The town wanted the land preserved for passive recreational purposes, including birding, photography, hiking, snowshoeing, cross country skiing

and hunting. The town also wanted to preserve its rural nature, understanding that it is agriculturally-based. This is all why the leases that have been signed allowed for haying.

Bob Yamartino also explained that the person haying the field also invests in the appropriate fertilizers, all necessary testing and managing the property to provide the seeds. An audience member stated that the town is not supposed to lease land that was bought with State Open Space funds.

Bob Yamartino introduced Matt Willis, the town's attorney, who explained that he was involved in the first lease. Attorney Willis explained that every square inch of Strickland Farm was heavily farmed in the past. The town's administration looked to find a use that would not be as intense and agreed to go with the Durham Fair because they were going to hay it. As a result, there are bobolinks in the area that were not there before. He felt that the history of this particular property is very unique and the town has attempted to shepherd it through the use to avoid overuse. The reason the nitrates are so high in the area is the result of a train accident many years ago and some neighboring wells have an osmosis system in use.

Attorney Willis understands the concerns of the people who do birding, but explained that the town has a lease with the Durham Fair that has been continuous for many years.

Attorney John Corona, on behalf of the Durham Fair Association, explained that the Durham Fair began the lease of Strickland Farm back in 1998 and worked with the Greenbackers from Durham who would take the hay and maintain the property. The Greenbackers retired from farming and the Durham Fair engaged another farmer for a year which didn't work out well, so they engaged with someone new who has proven to be much better at taking care of the property. The hay is a seasonal activity that is weather-dependent and the best part of the hay crop is with the first cut. That usually happens in late May, early June. If they were to wait to cut the hay until July, it would no longer be useful for animal food and would be used to cover lawns. An audience member stated that the hay is a legume hay with alfalfa and clover in it which benefits from late cutting.

Bob Yamartino added that he has heard that the first cut is the most valuable because it is used primarily for feed and has seeds in it. Cutting in August or later is normally used for bedding or mulch and has a much lower value. Mr. Yamartino noted that the yearly leases for the other two properties are ready to be signed and that farmer has agreed to hay after July 15th, but would not be willing to enter into a lease with a haying date after that point in time. That would leave the town having to pay someone to mow the properties or leave them as is.

Mr. Yamartino has received a letter from Luella B. Landus, president of the Mattabeseck Audubon Society, that he read into the record. The letter urged the town to delay haying until the bobolinks have fled, ideally delaying mowing until the middle of August with a compromise

of July 30th. He explained that the two leases will not be signed if they elect to wait until the middle of August.

A considerable portion of the Hubbard Street property is overgrown with brush. The farmer who leases that property cuts down a section of the brush each year, tills the soil and plants corn and pumpkins. He then mows it under and seeds it for hay. This results in the grasslands expanding each year. The farmer hays approximately 60 percent of the property on Strickland Road and the other 40 percent is cut once at the end of the Fall. Attorney Corona explained that the Durham Fair does not hay several areas of the entire property. Bob Yamartino stated that they do mow the entire property once a year.

Mr. Yamartino also explained that he has been doing a lot of research and he has found that farmers can sometimes get three hayings, but there are many years when there is only one. He felt that if the town was only going to do one cutting, he would like it later in the season to allow the wildflowers to bloom as well.

An audience member reiterated that the town cannot lease out property purchased with Open Space funds. Bob Yamartino noted that agriculture can continue on the site, but not an aggressive type which would include haying and mowing. Attorney Willis will look into whether the town can lease the property or not. Mr. Yamartino also reminded everyone that when the town acquired the Strickland Farm property, 40 acres was immediately separated out and turned into industrial space. He added that the Hubbard Street property is zoned 100 percent industrial and the town has been actively trying to sell it for the last 10 or 15 years.

Anita Mesick had a letter from the CEO of the Connecticut Audubon Society where he stated that August 15th is a compromise date even though the bobolinks leave at different times from certain areas of Connecticut. She will send an article with recommendations of what to grow on different grasslands. Bob Yamartino asked that the Conservation Commission look into any policies that they may want to address.

Bob Yamartino summarized that the town has a contract with the Durham Fair Association that is good through 2028. The Fair Association will meet later this week and discuss this topic. Mr. Yamartino has asked them to postpone the mowing until August, but their current position is that they have a signed lease with the contractor. Mr. Yamartino felt that they are operating in good faith based on the terms of the lease and, as a landlord, the town can't just pull that lease.

An audience member asked if they could know who the person is that actually cuts the hay and another audience member stated that it was a company from Middletown that sells the hay throughout New England.

Bob Yamartino reiterated that the farmer for the other two properties has agreed to a July 15th date which Anita stated they can live with. These two leases will be structured as a one-year

lease which will give the Conservation Commission a chance to weigh in before next year's lease.

Jim Irish made a motion, seconded by Bob Yamartino, to entertain leases for properties on Strickland Road and Hubbard Street for haying or mowing starting July 15th for a one-year period.

An audience member asked if the Board of Selectmen would be willing to ask the Durham Fair for no mowing in June nor earlier than July 15th. Attorney Corona stated that he is entirely aware of the dates and the issue.

Another audience member asked if the Town of Middlefield has open space regulations and Bob Yamartino directed him to the Plan of Conservation and Development that is on the website. He added that the town provides tax breaks to landowners who commit their land to open space for a period of 10 years. Another audience member stated that another part of the plan addresses land being lost forever and Mr. Yamartino will reach out to the Connecticut Department of Agricultural Extension to conduct a study and present the findings to the Conservation Commission. He added that the leases are not primarily issued to get revenue, but to provide for land management.

Carol Bufithis felt that the town needs somebody who is up-to-date on these issues and continue to look forward. Bob Yamartino asked Attorney Corona to bring the request to the Durham Fair Association to not do mowing until July 15th.

An audience member asked if the town had a land management committee and Bob Yamartino explained that land management really falls under Planning and Zoning. There is also an Inland Wetlands Commission for wetlands issues. The Conservation Commission exists and there has been an Economic Development Commission that is inactive at the moment.

Robin Heath, from Long Hill Road, asked to call the question, and Jim Irish reworded his original motion.

Jim Irish made a motion, seconded by Bob Yamartino, to enter a land management one-year lease for open space properties on Strickland Road and Hubbard Street with the stipulation that haying this season doesn't begin prior to July 15th, subject to legal clarification of the right to lease property partially purchased with state funds.

Carol Bufithis struggled with the difference between July 15th and July 30th and would rather see the haying done no earlier than July 30th.

The motion passed, with Carol Bufithis voting in the negative.

Board and Commissions - 8:40 PM

- a. Appointment Housing Authority - Nadine Ernst (U) to fill remaining vacant term of Barbara Schiffert, 10/01/2019-09/30/2024

Jim Irish made a motion, seconded by Carol Bufithis, to appoint Nadine Ernst (U) to fill remaining vacant term of Barbara Schiffert, 10/01/2019-09/30/2024. Motion carried unanimously.

- b. Review Current Standings

Bob Yamartino reviewed that they still need two candidates from the Rockfall section of town for WPCA. There is a member on Planning and Zoning who hasn't been attending meetings and Mr. Yamartino will reach out to the chairman to see if he would like him to continue. Jim Irish asked if they can add alternates to different commissions.

Jim Irish added that Tim Dumas would prefer to give up his position. There was discussion about no till operations.

Attorney Willis left the meeting at this point and agreed to look into the issue of leasing property purchased with state funds.

Charter Revision Committee - 8:50 PM

Bob Yamartino reported that they had agreed to allow the Charter Revision Committee to examine the entire charter. They now need six members, two Republicans, two Democrats and two Unaffiliated. Dave Lowry and Michael Skelps (both Republican) are willing to serve. Alice Malcolm and Peter Neidhardt (both Democrat) are also willing to serve. Rob Poturnicki (Unaffiliated) has agreed to serve, leaving just one short. The prior Charter Revision Committee was a mix of people who served on various boards, with a selectman on the board as well. Bob Yamartino will consider whether he can serve or not and will also reach out to Ken Twombly.

Mr. Yamartino does want the Charter Revision Committee to look at the succession plan for the selectmen.

Composting Update - 8:53 PM

(The audio was very difficult to hear at this point).

Carol Bufithis reported that they met with DMIAAB and Dom DelVecchio wants DMIAAB to take on the expense of transportation to Southington and paying \$65. He wants Middlefield to provide a pick-up truck with gas to use for this for six months and Durham to provide the other six months. A DMIAAB driver will transport it. Eight to 12 35-gallon containers will be purchased for this purpose. Jim Irish

asked if this would create any insurance issues and Carol Bufithis explained that Dom DelVecchio will be looking into that.

The composting program just got another grant and hope to use that full \$1,600 for educational workshops and social media. Bob Yamartino asked Carol Bufithis how many people she thought would participate in the program and she explained that they are trying to get as many people as possible. Mr. Yamartino suggested making an educational video. Carol Bufithis stated that the Eco Club at the high school is going to help with this.

Carol Bufithis also asked to buy eight or 12 containers for a total of about \$1,200 to start collecting at the transfer station. Laura Francis talked to Dom DelVecchio about having all of them being potential site improvements for DMIAAB. Other transfer stations have an actual building for items that people donate because if the items are around longer, people are more apt to take them. They are looking at ways to decrease whatever gets sent out to Hartford and then Essex. Jim Irish noted that many towns on Cape Cod have facilities for recycling goods. Ms. Bufithis asked that they consider using the money for DMIAAB purchases. She asked for half of the cost of the containers and Durham will pay the other half. Bob Yamartino suggested a 60/40 split or whatever the regular allocation is.

Carol Bufithis would like to see this program started one way or the other by August 1st. Mr. Yamartino did not believe the board needed to vote on this because of the amount involved. Mr. Irish felt it would be more of a motion to create a line item than for the amount. Mr. Yamartino will ask Al Rusilowicz tomorrow and send this to the Board of Finance, if necessary.

Selectmen/Selectwoman Report - 9:11 PM

- a. Review of information regarding live broadcasts/remote BOS and other Town Committee/Commission meetings

Jim Irish reported that there was a successful live broadcast of the Park and Rec meeting last week. Tonya Hogan will make the schedules for the meetings and Jim Irish will try to get all of the chairmen trained before their meetings. Bob Yamartino asked if they were able to reverse the camera and make it a mirror image. Jim Irish will look into that.

Bob Yamartino did review the regulations regarding remote meetings with the attorney and they are allowed to hold fully remote meetings, but it must be noticed at least 48 hours in advance, not 24 hours. Once noticed, people need to have a means to report that they do not have access to the remote technology and the town is then obligated to provide them with remote access. Mr. Yamartino feels it best to do fully remote meetings if it is a special meeting. If a meeting is held with a quorum, that location needs to be available to the public.

The current requirements are that every motion has to be individually made, motioned and physically signed by members of boards or commissions. If the meeting is 100 percent remote, that can't be done.

It is legitimate, under state law, to include motions in the minutes, however the Town Clerk currently records each motion in a book. Mr. Yamartino would like to maintain that, so he is asking that every vote be taken by roll call unless it is unanimous.

Carol Bufithis thought that people who are remote would see everyone in the room and Jim Irish felt that there really wasn't a way to do that without compromising the audio. It was suggested that anyone wishing to speak come to the front of the room. Bob Yamartino asked Jim Irish and Al Rusilowicz for all of their work on this.

b. RiverCOG Meeting Update - 9:20 PM

Jim Irish reported that there was some discussion about new grants from the State Streets Program. They need to see if it is something Middlefield could use. The deadline for application for the grant is September 15th. They also discussed the transit district. The RiverCOG budget for 2023 is up nearly 20 percent, but that will not show up in additional dues for the towns.

MIRA is likely to close this September and subsidization tip fees will probably continue through fiscal 2023 and possibly 2024. There was a suggestion that the towns in RiverCOG join together in an RFP for trash. DMIAAB has made efforts to go to Essex, but this would be a broader effort. Part of the problem with Essex is that they can't take trash from all the towns.

There are a lot of different state transportation projects in the works that COG has to endorse that are part of the TIP (transportation improvement plan). Mr. Irish would like to see if any Middlefield projects can get on that TIP.

c. Update of DEEP adding Lake Beseck to TMDL (Total Maximum Daily Loading) Study for their awareness of total nutrient loading in their lake

Jim Irish sent emails off today to people at DEEP to see if there was a way to begin the process.

d. Other

Jim Irish asked if Tonya Hogan is familiar with putting videos on YouTube because he can help her with that. He wasn't sure that video recordings of meetings need to be posted or if audio recordings are enough for the transcription of minutes.

Bob Yamartino reported that they interviewed a company that has done 57 municipality websites and are awaiting their quote. The Town of Durham opened their bids last week and had numbers as low as \$2,000 and as high as \$28,000, from a minimum of 12 vendors. The website will have full search functions as well as different landing pages. There will also be a calendar function which will be all-inclusive of agendas, minutes, audio and/or audiovisual. The company suggested that the videos be put on a YouTube site which they will link to, however, under state statute, a recording of a remote meeting

needs to be posted within seven days on the Town Clerk's website or accessible and must stay a minimum of 45 days. After 45 days, the video will be archived. The website company can store up to 3 million links, but not 3 million videos.

Bob Yamartino added that Lucy Petrella, chairman of the Board of Education, had asked to attend tonight's meeting, but he told her that their agenda was very full and ask if she could wait two weeks. The issue is that Durham elects their members in November and Middlefield does it during a town meeting in May which then triggers that they have to elect officers twice a year. Mrs. Petrella wants to know if Middlefield would entertain moving to four-year terms and having them elected at the general election. Mr. Yamartino does not personally like that, but is willing to listen. He thought they could ask the Charter Revision Committee to look at that issue. He felt that if they move it to the general election, both parties will automatically run someone.

Carol Bufithis stated that 10 people at a town meeting can decide who is on the Board of Education and that disturbs her. She feels it is more likely that people will vote in a general election, but Mr. Yamartino asked her if they wanted those representatives elected based on just party line. He also noted that there have been years when no one would run for the Board of Education and other years that they postponed the town meeting three times. He would rather wait until they have the right person and added it has only been recently that more than one person ran for the Board of Education.

Carol Bufithis would really like to get Middlefield in the Sustainable CT program so they can be in a position to get matching money and offered to take that on and find somebody to help with that. Jim Irish warned how broad the Sustainable CT program is.

Bob Yamartino thanked both Jim Irish and Carol Bufithis for all of their support and the work they do. People have noticed that they make decisions, act on them and then complete it.

Adjournment - 9:50 PM

Jim Irish made a motion, seconded by Carol Bufithis, to adjourn the regular meeting of the Board of Selectmen. Motion carried unanimously.

The meeting was adjourned at 9:51 PM.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First