

CURTIS RAND  
FIRST SELECTMAN

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TOWN OF SALISBURY  
CONNECTICUT

Christian Williams  
Donald Mayland  
Selectmen

Town Hall  
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Salisbury, Connecticut 06068

## **BOS – Minutes – 6.7.2021**

The Board of Selectmen Regular Meeting minutes of June 7<sup>th</sup>, 2021.

Present: Curtis Rand, First Selectman; Christian Williams, Selectman; Donald Mayland, Selectman; Emily Egan, Secretary; members of the press and public.

1. The meeting was **called to order** at 5:00pm.
2. C. Rand made a motion to **approve the agenda** with the addition of:  
**#5f.** Letter from the Planning & Zoning Commission and **#5g.** Tax Collector Refunds.  
D. Mayland seconded, and the agenda was approved unanimously as amended.
3. C. Williams made a motion to **approve the minutes of the May 3<sup>rd</sup>, 2021 Regular Meeting.** D. Mayland seconded, and the motion was approved unanimously.
4. **First Selectman Report**
  - American Rescue Plan Act of 2021 / Coronavirus Local Fiscal Recovery Fund. The Selectmen and Comptroller will work on the applications to apply for funding for the upcoming Rescue funds. These funds will have specific purposes and the potential uses are in discussion by the various towns and cities as well as Connecticut groups such as the Councils of Government.
  - Tighe & Bond, Inc - Sealed Bids for the construction of the “Pedestrian Crossing Improvements” will be received by the Tighe & Bond until 2:00 p.m. on June 10, 2021, at which time the Bids received will be publicly opened and read. The work consists of providing pedestrian crossing improvements including solar-powered rectangular rapid flashing beacons, warning signage, and pavement markings at two existing crossings on Main Street (Route 44) and one crossing on Salmon Kill Road
  - C. Rand described the on-going design work being done by CT DOT for the Salmon Kill bridge. There will be an update in the next few weeks as the DOT schedule for design and repair become finalized.
  - Speeding in Town; C. Rand provided a schematic plan for a median divide on Rt. 44 in Lakeville that was designed by BETA and ultimately rejected by DOT. The Selectmen may ask DOT to reconsider this and other techniques as a way to slow speeds on the approach to Lakeville and Salisbury villages.

- Proposed Changes to Inland Wetlands and Watercourses Commission regulations; proposals for amending the regulations have been drafted and are in discussion with lake and other residents who are considering the details of the proposal. Included in the draft is an increase in the upland review from 75' to 200', as well as other regulatory changes as required by DEEP. C. Rand mentioned that although the lakes are the subject of the current critiques, the regulations protect important water bodies and wetlands besides lake shores.

## 5. New Business:

### a. **Pope Property next steps**

The Selectmen confirmed that the next steps for the Pope property will be to assist the Affordable Housing and Recreation Commissions in developing plans for the Pope property based on the needs of each Commission. It is possible that additional soil testing will be done this summer to more clearly define wetland soils in a few areas and it was also mentioned that the Planning and Zoning Commission (P&Z) is beginning work on the 2022 Plan of Conservation and Development (POCD) and this project will likely be considered in the POCD.

- b. Patricia Williams, Town Clerk recently appointed Kristine Simmons as Assistant Town Clerk and Assistant Registrar of Vital Statistics. The Selectmen welcomed Kristine and mentioned the upcoming retirement of Rachel Lamb, with gratitude to Rachel for her long service to the Town.

- c. C. Williams made a motion to appoint Janet Graaff and Katherine Kiefer to the Salisbury Economic Development Committee (SEDC). D. Mayland seconded, and the motion was approved.

- d. C. Williams made a motion to M.C. Taylor to the Salisbury Historic District Commission (SHDC). D. Mayland seconded, and the motion was approved.

### e. **Paving Schedule**

The Highway Department has scheduled paving on Chatfield Drive, Echo Street, Grove Street, Dugway Road, Salmon Kill Road, Cooper Hill Road, and sections of Selleck Hill Road and Twin Lakes Road. Drainage work is also planned on Taconic Road and Weatogue Road.

- f. The Board of Selectmen received a letter from the Planning and Zoning Commission with regard to a new encroachment on Town property on Housatonic River Road (attached). The Selectmen will discuss how to handle this encroachment in the near future.

### g. **Tax Collector Refunds**

C. Williams made a motion to approve the following accounts for overpayment of taxes: \$55.56, Scott Bok. D. Mayland seconded, and the motion was approved unanimously.

### **Selectmen's Reports**

D. Mayland mentioned the fencing at the new pump station on Salmon Kill Road is complete, along with the removal of the old pump station. The next step will be plantings around the border of the fence, which they plan to do this fall. He also mentioned the completion of a new roof on the sewer treatment plant.

### **6. Citizen Comments**

There were not any at this time.

### **7. Adjourn at 5:25pm**



May 18, 2021

Memo To:

Town of Salisbury  
Board of Selectman  
PO Box 548  
Salisbury, CT 06068

At the March 15th 2021 meeting of the Salisbury Planning and Zoning Commission an application to reconstruct a previously demolished nonconforming garage at 331 Housatonic River Road was received. Attorney Capecelatro was present representing owners Jane and James Cohan. A survey dated 07/17/20218 by Lamb Kiefer Land Surveyors was presented to the Commission. During the deliberation it was established that a relatively substantial amount of site work had been conducted and that the survey did not sufficiently reflect existing conditions. One item of concern included grading and establishment of a stone wall in what appeared to be the Town right-of-way. Land Use records indicate that no permits had been issued for the work and there was concern that the filling and grading may have altered the stormwater runoff from the site onto adjoining Town and First Light properties.

The Commission requested a current survey in order to ensure that no new nonconformities resulted from the work and that the reconstruction of the demolished garage would not result in additional nonconformities. The new survey, dated May 17, 2021 also by Lamb Kiefer clearly shows that the wall and grading encroach substantially on Town property and would constitute a new encroachment.

It is the consensus of this Commission that the Town should not be in the practice of allowing new encroachments on Town property. Not only does this have implications for the Town from a liability standpoint but also, allowing this type of activity to occur sets a precedent for which there are no established standards such as:

Who should/will be allowed to encroach on Town property?

What is the scope of encroachment permitted?

Under what circumstances should the Board of Selectman permit a private individual an exclusive right to improve/use/occupy land in the public trust?

There are three mechanisms for use or occupancy of real property.

1. License – which is usually temporary and can be revoked at any time. For example, a license might be issued for cutting the Town Road to run utilities to the other side.

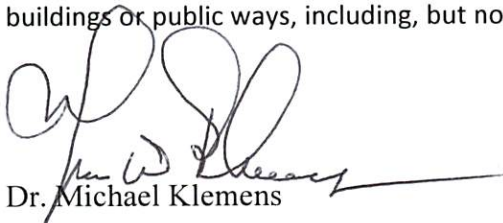
2. Lease – Also, temporary or for a limited duration. For example, a lease might be granted to a farmer to raise and harvest crops on Town owned land but the Town retains the right to enter the property for inspection etc....
3. Easement – is a permanent interest in real property granting the use for a specific purpose. An example of this might be a shared driveway agreement that allows someone a right to pass over privately owned land. Conversely, some easements confer possessory interest such as in the case of cell phone towers where the tower occupies the land.

Under what mechanism and to whom might the BOS grant use/occupancy of Town Land?

Connecticut General Statutes 8-24 (below), states that no municipal agency or legislative body shall improve, sell or lease municipally owned property until the proposal has been sent to the Planning Commission for a report. It is the statutory role of the Planning and Zoning Commission to review municipal improvements.

On behalf of the Salisbury Planning and Zoning Commission we respectfully discourage the Board of Selectman from allowing this and any future encroachments.

**Sec. 8-24. Municipal improvements.** No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.



Dr. Michael Klemens

Chairman of Planning & Zoning