

# TOWN OF WILLINGTON

Board of Selectmen  
40 Old Farms Road  
Willington, CT 06279  
(860) 487-3100  
(860) 487-3103 Fax  
[www.willingtonct.org](http://www.willingtonct.org)

## BOARD OF SELECTMEN

Meeting Minutes  
Lower Level Conference Room

June 4, 2018  
6:30 P.M.

*\*Minutes are not official until approved at the next regular meeting*

First Selectwoman Wiczenski called the meeting to order at 6:31 PM with the following in attendance: Selectmen Makuch & Blessington and residents. She then led the Pledge of Allegiance.

### Approval of Minutes:

First Selectwoman Wicneski moved to approve the minutes of May21, 2018 with the following edit: Page 3 - 5<sup>th</sup> paragraphs, last sentence should change "elude" to allude  
Selectman Blessington seconded the motion.  
Vote: 3 Yes (Wiczenski, Makuch & Blessington) 0 No.

### Present to Speak:

Resident Todd Bissonnette stated at the last Selectmen meeting, there was some discussion about safety issues on the roads and noted that he had mentioned Route 320 is hazardous near the truck stop because tractor trailers line up along the road leading up to the truck stop. He witnessed a dangerous situation this past Saturday, where a family who was biking through there could have been killed. Four trucks were lined up and an out of state car was among the trucks trying to get out of the traffic and almost hit the bicycles. He added that area could be a dangerous situation.

Mr. Bissonnette then stated that the residents on Cosgrove Road have had a temporary reprieve and the neighbors are delighted – they are hopeful it stays that way and added that he is trying to better understand the Connecticut General Statutes and clarified that the people on Cosgrove Road have no problem with people having fun – it is not about that. It is about the noise and when you get into the dB's rates and pressure, it is wrong and they are going into a 2 year period. He stated that he approached the previous Board of Selectmen and held discussions and it was working its way, but then seemed to fizzle out. He then asked the town (along with the other residents) if there is something they can do – can we talk to the state police or come up with some sort of conclusion for this. People move here to the quiet corner to enjoy life and he moved here because of that and he would like to know what can be done to get a resolution. He added that he and his girlfriend, Maureen, have done some research to help with clarification.

Maureen Lee of Cosgrove Road then referenced Statutes, the Connecticut eRegulations System; noting that it is better to go with a source that is reputable and the information was last updated March 7, 2015.

Ms. Lee stated that CGS Sec 22a 69-1 8 lists exemptions – noise generated by engine powered or motor driven lawn care or maintenance equipment shall be exempted for example, chainsaws and leaf blowers are allowed for lawn care. And Sec 22 a 69-3.1 is a general prohibition –states No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her noise zone as to violate any provisions of these regulations. Sec. 22a 69 3.2 (impulse noise) states: no person shall cause or allow the emission of impulse noise in excess of

80dB peak sound pressure level during the nighttime to any Class A Noise Zone. And No person shall cause or allow the emission of impulse noise in excess of 100dB peak sound pressure at any time to any noise zone.

*\*A copy of the handout Ms. Lee presented is attached to the minutes (eRegulations of Environmental Protection).*

Mr. Bissonnette clarified that the information from the Connecticut eRegulations System, which is overseen by Denise Merrill; who is the Secretary of State – noting that is third in charge of the State.

#### Correspondence:

A list of correspondence was available at the meeting and in the Selectman's office.

#### First Selectman Status Report

First Selectwoman Wiecenski noted that not much has changed on the list from the last meeting, other than the River Road Athletic Complex lighting project, which is moving along and the door replacement in the lower level at the TOB is being scheduled shortly. In addition, a list of summer projects and the schedule is forthcoming from Public Works.

#### Public Works:

Maureen Lee noted that there is a branch that seems to have fallen on Ruby Road and impedes the road. First Selectwoman Wiecenski noted that Ruby Road is a state road, but if she gets a location of where it is, we can call DOT to have them remove it from the roadway.

Ralph Tulis stated that he went to the Transfer Station the other day and noticed that the recycle receptacle is atrocious – it was full of food waste and coffee grounds. Mr. Tulis noted that the Town of Tolland has recently experienced the same issue and sent out a town wide bulletin to push awareness to their residents. First Selectwoman Wiecenski stated that we did put a notice out a few weeks ago on the website and the Transfer Station Attendants were also handing out flyers to notify residents what is and is not acceptable for the recycle containers. Mr. Tulis added that the message needs to be relayed to the taxpayers that if the recyclables are not acceptable, the waste contractor will charge us and we will end up paying more because it is just waste. He noted that the good recyclables help offset the cost of the Transfer Station because we get money back for the goods.

Selectman Blessington noted that he doesn't think that people are doing it on purpose – they just get into the habit of whatever they are doing and if things have changed, perhaps we may have to send something out to remind the taxpayers what is acceptable now. First Selectwoman Wiecenski agreed, stating that sometimes if the rules change, people may not know unless they are properly notified.

Derek reported that the crew has been busy with the following:

- Roadside Mowing
- Clean catch basin tops
- Install catch basin risers for paving
- Fill pot holes at RRAC parking lot
- Sign repair
- Sweeping
- Haul & spread mulch at RRAC
- Install milling aprons on gravel driveways after Tinkerville paving
- Mow old landfill

#### New Business

#### A. Tax Refunds

First Selectwoman Wiecenski moved to refund \$71.86 to Toyota Lease Trust on a certificate of correction.

Selectwoman Makuch seconded the motion.

Vote: 3 Yes (Wiecenski, Makuch & Blessington) 0 No.

First Selectwoman Wiecenski moved to refund \$451.41 to Toyota Lease Trust on a certificate of correction.

Selectman Blessington seconded the motion.

Vote: 3 Yes (Wiecenski, Makuch & Blessington) 0 No.

First Selectwoman Wiecenski moved to refund \$186.98 to Toyota Lease Trust on a certificate of correction.

Selectwoman Makuch seconded the motion.

Vote: 3 Yes (Wiecenski, Makuch & Blessington) 0 No.

#### Old Business

##### A. Tax Deferment Request 25 Mihiliak Road

Attorney Bruce Fader was in attendance, representing his clients, Mr. and Mrs. Canestrari, (also in attendance) who own the property on Mihiliak Road. Attorney Fader noted that he reviewed the minutes of the last discussion of the property and there was a question of the environmental quality. Attorney Fader stated at the time the property owner decided he was going to discontinue the operation of the service station, he then decided he would remove the tanks and prepare it to go up for sale. Although it is not a requirement to have the tanks removed (for sale) the property owner did so anyway.

A licensed contractor was hired to remove the tank as well as an LEP (Licensed Environmental Professional) to be on site once the tank was pulled out to observe the soil for any petroleum leakage. No leakage was found and the property was closed properly in accordance within the Connecticut DEEP regulations. This was all done in 2014 and the property was put up for sale. Attorney Fader stated that the owner had high hopes that the property would sell –as it would be a great location right next to the proposed Loves Travel Stop (which has not happened yet) as they are awaiting various permits from the DEEP.

Attorney Fader stated that his clients are doing all that they can to sell the property and they are not looking to unload it to the town once the taxes have piled up. He then explained that he had represented the of the Phelps property – which is similar- the owners had requested a deferment until they sold the property and once the Dunkin Donuts was opened, the property became more valuable and sold – this is what the clients for Red and Arts are hopeful of. He then added that this property is an asset for his clients and they want to see something happen with it. The owner's hardship is that they put a lot of money into the property to make sure it is not contaminated and are just waiting for the right buyer.

First Selectwoman Wiecenski thanked Attorney Fader for the clarification. She added at the previous meeting, she had mentioned that she felt confident the property was clean, based on the documentation that was shared with them. She then said that she understands the situation, but is concerned with the length of time of the deferment – we are setting a precedent and at the same time are we are setting ourselves up for a problem down the road. Attorney Fader said that with a commercial property, the taxes start to accumulate and the property owner knows they are at risk, the town could move forward with a foreclosure; they may accept a price that is lower than they would accept otherwise to avoid the foreclosure. He added that his clients are proud and have

always kept the property up when it was in business. Lastly, he added that the Phleps property was a success story and is hopeful that we will replicate it here.

Selectman Blessington asked how long the property has been on the market? Attorney Fader stated it has been on the market since 2014. Selectman Blessington said he is concerned, because he thought Loves would be in by now, and it is not. —at one time, he thought Loves was all set and ready to go, but then they were faced with another challenge — he is not sure where it sits now — they had a public hearing a few weeks ago and is unsure of the outcome. Ralph Tulis said there is no outcome yet; the public hearing was held on the discharge permit for the wastewater treatment system — it has nothing to do with the stormwater permit that they need to apply for as well as the construction stormwater permit that they have not yet applied for.

Attorney Fader stated that the onus is on his client at they did talk strategy if Loves does not go through and they are going to try to up their game and sell it faster.

Selectwoman Makuch stated that we (Selectmen) have to create some standards of how long tax deferments go because at some point it turns into a question of the taxes being accumulated to the point that they won't be collected in the sale of the property. Attorney Fader clarified that he doesn't see this particular property to be at that point (or even near it) yet and remember there is no mortgage on this property, so there is enough equity right now. Selectwoman Makuch said that in general we need to figure out what our standards are going to be for granting deferments on property; in addition to this particular property. What standard are we setting — at some point, there will be a point that there will be more deferments than equity in a property — we don't want to put ourselves (or a landowner) in a predicament that they can't clear enough equity with the sale of the property. We need to figure out our policy going forward as to how long we allow properties to defer. Attorney Fader suggested that you take it as a case by case basis and one of the criteria would be how much equity is and what the value could be in the property and compare against what an accumulative deferment amount would be. As long as there is a large enough gap in-between, and there is proof of financial hardship and are making a solid effort, should be considered. Selectwoman Makuch said that she sees property valued at what someone is willing to pay for it — it only matters how much it is going to sell for.

First Selectwoman Wiczenski clarified that the perception might be that the town is now acting as a bank —and that is not where we should be and do we want to continue to do so? This particular property is looking at almost \$29,000 in taxes (with interest) but that is only if it sells.

Selectman Blessington said that if Loves goes in 6 months from now, it might become more valuable but what we don't know what is going to happen with Loves. When the actions of the government affect the value of the property (by permitting) now the value of this property is affected as well. First Selectwoman Wiczenski said that 4 years ago, she is sure the property owners did not think they would be sitting in this predicament. She added that we need to look at two things -we need to set a precedent and how we handle it and the original motion (in 2015) for this property was that it would be renewed each fiscal year until the property is sold.

First Selectwoman Wiczenski said we can move forward with the deferral until this time next year. She would love nothing more than to see something thriving in that spot whether Loves is there or not. Selectman Blessington said that would be fair — let's defer it at least one more year. Robert Shabot said that he would like to see a larger sign out there (than what is there now) that the property is for sale to help move it along in good faith. Attorney Fader clarified that commercial properties are not really sold by drive by — but it is more rather through contacts, but they could do that. First Selectwoman Wiczenski said she would not be opposed to pushing this off another year and that will give us time to continue on with the thought process as to how to proceed in the future. Selectwoman Makuch said that there needs to be a formula that we will work with in the future and if we are working on a case by case basis, we need to make sure we are working with the same math formulas.

Ralph Tulis seconded Bob Shabot's sentiments about putting a larger for sale sign up so the people who are reading the minutes from this meeting can see that the property is being actively marketed and make them feel better.

First Selectwoman Wiecenski will contact the Tax Collector to tell her to continue with the deferral and is hopeful that this time next year the property will have been successfully sold.

#### **B. Recap of land acquisition request of Route 32**

First Selectwoman Wiecenski said she added this to the agenda once again, because we found some documentation regarding this property from last year when the State had approached the then First Selectman asking to set up a staging area of what she originally thought was the River Road Athletic Complex. Former First Selectman Mailhos had pushed back and told the State that she would not allow them to use that parcel because it is a busy complex and heavily used. After reviewing additional documentation, it was found that the parcel is actually next to River Road Athletic Complex and it will not be impacted; although the map that they gave to us is quite vague. First Selectwoman Wiecenski said that she will be meeting with a representative from the state later this week to sign closing documents and she wants to be positive that the construction will not impact RRAC.

Ralph Tulis reviewed the map that involves the project and confirmed that the parcel is next to RRAC. First Selectwoman Wiecenski will reiterate at the closing that she would not like the State to encroach on the complex. She will also ask them if they plan to cut trees.

#### Good & Welfare

The Board of Finance held a special meeting on Thursday, May 31<sup>st</sup> and set the mil rate for the upcoming fiscal year. The Mil rate will remain at 30.09.

Willington Day was a success at its new location – River Road Athletic Complex. First Selectwoman Wiecenski thanked the Willington Day Committee; Chairman Melissa McKinnon, Tish Ignatowicz, Robin Campbell, Maureen Parsell, Jennie Arpin and Alex Moore. They all put a tremendous amount of work into the event. We welcome feedback on the event and location.

The Memorial Day Parade was also successful this year, honoring the men and women who have served our country.

HUD Secretary Ben Carson was in town today to visit a home in Willington then they moved to Tolland to hold a roundtable discussion. A representative from Senator Murphy's office had called First Selectwoman Wiecenski last Thursday to inform her that they would be here. Unfortunately, there wasn't an invitation for any leadership from Willington to attend. First Selectwoman Wiecenski noted that she expressed her disappointment to Senator Murphy's office but was told the Secretary's office was in charge and wanted a very small number of members at the meeting. The good news is that Tim Heim was at the meeting and First Selectwoman Wiecenski said she has no doubt that Mr. Heim represented us very well and she noted that the home that they visited in Willington was the one she would have recommended they go to.

A resident had told First Selectwoman Wiecenski that we will be embarking on Willington's 300 year anniversary in about 9 years. She would like to begin looking into forming a committee.

First Selectwoman Wiecenski stated that we received an envelope from Victoria and Guinnevere Almquist; better known as the Sunshine Sisters who sold frozen lemonade at Willington Day. The envelope contained a donation of \$50 to go back to Willington Day. The Almquist girls have sent a donation to Willington Day every year, since they began selling their lemonade. First Selectwoman Wiecenski thanked them for their generosity!

Don Berg, who serves on the Housing Authority, had sent an email notifying First Selectwoman Wiecenski that the Housing Authority is down to 3 members as of July 1<sup>st</sup> asking if the Selectmen would be able to assist with a search for new members. If anyone is interested in serving on the Housing Authority, please contact the Selectmen's Office.

Willington Conservation Commission Chairman, Peter Anderson forwarded correspondence that was sent to him by the Connecticut Water Advisory Committee, looking to fill a vacancy. The membership was held by former Conservation Commission member, Kathleen Pacholski. At this time, none of the Conservation Commission members are interested in filling the spot, therefore, they have asked the Selectmen to see if they knew of anyone. The Advisory Committee was established in 2014 and includes representation (members) from Mansfield, UCONN, adjacent municipalities, regional planning agencies and other stakeholders and the committee meets quarterly. If anyone is interested in serving on this Committee, please contact the Selectmen's Office.

We received our monthly report from Connecticut State Police for the month of April:

9 Accidents	8 Criminal Investigations
0 Burglaries	1 Larceny
623 non-reportable matters	2 DUI's
329 traffic citations	61 written warnings

(\*the majority of the activity is from Interstate 84)

Christine Psathas stated that there are updated handouts regarding the Potter School Road Bridge closing and details of the construction at the Post Office. She asked if it would be possible to add it to the Town's website.

#### Executive Session

First Selectwoman Wiecenski moved to go into Executive Session regarding a Personnel Matter at 7:40 PM. The employee was invited to join them, but had sent correspondence noting they would not be able to attend but wanted the session to remain private.

Selectman Blessington seconded the motion.

Vote: 3 Yes (Wiecenski, Makuch & Blessington) 0 No.

First Selectman Wiecenski moved to come out of Executive Session at 8:13 PM

Selectman Blessington seconded the motion.

Vote: 3 Yes (Wiecenski, Makuch & Blessington) 0 No.

Selectman Blessington moved to adjourn the meeting at 8:13 PM.

First Selectwoman seconded the motion.

Vote: 3 Yes (Wiecenski, Makuch & Blessington)

Respectfully submitted,  
Robin Campbell  
Administrative Assistant

**Attachment:** Handout presented from Maureen Lee – eRegulations System Title 22a Environmental Protection Agency



DENISE W. MERRILL  
CONNECTICUT SECRETARY OF THE STATE

# Connecticut eRegulations System

Harvard  
Bridg  
Award Winner



Official V

[Home](#)

[Search](#)

[Browse](#)

[Information](#)

[Browse](#) > [List of Titles](#) > [Title 22a Contents](#) > [22a-69](#)

## Browse the Regulations of Connecticut State Agencies

Last updated: 03/07/2015

### Subtitle 22a-69

Title 22a - Environmental Protection  
Department of Environmental Protection  
[Printer Friendly Version](#)

#### Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

*Agency*

Department of Environmental Protection

*Subject*

Control of Noise

*Inclusive Sections*

R.C.S.A. §§ 22a-69-1— 22a-69-7.4

#### CONTENTS

##### Control of Noise

- Sec. 22a-69-1. [Definitions](#)
- Sec. 22a-69-1.1. [General](#)
- Sec. 22a-69-1.2. [Acoustic terminology and definitions](#)
- Sec. 22a-69-1.3. [Coordination with other laws](#)
- Sec. 22a-69-1.4. [Incorporation by reference](#)
- Sec. 22a-69-1.5. [Compliance with regulations no defense to nuisance claim](#)
- Sec. 22a-69-1.6. [Severability](#)
- Sec. 22a-69-1.7. [Exclusions](#)
- Sec. 22a-69-1.8. [Exemptions](#)
- Sec. 22a-69-1.9. [Burden of persuasion regarding exclusions and exemptions](#)
- Sec. 22a-69-2. [Classification of land according to use](#)
- Sec. 22a-69-2.1. [Basis](#)
- Sec. 22a-69-2.2. [Multiple uses](#)
- Sec. 22a-69-2.3. [Class A noise zone](#)
- Sec. 22a-69-2.4. [Class B noise zone](#)
- Sec. 22a-69-2.5. [Class C noise zone](#)
- Sec. 22a-69-3. [Allowable noise levels](#)

**Sec. 22a-69-1.8. Exemptions**

Exempted from these Regulations are:

(b) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of 7:00 a.m. and 9:00 p.m. provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.

CHAINSAW'S AND LEAVE BLOWERS ALLOWED FOR LAWN CARE

---

**Sec. 22a-69-3.1. General prohibition**

No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her Noise Zone so as to violate any provisions of these Regulations.

**Sec. 22a-69-3.2. Impulse noise**

(a) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any Class A Noise Zone.

(b) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure at any time to any Noise Zone.

**Sec. 22a-69-3.1. General prohibition**

No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her Noise Zone so as to violate any provisions of these Regulations





[Home](#)

[Search](#)

[Browse](#)

[Information](#)

[Browse](#) > [List of Titles](#) > [Title 22a Contents](#) > [Subtitle 22a-69](#)

## Browse the Regulations of Connecticut State Agencies

Last updated: 03/07/2015

### Section 22a-69-3.5

Title 22a - Environmental Protection  
Department of Environmental Protection  
[Printer-Friendly](#)

[Previous Section](#)

[Next Section](#)

#### Regulations of Connecticut State Agencies

##### Sec. 22a-69-3.5, Noise zone standards

(a) No person in a Class C Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones:

	<i>Receptor</i>			
	<i>C</i>	<i>B</i>	<i>A/Day</i>	<i>A/Night</i>
<i>Class C Emitter to</i>	70 dBA	66 dBA	61 dBA	51 dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

(b) No person in a Class B Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones:

Receptor

	<i>Receptor</i>			
	<i>C</i>	<i>B</i>	<i>A/Day</i>	<i>A/Night</i>
<i>Class B Emitter to</i>	62 dBA	62 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

(c) No person in a Class A Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones:

	<i>Receptor</i>			
	<i>C</i>	<i>B</i>	<i>A/Day</i>	<i>A/Night</i>
<i>Class C Emitter to</i>	62 dBA	55 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

(Effective June 15, 1978)

[Previous Section](#)

[Next Section](#)

**Sec. 22a-69-3.1. General prohibition**

No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her Noise Zone so as to violate any provisions of these Regulations.

**Sec. 22a-69-3.2. Impulse noise**

(a) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any Class A Noise Zone.

(b) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure at any time to any Noise Zone.

**Sec. 22a-69-3.1. General prohibition**

No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her Noise Zone so as to violate any provisions of these Regulations.

**Sec. 22a-69-1.8. Exemptions**

Exempted from these Regulations are:

(a) Conditions caused by natural phenomena, strike, riot, catastrophe, or other condition over which the apparent violator has no control.

(b) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of 7:00 a.m. and 9:00 p.m. provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.

(c) Noises created by snow removal equipment at any time shall be exempted provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

(d) Noise that originates at airports that is directly caused by aircraft flight operations specifically preempted by the Federal Aviation Administration.

(e) Noise created by the use of property for purposes of conducting speed or endurance events involving motor vehicles shall be exempted but such exemption is effective only during the specific period(s) of time within which such use is authorized by the political subdivision or governmental entity having lawful jurisdiction to sanction such use.

(f) Noise created as a result of, or relating to, an emergency.

(g) Construction noise.

(h) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.

(i) Noise created by on-site recreational or sporting activity which is sanctioned by the state or local government provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.

(j) Patriotic or public celebrations not extending longer than one calendar day.

(k) Noise created by aircraft, or aircraft propulsion components designed for or utilized in the development of aircraft, under test conditions.

(l) Noise created by products undergoing test, where one of the primary purposes of the test is evaluation of product noise characteristics and where practical noise control measures have been taken.

TOWN OF WILLINGTON, CT  
Received for record June 7 2018  
At 10:50am Cheryl R. Swartz