

TOWN OF CHESTER, CONNECTICUT
TOWN MEETING
Chester Meeting House and via
ZOOM
December 15, 2021
7:00 p.m.

The meeting was called to order by First Selectwoman Gister at 7:14 p.m. John Bennet was duly named as Moderator. Approximately 100 residents were in attendance both in-person and via ZOOM. A motion was made, seconded and so voted to waive the reading of the Call to the Town Meeting.

Item #1

A motion was made and seconded to amend the Ordinance entitled "Building Records" adopted February 29, 1972 to delete the listed fees in paragraph (3) and add language to allow the BOS to set and designate fees for processing building, electrical and other permits as appropriate.

First Selectwoman Gister reported that building permit fees have been changed over the years; however, the Ordinance has not been updated. The BOS, Fire Marshal and Building Official have reviewed the proposed Ordinance change. Approving this item will allow the BOS the ability to update fees as appropriate without the need for another Ordinance change.

The motion passed unanimously.

Item #2

A motion was made and seconded to amend and restate the Ordinance entitled "Ordinance Concerning Use of Cedar Lake, Cedar Lake Beaches and Parking Areas" adopted December 30, 1975 to restrict the use of vessels on the waters of Cedar Lake to electric motors, sails, paddles, poles or oars only, in order to prevent the spread of invasive aquatic species which threaten our lakes and waterways.

First Selectwoman Gister reported that the BOS has hosted public meetings relative to the proposed Ordinance change. In addition, the BOS has been discussing the proposal for several months in consultation with the Conservation Commission, Cedar Lake Water Shed Commission and RiverCOG relative to the threat of invasive aquatic species, particularly Hydrilla, in Cedar Lake. Note that a strain of Hydrilla has already been identified on the Connecticut River. The Town has taken measures, including hydro raking, over the years to address several invasive species currently in the lake. The Town of Coventry, Connecticut has spent up to \$100,000 per year using chemicals to contain Hydrilla on their lake. The proposed change in Ordinance is not to ban all boats on Cedar Lake, only gas propelled vessels.

Use of Cedar Lake has changed over the years including more long distance swimmers, a crew team, paddlers, kayaks, etc. Lauren provided statistics relative to the more recent uses of the lake. A survey was done during boating season and indicated that of the 207 vessels on the lake (in a specific timeframe), 181 vessels were manual. In addition 28 long distance swimmers were observed along with many paddlers and kayakers. The safety of these individuals is of the utmost importance. The proposed Ordinance change would only mitigate, not eliminate, the threat of Hydrilla.

Comments from those in attendance included:

Ivey Gianetti questioned how the use of motor boats is more of a threat? Lauren responded that since the engine is cooled with water, the engine retains a certain volume of water inside after use. This water can then be introduced into the next body of water in which the boat is launched; thus the potential for contamination from one body of water to another. In addition, if the motor boat is trailered, the trailer could also be a source of contamination.

Don Peterson, Ctfisherman.com, reported that the passing of this proposed Ordinance would be restrictive and a violation of access to many fisherman who, as taxpayers pay for the boat launch, stocking and management of the lake. He expressed disappointment that the Town did not consult with DEEP as the DEEP Commissioner may disapprove of the Ordinance. He implied that there are individuals and entities in Town that wish to make the lake private and that using the threat of invasive species is a “cover” for a larger intent for the lake. He continued that there are other scientific methods to address invasive aquatic vegetation.

Jeff Foggitt reported that there is no justification for banning motors on the lake as motors are designed to drain internals when pulled from the water. In his opinion, the threat of contamination from a motor boat is equal to that of an electric boat.

Kim Nowak reported that there are grants available to address invasive species. She expressed concern relative to the State’s willingness to stock the lake, etc. if boats and trailers are banned from it. She continued that boaters are aware of the threat of Hydrilla and are diligent about cleaning/rinsing their boats. She did not favor restricting uses on the lake.

Christine Palm reported that Hydrilla has been a major concern at the State level. She emphasized that while oars and kayaks, etc. can spread Hydrilla, the blades of motors are the biggest threat due to fragments. She is working at the State level to provide funding to DEEP to monitor boat launches with the goal of mitigating the spread of invasive species. She encouraged residents to contact her for additional information.

Ms. El Zain commented that no one is debating that Hydrilla is a concern; just an appropriate solution to the management of it. She questioned why fishing is not permitted by the town beach and cemetery. Lauren responded that the fishing section of the Ordinance has not changed and fishing in these areas has never been permitted.

Kris Pollack commented that Hydrilla can be transmitted by any boat, not just motor boats. She questioned if there have been any recent accidents on the lake linked to the use of motor boats (referencing Lauren’s comment about the changing uses on the lake; i.e. long distance swimmers, paddlers, etc.). Lauren responded that the purpose of the proposed Ordinance change is to mitigate as much risk as possible. The Town must determine what level of risk they are willing to take with the lake.

Robert Galbraith commented that it is difficult to compare Cedar Lake with the lake in Coventry as Cedar Lake is much smaller. He asked if there have been estimates for mitigation measures in Cedar Lake, should Hydrilla be identified in it. Lauren reported that Coventry is spending approximately \$100,000 per year using chemicals. Rough estimates for Cedar Lake were between \$40,000 and \$60,000 (should Hydrilla invade). Mr. Galbraith reported that there are other alternatives Chester has not pursued and

banning motor boats and trailers is inappropriate. The speed limit currently on the lake is sufficient to keep swimmers, etc. safe.

Paul Radicchio suggested that a quarantine program, similar to one used at Rockville Reservoir may be an appropriate measure to address concerns.

Tim Kosky reported that hooks are an issue as a result of fishing from the beach and that the cemetery is private property. In addition, the crew team goes faster than the 6 mph speed limit and may pose a threat to long distance swimmers.

Michelle Dinwoodie reported that oars of boats, canoes, kayaks and also wildlife can spread Hydrilla.

Andy Pye requested the source for information relative to electric motors being better at not transmitting Hydrilla vs. gas engines as both boats utilize propellers.

Alex Maxwell cautioned against comparing Cedar Lake to the much larger Coventry Lake. Coventry Lake has water skiing ramps, inboard motors, outboard motors, hundreds of homes, etc. and is a much busier lake than Cedar Lake. He reported that there is money available for invasive species and the town did not apply for it.

Jason Lemark commented that there are individuals who wish to make the lake private and “we know where this came from”. He reported that there are bigger threats to Cedar Lake including septic. In addition, it is just as likely to transmit Hydrilla via any boat, not just motor boats.

Dean Rustic reported that the Hydrilla on the Connecticut River is a different species than the one found in Coventry. In Coventry, at some point, an individual dumped an aquarium into the lake contaminating it with Hydrilla. He continued that the fertilizer used by homes on the lake, run-off, and septic could add to the issues currently at the lake.

Grant McGee reported that it is inappropriate to limit the uses and access to the lake by banning motor boats and trailers. Many individuals may not be able to access the lake without a trailer. It is not fair to limit access to the lake especially since Hydrilla can be transferred in many ways.

Don Peterson reported that all in attendance want what is best for the lake but this proposal is flawed and restricts access to the lake. He suggested that another proposal be developed.

Steve Merola reported that the invasive species Milfoil is of concern on the lake and a better way to manage the lake must be developed.

Ivey Gianetti requested clarification for the exemptions listed in the proposed Ordinance and under what conditions would the BOS consider an exemption. Lauren responded that for health and safety reasons, the BOS would consider exemptions. In addition, if a boat never leaves Cedar Lake, an exemption may be appropriate. Ms. Gianetti commented that it would be difficult to determine if a boat stays on Cedar Lake only.

Jeff Foggitt asked if the Town has applied for grants to address invasive species. Lauren responded that the town has not applied for grants. Mr. Foggitt continued that fees paid by boaters using the lake are the funding source for said grants. If they are banned, the source for grant funding would disappear. He

suggested that perhaps the Cedar Lake Water Shed Commission can monitor the lake relative to invasive species including Hydrilla.

Ms. El Zain made a motion to table. The motion was duly seconded and discussion ensued.

Tom Brelsford, Cedar Lake Water Shed Commission, clarified some items discussed this evening. The proposed Ordinance is not an effort to privatize the lake. Invasive plants are not easy to address. There are invasive plants in the lake now and the Commission has been doing their best to control/manage them. Researchers have been consulted and report that the only way to manage Hydrilla of any strain is by chemical application. Cedar Lake will be surveyed by experts next year. He explained the way Hydrilla grows and commented that it is a true threat to waterways. If it gets into the lake, you will be unable to swim, boat through it or fish. While it is true that there are other methods to address invasive species (hydro raking, hand pulling), Hydrilla is different and researchers have not found a good way, with the exception of chemicals, to treat it. Tom reported that he has been in contact with DEEP relative to these concerns. DEEP does not get involved unless and until an Ordinance is passed and published. Contrary to what has been stated this evening, DEEP has been consulted.

Tom reported further:

- The crew team motor boat is exempted because by law, they must have a safety motor boat.
- The proposed ban on trailers is because they go from one body of water to another.
- T proposed ban on motor boats is because in all cases where invasives are introduced into water, they are first found either at the launch or near it.

Tom stressed that if Hydria gets into Cedar Lake it will be catastrophic.

The motion to table Item 2 passed.

Item #3

A motion was made and seconded to amend the Ordinance entitle "Ordinance Creating Alternate Members to the BOF" adopted August 31, 1976 to add language to paragraph (5) to clarify that the filling of vacancies among the alternate members of the BOF shall be in accordance with Section 7-343 of the Connecticut General Statutes.

Lauren reported that the BOS and BOF have discussed this proposed Ordinance change extensively. This proposed change, clarifies that the filling of BOF alternates will be in accordance with Section 7-343 of the State Statute. Rick Nygard, Chairman of the BOF, reported that the BOF is in support of the proposed Ordinance change.

The motion passed unanimously.

Item 4

A motion was made and seconded to adopt an Ordinance entitled "An Ordinance Regulating the Storage and Collection of Waste Containers in the Village District" to set regulations and restrictions for the disposal of garbage and recyclables with regard to health and safety within the pedestrian and commercial core of Chester.

Lauren reported that more outdoor dining space was necessary due to Covid-19. Unfortunately, Chester does not have alleys/roads behind restaurants for the storage of garbage containers or to accommodate garbage haulers.

The purpose of the proposed Ordinance is to control the timing and placement of garbage cans. A copy of the proposed Ordinance, listing the parameters of same, was available at the meeting. Many businesses don't open until later in the day and diners are eating outside next to garbage cans. In addition, trash cans are left on the sidewalks posing a safety issue to pedestrians. Additional concerns include: trash spilling out of cans, spills on sidewalk, and cans being placed in front of neighboring properties. If passed, the Ordinance will be enforced by the police via tickets.

There have been discussions regarding a public dumpster but the Town is not interested in being in charge of garbage, fees, etc. It was suggested that perhaps businesses may request that their haulers pick up the trash at a specific, consistent time.

Several participants expressed concern with the requirement to remove containers from the sidewalk by 9 a.m. Many haulers do not pick up the garbage before 9 a.m. In addition some establishments do not open by 9 a.m. and it would not be practical to hire an individual to come in to move the garbage cans. Lauren suggested that businesses can talk to their hauler and perhaps use a common hauler.

Felise Cressman expressed concern that restaurant owners are filling up the garbage can located behind the doctor's office. If tight restrictions are set, more trash will be in the Water Street lot. She suggested a dumpster be placed at the Water Street lot.

Susan Wright reported that in the past, proposals for a universal spot for garbage cans included Maple Street and Water Street. The recent renovation to the downtown should have considered garbage concerns. The proposed Ordinance does not seem to do what is needed and is just a band aid.

Robert Galbraith reported that in the past, businesses have been willing to pay for a dumpster at Maple Street and were told "it is our problem". He suggested that the times be adjusted in the Ordinance. Businesses will lose bargaining advantages if forced to use the same carrier.

A motion was made and seconded to table further discussion on Item #4. The motion passed.

Item #5

A motion was made and seconded to consent and approve an appropriation in an amount not to exceed \$120,000 to be allocated from the American Rescue Plan Act Funds (ARPA) for the purchase and installation of a full service generator at the Chester Town Hall to enable continuity of services for the health and safety of town residents.

Lauren reported that money previously budgeted for a generator was transferred and used elsewhere. The current generator at the town hall is only capable of preventing the pipes from freezing, some lighting and maintaining the server. In the event of a power outage, staff is sent home and the town hall closes. Chester is the only area town that must close its doors when the power fails. This purchase would be a permitted use of ARPA funds.

Rick Nygard, BOF Chairman, reported that the BOF's goal is to keep tax increases at a minimum and it is important to examine closely each potential use of ARPA funds. While the BOF has been updated on the

proposed uses of ARPA funds, they have not approved them. The BOF voted unanimously as follows “the BOF is concerned about the procedural integrity to approve specific ARPA expenditures. The BOF does not believe there has been sufficient time to thoroughly review the specific projects being proposed. In addition to reviewing the specifics of these ARPA proposals, the BOF has responsibility for oversight on all town expenditures no matter the source of funds.

The BOF believes the residents of Chester deserve a thorough review of the ARPA projects taking into account town need, with said review allowing for proper investigation, review and discussion.

The BOF does not believe it is in the best interests of the residents of Chester to go to Town Meeting for approval of specific projects at this time; .numbers have not been vetted, confirmed or finalized and have changed since presented to the BOF for approval”.

Lauren provided an update on the protocol for use of ARPA funds vs. local tax funds. The BOS’s role is to set the priority and utilization of the money. In addition the use of these funds will be audited and it is the First Selectman’s responsibility to oversee all appropriate documentation for said audit. Many of the items on the agenda take a lot of time to be accomplished. The BOS is not proposing allocating all of the ARPA funds at the same time. The Town has several years to spend the money. The BOS’s goal is to balance the needs of the town vis a vis infrastructure, health and safety and social services. The Town has received one of two “batches” of funds, approximately \$623,000 per “batch”. It is anticipated that the second round of funds will be received next June.

Residents expressed concern that there was no public forum relative to the use of the funds and the BOF needs to be involved and to review all funds and potential projects.

Ed Meehan reported that a generator was included in the Capital Budget when he was First Selectman. In 2019, a bid was received in the amount of \$90,000. Generator prices will continue to increase and if ARPA funds are not used to purchase one, the tax payers will need to fund it.

Lauren explained that the proposed generator would power the entire town hall allowing it to remain open during power outages to accommodate a warming center, EOC, charging station, food pantry etc.

A motion was made and seconded to table Item 5.

Susan Wright reiterated the need for additional resident input and information. She reported that the BOF’s request to table should be honored. She expressed disappointment in the lack of communication from the Town relative to the ARPA funds.

Joe Cohen reported that the “same people have been running the town for many years”. He implied that past funds (i.e. Rec Center, Library Grant) were mismanaged. These same individuals are attempting to “rush to push this through”. He agreed with tabling the discussion.

Deb Vilcheck, BOF member, reported that it would be appropriate for the BOF to discuss ARPA funds as part of the upcoming budget process.

John Ohare, BOF member, reported that per State Statute, all things financial must go through the BOF; regardless of the legal opinion from the RiverCOG attorney stating otherwise. These funds cannot be approved tonight.

Kris Pollack reported that the town should have the opportunity to discuss priorities for the use of the funds; due diligence was not done.

Lauren reported that the BOF has been updated several times about specific projects, beginning in July. She reiterated the bid process for some of these requests will take time and there are things here that need to get done. Even if the funds are approved this evening, there is still a 2 to 3 month window to get it done.

The motion to table Item 5 passed.

Item #6

A motion was made and seconded to consent and approve an appropriation in the amount of \$44,820 to be allocated from the ARPA funds to expand clinical services and sustain youth and mental health support services at Tri-Town Youth Services Bureau for Fiscal years 22-24 to support long term recovery efforts from Covid-19 Pandemic. Funds are contingent upon Deep River and Essex's participation in funding the Tri-Town request.

A motion was made and seconded to table Item 6. The motion passed.

Item #7

A motion was made and seconded to consent and approve an appropriation of up to \$93,000 to be allocated from the ARPA funds to repair and replace aging sanitary sewer system infrastructure as requested by Chester's WPCA. The projects include replacing and rebuilding the sewer line behind 43-65 Main Street, replacing and rebuilding the sewer line from Water Street to the pump station, and installing monitoring equipment and generator back up connection at the pump station on Water Street.

A motion was made and seconded to table Item 7.

Ed Meehan, WPCA Chairman, provided an overview of the proposed projects. These projects are necessary to keep the system safe and to provide clean water. Estimates have been developed for the projects. If tabled, risks include environmental issues associated with pipe failures. The back-up generator at the station has failed and currently, a back-up generator is being rented, costing \$2,400 per month. If the system loses power and there is no back-up generator, "you can't flush". The lead time on these projects is out 2 to 3 months. The line at the Colt House, serving the Pattaconk and Bistro, is in poor condition. These projects are clearly eligible uses of ARPA funds.

Joe Cohen reported that the WPCA is supposed to be self-sufficient and properly managed. Any upgrades to the system should be financed from within and it is not appropriate to use all tax payers money (non-users of the system) and ARPA funds for a system that only benefits a small group of people.

The motion to table Item 7 passed.

Item # 8

A motion was made and seconded to consent and approve an appropriation in an amount not to exceed \$10,000 to be allocated from the ARPA Funds for the Shoreline Soup Kitchen to aid a local non-profit

organization due to the Covid-19 Pandemic. Funds are contingent upon a minimum of 8 towns participating, including Chester.

Lauren reported that through a potential regional RiverCOG project, the Soup Kitchen has requested funds to purchase a refrigerated truck. Funds for a refrigerated truck are in addition to the funds Chester allocates to the Soup Kitchen via the budget process.

John Ohare, BOF member, reiterated that per State Statute, all things financial must go through the BOF. Lauren reported that ARPA regulations do not call for BOF approval of individual projects as if they are part of the budget.

It was reported that the Shoreline Soup Kitchen has \$1 million as of 2019. The 2020 figures have not yet been released.

The motion to table Item 8 passed.

Item 9

A motion was made and seconded to consent and approve an appropriation in an amount not to exceed \$70,000 to be allocated from the ARPA Funds toward the purchase of a new Fire Boat for use by the Chester Hose Company due to the effects of Covid-19 on supply chain operations and pricing.

The 1986 Fire Boat was scheduled for replacement via the budget cycle. To date, the Capital Budget has \$90,000 for this project. Due to the Pandemic and supply chain issues, the cost of the boat has doubled.

Chief Grzybowski reported that the project started 4 years ago and both the BOF and the BOS unanimously supported the project. He outlined the current conditions of the 35 year old boat including the need for an external fuel tank as the internal tank has rotted and the transom is showing cracks. The boat is used in Chester and also for mutual aid in surrounding towns. In order to have the boat in use next Summer, a contract must be signed by January.

Rick Nygard, BOF Chairman, reported that the BOF is concerned with prices, not the project. He suggested that perhaps a less expensive (aluminum) boat or a used boat may be available for the \$90,000 currently available for the purchase of a Fire Boat.

Jeff Vincelle, Firefighter, reported that conditions are often dangerous on the river and he stressed the importance of moving forward with this purchase as soon as possible.

Steve Cline reported that adequate input from the BOF is necessary to ensure these funds are spent in a way that satisfies the immediate needs of all of the town. The "sky won't fall" if the boat is funded 3 months from now.

Kris Pollack expressed concern that the Town may be "on the hook" for a \$70,000 liability if this purchase is not eligible for ARPA funds. Lauren commented that there is no guarantee for the use of ARPA funds; however, it appears this project would be eligible and the BOS would not have moved forward with the request if they did not feel it could be funded with ARPA funds.

Susan Wright suggested that perhaps the purchase of a Fire Boat would be an appropriate regional project in conjunction with RiverCOG towns.

A motion was made and seconded to table Item 9. The motion failed.

The motion to approve Item 9 passed.

Item 10

A motion was made and seconded to consent and approve an appropriation in an amount not to exceed \$60,000 to be allocated from the ARPA Funds for upgrades to technology at both the Town Hall and Chester Meeting House to allow for remote and hybrid meetings, presentations, and connectivity and access to the internet as a result of changing communication and community support needs due to the public health and safety considerations from the Covid pandemic.

Lauren reported on the difficulties, as experienced at this evening's meeting, relative to hybrid Board meetings that are necessary due to the Pandemic. The current system in place to support hybrid meetings is inadequate. The Town's IT provider has developed protocols to address same. Lauren outlined the parameters of the proposal including additional WIFI, repeaters, monitors, microphones, etc. to facilitate meetings.

A motion was made and seconded to table Item 10. The motion passed.

Item 11

A motion was made and seconded to table an appropriation in an amount not to exceed \$50,000 to be allocated from the ARPA Funds for the hiring of a 2-year contracted social and human services support person to enhance community public health and social services efforts and support the additional needs of our community as it recovers from the Covid Pandemic.

Lauren reported the Town has one part-time social services coordinator and that a series of volunteers has worked tirelessly throughout the Pandemic to assist residents with scheduling vaccinations, food, bills, personal items and homelessness. One volunteer has been regularly working up to 30 hour per week. She expressed appreciation for the work of these individuals.

The motion to table Item 11 passed.

ADJOURNMENT

On a motion made and seconded, the meeting adjourned at 10:21 p.m.

Respectfully Submitted,

Suzanne Helchowski
Clerk