



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

JAMES M. PRICHARD  
Deputy First Selectman

SARAH D. COOK  
MELINDA M. FERRY  
DAVID E. STAVENS  
RONALD F. STOMBERG  
JOHN W. TURNER

LORI L. SPIELMAN  
First Selectman

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BOARD OF SELECTMEN  
Wednesday, August 29, 2018  
Ellington High School Auditorium

SELECTMEN PRESENT: Lori Spielman, James Prichard, John Turner, David Stavens, Ronald Stomberg, Melinda Ferry, Sarah Cook

OTHERS PRESENT: Diane McKeegan, Town Clerk; Donna Hosey, Assistant Town Clerk; LouAnn Cannella, Executive Assistant/Website and Social Media Coordinator; William Correia; Rudolph Luginbuhl; Cynthia Costanzo; Joseph Wehr; Matt Mullin; Jennifer Mullin; Joseph Boucher; Rich Malone; Sara Vrakas; Joseph Burns; John Hintze; Mark Boone; Wilfred Duchesneau; Miriam Underwood; Christopher Weitz; Erin Orvis; Heather Stavens; Ricci Hirth

## PUBLIC HEARING:

Petition to Overturn Planning and Zoning Commission's CGS 8-24 disapproval of various Athletic Field Improvements at Ellington High School

## MINUTES

First Selectman Lori Spielman opened the Public Hearing at 7:10 p.m. Mr. Turner read the Notice of Public Hearing that was published in the Journal Inquirer on August 22, 2018 [ATTACHED]. The attendees wishing to speak were asked to keep their comments to a maximum of three minutes on only the topic of the petition in the interest of time and fairness.

William Correia (65 Cider Mill Rd) asked if there could be another petition to overturn the Town Meeting decision if the vote passed in favor of the petition. Ms. Spielman responded that either side would have ten days to submit a petition to the Town Clerk.

Rudolph Luginbuhl (29 Middle Butcher Rd) referred to a newspaper editorial regarding potential health hazards, high replacement cost, and additional costs of the maintenance of the field. He considers the field a want, not a need, in the current financial situation of the Town, and believes this should be postponed or rejected.

Cynthia Costanzo (16 Punkin Drive) stated that it is not appropriate at this time to have a conversation about anything besides the petition that is to be voted on at the Town Meeting on August 30. The merits of the project are not in discussion because the project is not moving forward unless the petition passes. Ms. Costanzo raised this point of order that there should be nothing to discuss at this public hearing besides the petition. Ms. Spielman agreed, stating that the meeting is to discuss the petition, CGS section 8-24, and the Planning and Zoning Commission's disapproval of the project.

Ms. Costanzo spoke regarding the reason the petition was created, stating that it was the feeling of the people that supported the project that it follows the Town's Plan for Conservation and Development. She feels the project meets all the requirements of the plan. The Town Charter allows for, encourages, and accepts those who want to exercise their right to create a petition based on the checks and balances in the governmental process. The petition is within the scope of the Town Charter.

Joseph Wehr (155 Windermere Avenue) told Ms. Costanzo that she did a good job. He feels that the Planning and Zoning Commission overstepped their authority. The field will look no different than it currently does, besides adding lights. He believes that the personal opinions of the board members influenced their votes. He believes that they overstepped their bounds because the taxpayers have the right to vote for or against the project. He feels personal opinions should not get in the way; this should go to referendum, and the process should be followed.

Matt Mullin (14 Maplewood Drive) said that he disagrees with Ms. Costanzo and that her legal speak is confusing. The taxpayers want common sense and for the right thing to be done for the citizens of the Town. The people on the Planning and Zoning Commission have the right to freedom of speech and the right to make this decision. He is hoping for more consideration of common sense and how this field will affect the Town in general. He hopes everyone will vote no to the petition.

Jennifer Mullin (115 West Rd) stated that one of the reasons the petition was circulated was because those who circulated it feel it is important for taxpayers to exercise their right to vote. Seven members of the Planning and Zoning Commission decided the fate for everyone and she does not believe that is fair. Ms. Mullin would like the opportunity to educate everyone on the cost and health aspects of the project at a later point in time.

Joseph Boucher (2 Dogwood Lane) asked about the part of the Town Charter that allows this process. He raised a question about the state statute that says that a negative vote from the Planning and Zoning Commission would just raise the bar from 50% to 66% of the Board of Selectmen (BOS) vote, not require a petition. Mr. Prichard and Mr. Stavens responded that the Town Charter Section 604 overrides the statute so that 2/3 vote is not required. This has to follow the process put forward, which was approved by the Town Attorney, who has been involved in the process from the beginning.

Rich Malone (5 Middle Rd) attempted to speak regarding the turf field and the State of Connecticut's vote against it, but was told that the meeting tonight is regarding only the petition.

Sara Vrakas (3 Cantor Knoll) asked if people need to wait until the end of the night to vote at the Town Meeting, or if they can just put their ballot in and leave. Ms. Spielman responded that they have to stay until the end in order to vote.

Joseph Burns (229 Windsorville Rd) asked if the field can be discussed tomorrow evening before the vote. Ms. Spielman responded that the plan is to vote about the petition. That is the only topic.

Ms. Mullin stated that they would be more than happy to sit and talk and address concerns at one point, but this Public Hearing and the Town Meeting are strictly about the petition. After that point, they would love to educate everyone more on the project.

John Hintze (30 Wells Rd) asked everyone to stop interrupting the speakers.

Mr. Wehr asked about the meeting tomorrow night, if it will just be a vote with no discussion. Mr. Turner responded that it will be an official Town Meeting and there can be discussion on the motion. At the end of the discussion, the moderator will call for a vote. Discussion will be limited to the call that was read relating to the petition. They are following the advice of the Town Charter and Town Attorney. Down the road there will be chances to discuss the details of the project.

Mark Boone (3 Rosa Court) asked what the process is after tomorrow night. Ms. Spielman responded that if the vote is to overturn the Planning and Zoning Commission's decision, the project will move forward to the Board of Finance (BOF). If it is passed by the Board of Finance, it will then go back to the BOS, who will set a date for a Town Meeting and then to referendum. The schedule right now allows for the item to go on the ballot at the November 6 referendum.

Wilfred Duchesneau (200 West Rd) confirmed that, should the petition be defeated tomorrow night, it's possible that nothing further would happen unless interest is again generated. He confirmed that if the petition passes, it would automatically go to the BOF and then back to the BOS to set a date; the hope would be for the project to be on the ballot on November 6. Mr. Turner also stated that everyone should understand that if as a result of tomorrow night's vote there are any challenges, it could change the schedule going forward. It is possible for either side to generate a petition that could delay or prevent the project from meeting the State's requirement for being on the ballot. Ms. Spielman stated that they would have ten days to get the petition to the Town Clerk with 500 signatures. The Town Clerk then has ten days to verify the signatures. Mr. Turner referenced sections 604 and 605 of the Town Charter.

Miriam Underwood (15 Eva Circle) stated that she feels that a bit of the process is missing. Everyone has the right to ask questions and receive answers prior to

referendum. She asked when the opportunity for this to happen will be provided. Ms. Spielman agreed that the process is confusing. LouAnn Cannella, Executive Assistant in the First Selectman's Office, stated that the project can be discussed at the BOF meeting and the BOS meetings. If the petition passes at the August 30 Town Meeting and the project receives approval from the BOF on September 4, the BOS will meet on September 5 to set a Town Meeting date. October 23 is the date being considered for the Town Meeting.

Mr. Wehr stated that this has been discussed at the July 9 and July 16 BOS meetings and at the July 23 Planning and Zoning meeting. This has not been done in the shadows. The agendas are published, and not many people attend. There have been public opportunities to discuss this item.

Mr. Mullin stated that he feels this is unfair to the taxpayers of the Town of Ellington. They are getting into legal issues and confusing language about the petition. He was under the impression that they would have had the chance to discuss the project. There were not many people at the last BOS meeting talking about this, and he feels it is unfair the way it is moving. The residents need a chance to discuss the proposed project and voice opinions.

Christopher Weitz (12 Lookout Landing) stated that they are just following the process laid out. He apologized for the frustration, but they will have informational meetings before the referendum. They are not trying to hide anything. They have put years of research into this and welcome discussion in the coming months.

Erin Orvis (32 Highland Ave) asked what happens if the BOF votes "no" on this topic. Ms. Costanzo responded that if the BOF votes this down, then technically another petition could be created in a similar process. If all three boards agree (the BOS, BOF, and Planning and Zoning Commission), this will come back to the BOS and go to referendum after a date is set. Right now, they are trying to bring this item back to active status with the petition. The project was declared dead with the Planning and Zoning Commission vote. The approval of the petition would put this back into the regular process. Ms. Orvis asked for everyone to consider that it would be easier for this to go to referendum. That way, all valid voters in Ellington could vote and allow their voices to be heard. The petition includes just 5% of the eligible voters, but everyone has the opportunity to participate in the referendum. It is the easiest way for everyone to have a say. Also, an additional referendum would cost the Town more money.

Ms. Spielman stated that she knows the process is very confusing. All the information will go on the website.

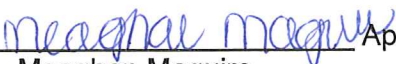
Heather Stavens (35 Pinnacle Rd) asked why the minutes for the Parks and Recreation meetings are not on the Parks and Recreation website since March 2016. Citizens have not been able to read the minutes of the meetings regarding this field. Mr. Weitz responded that Bob Tedford is the Director and minutes are submitted every month. Ms. Spielman stated that she will look into why the minutes are not on the website.

Ricci Hirth (51 Sandy Beach Rd) asked if you must be a registered voter to vote at the Town Meeting. Ms. Spielman responded that you must be a taxpayer and registered voter. They will be checking IDs, granting paper ballots, and counting the ballots that night.

Ms. Vrakas asked why there has to be a petition to overturn the Planning and Zoning Commission. She feels that they overturned it for some other reason not related to planning and zoning. Mr. Prichard responded that the Planning and Zoning Commission felt that 2.6 million dollars could be better spent buying land elsewhere, and they did not believe that the field went along with the Plan of Conservation and Development. It was suggested that if anyone would like to know what happened in the meetings, they should read the minutes, which are posted online. Ms. Vrakas stated she doesn't think it was the right thing to do and stated her disagreement with the Planning and Zoning Commission's decision.

Hearing no further comments, First Selectman Spielman closed the public hearing at 8:10 p.m.

Submitted by



Meaghan Maguire  
Recording Secretary

Approved by



Lori L. Spielman  
First Selectman



LORI L. SPIELMAN  
First Selectman

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ELLINGTON  
TOWN CLERK

JAMES M. PRICHARD  
Deputy First Selectman

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NOTICE OF PUBLIC HEARING – Wednesday, August 29, 2018

NOTICE OF SPECIAL TOWN MEETING – Thursday, August 30, 2018

Notice is hereby given that the Ellington Board of Selectmen will hold a Public Hearing on Wednesday, August 29, 2018 at 7:00 p.m., at the Ellington High School Auditorium, 37 Maple Street, Ellington, Connecticut, for the purpose of allowing citizens to comment on the following:

*A petition that reads as follows: We the undersigned electors petition to overturn the ruling of the Planning and Zoning Commission on July 23, 2018 regarding the resolution for various athletic facility improvements at Ellington High School.*

A Special Town Meeting of the electors and citizens qualified to vote in Town Meetings of the Town of Ellington, CT will be held on Thursday, August 30, 2018 at 7:00 p.m. at the Ellington High School Auditorium, 37 Maple Street, Ellington, Connecticut, to discuss and vote on the following:

*A petition that reads as follows: We the undersigned electors petition to overturn the ruling of the Planning and Zoning Commission on July 23, 2018 regarding the resolution for various athletic facility improvements at Ellington High School.*

All interested parties are encouraged to attend. Any party needing an accommodation may contact the First Selectman's Office at (860) 870-3100 at least 24 hours prior to the hearing.

Dated at Ellington, Connecticut, this 21<sup>st</sup> day of August 2018.

BY ORDER OF THE BOARD OF SELECTMEN

  
LORI SPIELMAN  
FIRST SELECTMAN

*Journal Inquirer: Printed August 22, 2018*