

**MINUTES  
REGULAR MEETING  
BOARD OF MAYOR AND BURGESSES  
APRIL 3, 2018**

1. Mayor “Pete” Hess called the regular meeting to order at **6:00 p.m.** with the following in attendance:

**BURGESSES:**

|                |               |
|----------------|---------------|
| L. Taf Jackson | D. Hoff       |
| M. Bronko      | R. Neth       |
| R. Burns       | R. Vitale     |
| J. DeOliveira  | D. Wisniewski |
| C. Herb        |               |

**PRESS:**

L. Marshall

**RESIDENTS:**

Eight

**DEPARTMENT HEADS:**

P. Russell, Deputy Fire Chief  
J. DeBisschop, 2<sup>nd</sup> Assistant Fire Chief  
J. Kallipolites, Information Technology Director

A. Bruce, Controller  
C. Edson, Chief of Police

**OTHERS:**

S. Zahid, Conservation Commission  
M. Sharon, Conservation Commission  
D. Sheridan, Board of Finance Chairman  
S. Gunnoud-Savoy, Police Commission Chairwoman

Attorney M. Curtin  
Attorney E. Fitzpatrick  
R. Pugliese, NEDC CEO

2. Burgess Burns led in the Pledge of Allegiance to the flag.
3. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the minutes of the regular meeting of **March 6, 2018** and the special meeting of **March 21, 2018**. Each member received copies for review.
4. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses approve the monthly reports of **March**. Each member received copies for review.
5. Motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth to recess to Executive Session at **6:01 p.m.** for discussion on the following: **Personnel** (Discussion Regarding Police Officer John Julian), **Collective Bargaining** (Fire Union Negotiations), **Real Estate** (Lanxess Property, Property Bordering Water Street and Cedar Street, 7.86 Acres Maple Hill Road, 6.86 Acres Alison Avenue) and **Pending Litigation** inviting in Board of Finance Chairman D. Sheridan except for personnel, Attorney M. Curtin and Police Commission Chairwoman S. Gunnoud-Savoy for personnel only.  
**Burgess D. Hoff and Burgess R. Vitale opposed.**

Mayor Hess reconvened the meeting at **6:50 p.m.**

6. The following motion emanated from Executive Session.

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Motion by Deputy Mayor Taf Jackson and seconded by Burgess Hoff that the Board of Mayor and Burgesses approve the separation agreement concerning John Julian as discussed in executive session and authorize Mayor Hess to execute all related documents.  
**Burgess Neth opposed.**

**For the record:**

**Mayor Hess:** “This is a resolution of a position at the police department; its subject to a confidentiality agreement, there will be no further discussion of that issue at this time.”

7. Mayor Hess declared the **Public Hearing** open at **6:52 p.m.**
8. Public Comment  
Support for the Fracking Ordinance. Corrie Folsom-O’Keefe will be honored on April 21<sup>st</sup> as the Earth Day Mayor for the Day.
9. Mayor Hess appointed **Kevin Zak**, environmental/river advocate, as a member of the **Advisory/Steering Committee for the BAR Planning Program.**
10. Mayor Hess approved the appointment of **Tracey A. Gairing**, 44 Pembroke Road, Naugatuck, CT 06770 to the **Naugatuck Day Care Board of Directors**, term to expire April 1, 2019.
11. Mayor Hess reappointed the following regular members to the **Arts Commission**, terms to expire April 1, 2020:

**Catherine M. Ernsky**  
56 Rockwell Avenue  
Naugatuck, CT 06770

**Frank Alcorace**  
47 Jones Road  
Naugatuck, CT 06770

**Aldona LaPorta**  
300 Spring Street  
Naugatuck, CT 06770

**Tracy F. Mariano**  
500 Hillside Avenue  
Naugatuck, CT 06770

**Matthew C. McClain**  
56 Rockwell Avenue  
Naugatuck, CT 06770

**Matthew Tansley**  
400 Park Avenue  
Naugatuck, CT 06770

**Elizabeth Wierzbicki**  
50 Rockwell Avenue  
Naugatuck, CT 06770

**Daniel J. Renzoni, III**  
701 Beacon Valley Road  
Naugatuck, CT 06770

12. Mayor Hess reappointed **Margie Paul-Gaston**, 33 West Hill Terrace, Naugatuck, CT 06770 as an alternate member of the **Arts Commission**, term to expire April 1, 2020.
13. Motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses authorize Mayor Hess to file a request for **eligibility determination to the EPA** regarding the assessment and remediation of existing environmental conditions at **251 Rubber Avenue.**

**ROLL CALL VOTE:**

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**ROLL CALL VOTE:**

**FOR**

L. Taf Jackson                      J. DeOliveira  
M. Bronko                            C. Herb  
R. Burns                              R. Neth

**OPPOSE**

D. Hoff  
R. Vitale  
D. Wisniewski

**ABSTAIN**

Mayor N.W. Hess

**Motion carried 6-3-1**

14. Burgess Jack DeOliveira did not make a presentation with a Go Pro as a possible **Video Recording System** for borough meetings. He said he found out it would not meet the needs of the board. Instead he presented a modified version of the recording system IT Director Jim Kallipolites presented last month. His work colleague, Katie Krajcik, is the videographer who records at the State Capitol. She advised Burgess DeOliveira on the equipment she uses to record sessions and which equipment the board could purchase. The equipment would cost \$3,022.94 with warranties through dnr Laboratories. This does not include a chrome book or laptop. It requires a person to operate the zoom. Burgess DeOliveira would like to ask if a student from the high school would like to do this for community service. He said he is against spending money for a recording system but if we are going to buy something, this is a cheaper option.
15. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses designate **April 2018 as Child Abuse Prevention Awareness Month** in the Borough of Naugatuck.
16. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses **waive** the bid and award the **“LED Lighting and Controls Upgrade – Fire Department”** to World Energy Efficiency Services, 2318 Main Street, Stratford, CT 06615 in the amount of **\$16,341.98** and authorize Mayor Hess to execute all contracts and related documents as recommended by Fire Chief Ellen Murray.
17. Motion by Burgess \_\_\_\_\_ that the Board of Mayor and Burgesses **waive** the bid and award **“Payroll Services”** to Automatic Data Processing, Inc. (ADP), One ADP Boulevard, Roseland, NJ 07068 in an amount **not to exceed \$110,000 a year** and authorize Mayor Hess to execute all contracts and related documents as recommended by Controller Allyson W. Bruce.  
**Motion tabled.**
18. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses abate the taxes on real property, Bill #2014-01-0062221, ID #056-0500 in the amount of **\$1,060.36** owned by **One South Main Street LLC, 27 South Main Street, Naugatuck, CT 06770** pursuant to Connecticut General Statutes Section 12-81 as recommended by Tax Collector James Goggin.

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19. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses abate the taxes on real property, Bill #2014-01-0047222, ID #056-0500 in the amount of **\$2,001.94** owned by **One South Main Street LLC, 27 South Main Street, Naugatuck, CT 06770** pursuant to Connecticut General Statutes Section 12-81 as recommended by Tax Collector James Goggin.
20. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses abate the taxes on real property, Bill #2015-01-0047483, ID #056-0500 in the amount of **\$3,203.42** owned by **One South Main Street LLC, 27 South Main Street, Naugatuck, CT 06770** pursuant to Connecticut General Statutes Section 12-81 as recommended by Tax Collector James Goggin.
21. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses abate the taxes on real property, Bill #2016-01-0007484, ID #056-0500 in the amount of **\$3,262.56** owned by **One South Main Street LLC, 27 South Main Street, Naugatuck, CT 06770** pursuant to Connecticut General Statutes Section 12-81 as recommended by Tax Collector James Goggin.
22. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses refer to the Joint Boards of Mayor and Burgesses and Board of Finance a transfer request of **\$4,000** from the **WWTF Collection System COPS Account** to the **Department of Finance – General Expense Account** as recommended by Controller Allyson W. Bruce.
23. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses refer to the Joint Boards of Mayor and Burgesses and Board of Finance a transfer request of **\$101,235.19** from the **WWTF Collection System COPS Account** to the **Settlement Legal Claims Account** as recommended by Controller Allyson W. Bruce.
24. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses refer to the Joint Boards of Mayor and Burgesses and Board of Finance a transfer request of **\$170,000** from the **WWTF Collection System COPS Account** to the **Debt Service – Bond Redemption Account** as recommended by Controller Allyson W. Bruce.
25. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses refer to the Joint Boards of Mayor and Burgesses and Board of Finance a transfer request of

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**\$188,000** from the **WWTF Collection System COPS Account** to the **Debt Service – Interest on Bonds Account** as recommended by Controller Allyson W. Bruce.

26. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses refer to the Joint Boards of Mayor and Burgesses and Board of Finance a transfer request of **\$215,000** from the **Accounts Payable Account** to the **Munis Project Reserve Account** as recommended by Controller Allyson W. Bruce.
27. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses refer to the Joint Boards of Mayor and Burgesses and Board of Finance a transfer request of **\$233,188** from the **Debt Service – Lease Payments Account** to the **Munis Project Reserve Account** as recommended by Controller Allyson W. Bruce.
28. Motion by Burgess \_\_\_\_\_ that the Board of Mayor and Burgesses adopt **Ordinance #131 – Fracking Ordinance** hereby creating a new **Article IV, Ordinance Prohibiting the Storage, Disposal or Use of Oil and Gas Drilling and Extraction Waste, §§ 11-48 – 11-60 in Chapter 11, Health and Sanitation** of the Code of Ordinances of the Borough of Naugatuck, Connecticut, as if read:

**Ordinance #131  
Fracking Ordinance**

**Sec. 11-48. Intent.**

The prohibition of oil and gas drilling and extraction wastes are hereby declared necessary for the protection of the health, property, safety and welfare of the residents of the Borough of Naugatuck pursuant to C.G.S. §7-148(c)(7)(H), C.G.S. §7-148(c)(4)(H); C.G.S. §7-148(c)(7)(H)(xi), C.G.S. §7-148 (c)(8), and §7-148(c)(7)(H)(ii) as amended.

**Sec. 11-49. Definitions.**

For the purposes of this ordinance, the following terms, phrases, and words shall have the meanings given here, unless otherwise clearly indicated by the context:

1. *“Hydraulic fracturing”* shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
2. *“Natural gas extraction activities”* shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.

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3. *“Oil extraction activities”* shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to, core and rotary drilling and hydraulic fracturing.
4. *“Natural gas waste”* shall mean: a) any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with natural gas extraction activities; c) any waste that is generated as a result of or in association with the underground storage of natural gas; d) any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and e) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
5. *“Oil waste”* shall mean: a) any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with oil extraction activities; and c) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
6. *“Application”* shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Borough of Naugatuck.

**Sec. 11-50. Prohibitions.**

1. The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use by DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the borough for any purpose is prohibited.
2. The storage, disposal, sale, acquisition, transfer, handling, treatment, and/or processing of waste from natural gas or oil extraction is prohibited within the borough.

**Sec. 11-51. Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the borough.**

1. All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the borough shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
2. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the borough shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the borough.

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3. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and or maintained road or real property within the borough and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the borough: *“We \_\_\_\_\_ hereby submit a bid for materials, equipment and/or labor for the Borough of Naugatuck. The bid is for bid documents titled \_\_\_\_\_. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the Borough of Naugatuck as a result of the submittal of this bid if selected.”*

**Sec. 11-52. Penalties.**

In response to a violation of this ordinance, the borough may: (1) issue a Cease and Desist order demanding abatement of the violation; (2) require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, be it public or private, within the Borough of Naugatuck; (3) impose fines in any amount it deems necessary related to violation of this ordinance and recoup from the offending person(s), jointly and severally, all costs, including experts, consultants, and reasonable attorney’s fees; (4) and seek any appropriate legal relief, including immediate injunctive relief, as a result of any violation of this ordinance.

**Sec. 11-53. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this ordinance of the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this ordinance or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered. To further this end, the provisions of this article are hereby declared to be severable.

**Secs. 11-54 – 11-60 Reserved.**

**ROLL CALL VOTE:**  
**Motion tabled.**

29. Motion by Burgess \_\_\_\_\_ that the Board of Mayor and Burgesses amend **Ordinance #130, Chapter 13, Offenses and Miscellaneous Provisions, Article I, In General, Section 13-13 Child Safety Zone, Sub Section (c)(2) Exclusions** of the Code of Ordinances of the Borough of Naugatuck, Connecticut, to include the following which **reads as follows**, as if read:

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**(c) Prohibited acts; exceptions**

(2) Exclusions. This prohibition shall not apply to the following

- g. To any person who receives a waiver from the Chief of Police as set forth herein. Such waiver may be granted under the following terms and conditions; (1) the person applying for such waiver is considered a non-violent sexual offender under C.G.S 54-250 – 54-254 and the crime was a first offense and was not committed against a minor or a person who was physically helpless, (2) the offender's victim does not object to said waiver and (3) it is determined by the Chief of Police or his designee that there is no public safety issue. The Chief of Police or his designee, upon receipt of such request for waiver, may conduct an investigation into the suitability of the offender to receive such waiver and the issuance of any waiver in whole or in part is at the sole discretion of the Chief of Police or his designee.

**ROLL CALL VOTE:**

**Motion tabled.**

- 30. Discussion/possible action regarding the **Northwest Regional Workforce Investment Board**.  
**Discussion tabled.**
- 31. The board agreed on Tuesday, **April 17, 2018** as the date for a special meeting of the **Board of Mayor and Burgesses**.
- 32. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses authorize Controller Allyson W. Bruce to refund the following tax refunds approved by Tax Collector James Goggin; as if read:

Barbieri, John **\$95.96**  
CT State Marshal  
215 Church Street  
Naugatuck, CT 06770  
2013-03-0019636 Overpaid

Bendler, Adolph J. or Joann **\$23.97**  
65 May Avenue  
Naugatuck, CT 06770  
2014-03-0001854 Overpaid

Connecticut Water Company **\$167.42**  
93 West Main Street  
Clinton, CT 06413  
2016-03-0076254 Overpaid

Corelogic Centralized Refunds **\$3,656.30**  
P.O. Box 9202  
Coppell, TX 75019-9760  
2016-01-0005526 Overpaid



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Corelogic Centralized Refunds **\$3,968.24**

Behlman, Lydia  
P.O. Box 9202  
Coppell, TX 75019-9760  
2016-01-0000791 Overpaid

Corelogic Tax Service **\$2,204.17**

Shugrue, Lauren  
P.O. Box 961009  
Fort Worth, TX 76161-0009  
2016-01-0004231 Overpaid

Cruz, Dorka and Smith, Juan **\$548.49**

111 Pulaski Street #2  
Torrington, CT 06790-4638  
2015-03-0515462 Overpaid

Decho, Henry J. **\$40.37**

110 Inwood Drive  
Naugatuck, CT 06770  
2016-03-0056271 Overpaid

Delpo, Paul and Dorene **\$729.00**

11 Woodside Drive  
Naugatuck, CT 06770  
2016-03-0056432 Overpaid

Diaz, Roberto and Susan **\$136.72**

180 Red Robin Road  
Naugatuck, CT 06770  
2014-01-0057759 Overpaid

Genovese, Jamie L. **\$262.92**

925 Oronoke Road Unit 36 D  
Waterbury, CT 06708  
2016-03-0059136 Overpaid

JP Morgan Chase Bank NA **\$192.55**

P.O. Box 901098  
Fort Worth, TX 76101-2098  
2016-03-0062100 Overpaid

Kalogrides, Leigh A. **\$193.14**

115 Evening Star Drive  
Naugatuck, CT 06770  
2016-03-0062207 Overpaid

Klein, Joanne **\$23.91**

526 Huntington Road  
Stratford, CT 06614  
2016-01-0005273 Overpaid

Marchesseault, C. J. **\$154.66**

195 Capewell Avenue  
Waterbury, CT 06708-1203  
2016-03-0064613 Overpaid

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Marchesseault, C. J. **\$165.87**  
195 Capewell Avenue  
Waterbury, CT 06708-1203  
2014-03-0014542 Overpaid

Marchesseault, C. J. **\$175.38**  
195 Capewell Avenue  
Waterbury, CT 06708-1203  
2015-03-0524448 Overpaid

Marchesseault, C. J. **\$247.90**  
195 Capewell Avenue  
Waterbury, CT 06708-1203  
2014-03-0014541 Overpaid

Marco, James **\$12.99**  
158 Hillside Avenue  
Naugatuck, CT 06770  
2016-03-0064627 Overpaid

McDonnell, Patricia **\$44.18**  
44 Gorman Street  
Naugatuck, CT 06770  
2016-04-0083014 Overpaid

Monarca, Judith N. **\$277.13**  
191 Longview Terrace  
Naugatuck, CT 06770  
2016-03-0066052 Overpaid

Nissan Infiniti LT **\$526.26**  
8900 Freeport Parkway  
Irving, TX 75063-2409  
2016-03-0067285 Overpaid

Ruiz, Jessica M. **\$258.17**  
677 Millville Avenue  
Naugatuck, CT 06770  
2016-03-0070731 Overpaid

Stumpf, Peter C. **\$373.27**  
88 Park Avenue  
Naugatuck, CT 06770  
2014-03-0023379 Overpaid

Stumpf, Peter C. **\$501.50**  
88 Park Avenue  
Naugatuck, CT 06770  
2013-03-0023364 Overpaid

Timberwood Homes LLC **\$11.77**  
1071 Middletown Avenue  
Northford, CT 06472  
2016-01-0005949 Overpaid

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Umbehr, Bernard **\$35.47**  
164 Hammock PT Road Unit 26  
Westbrook, CT 06498  
2016-03-0074350 Overpaid

White, Rebecca **\$106.67**  
89 Trowbridge Place  
Naugatuck, CT 06770  
2016-03-0075401 Overpaid

33. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses add to the agenda a motion to authorize Mayor Hess to extend an agreement with **Hooker & Holcombe**.
34. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Neth that the Board of Mayor and Burgesses authorize Mayor “Pete” Hess to extend and sign an agreement for “**Actuarial and Consulting Services**” with Hooker & Holcombe, 65 LaSalle Road, West Hartford, CT 06107 as recommended by Controller Allyson W. Bruce.
35. Public Comment  
None
36. Burgess Comments/Sub-Committee Reports  
**Burgess Neth** met with the Five Year Capital Committee and discussed the roof at City Hill Middle School and the heating system at Andrew Avenue Elementary School. He said the longer we wait to address these issues, the more money it will cost to replace.  
**Burgess Vitale** reported the Park Department’s Bunny Hop was a lot of fun. A Red Cross Blood Drive will be held on April 18<sup>th</sup> from 1 p.m. to 6 p.m. at the Recreation Center. There will be a Wellness Fair this Saturday on the green from 12 p.m. to 3 p.m. A fundraiser for Tommy Byrne’s family will also be held Saturday from 4 p.m. to 8 p.m. at the Naugatuck Elks Lodge.  
**Burgess Herb** reported the Conservation Commission worked diligently on the Fracking Ordinance. They had people from Pennsylvania come to their meeting. The Planning Commission sent a positive referral to the Zoning Commission for a U-Haul Rental in Cross Street Plaza.
37. **VOTED:** Unanimously on a motion by Deputy Mayor Taf Jackson and seconded by Burgess Hoff to adjourn the meeting at **9:06 p.m.**

**A digital recording of this meeting is available in the office of the Borough Clerk for further review.**

**Attest:**

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Nancy K. DiMeo, Borough Clerk