

May 26, 2010 (Postponed Special Town Meeting of April 28, 2010)

The Town Meeting was called to order by the Moderator, Jane Berendsen-Hill, in the auditorium of Veterans Park School at 7:40 p.m.

She stated that this was a continuation of the April 28th Special Town Meeting held to approve an ordinance, “Public Safeguards and Traffic Control During construction Within Public Rights.” At that meeting, a motion was made and seconded to approve the proposed ordinance, followed by a motion made by Elisabeth Maurer to amend it. After the presentation and discussion of the amendment, it was voted to postpone the vote to a definite time and place in order to give people more time to read the amendment, all in accordance with Chapter 6, Section 14 of Roberts Rules.

The Moderator also informed the audience that according to State Statutes, the Town has no jurisdiction over state roads; therefore, she would entertain a motion to strike the words “state roads” from the amendment.

Joan Plock, 153 Bob Hill Rd. moved, John Palermo, 58 Blacksmith Ridge, to strike the words “state roads” from the amendment.

Discussion: Elisabeth A. Maurer, 46 Nod Hill Rd. spoke as a citizen and Police Union representative, voicing her opinion that the Board of Selectmen did not have authority to enact such legislation, but did not object to the amendment.

The Moderator called for a vote.

Vote: “Aye” votes unanimous, and the amendment to the amendment was approved.

Joan Plock moved, Ed Tyrrell, Pond Rd. seconded to take the vote on the amendment and the underlying motion by ballot.

Vote: “Aye” votes unanimous, and the motion passed.

The Moderator then asked for discussion on the amendment.

Elisabeth Maurer informed the audience that the difference between the original ordinance and the amendment was to reinstate the ordinance that was drafted by Chief Roche. She repeated that the Board of Selectmen is not the traffic authority, and the ordinance would not be enforceable. However, she recommended that the public accept the amendment she proposed.

Rudy Marconi, First Selectman, stated that he had consulted with the Town attorneys, Cohen & Wolf, and the labor attorney. They advised him that the Board of Selectmen and Town Meeting definitely had the right to move forward on the ordinance by Statutes; and more specifically by law, any negotiated settlement with a collective bargaining unit requires the Town, to uphold their end of the bargaining. They added that it is stated in the Statutes, that the agreement reached supersedes any regulation by any board or commission of the Town. The First

Selectman felt the Board was well in their jurisdiction. He proceeded to read the opinion from Cohen & Wolf.

The following residents spoke in favor of the ordinance and amendment:

Allison Stockell, 78 Olmsted Lane
Jason Ferraro, Pond Rd.
Ann Stewart, 26 Mimosa Court
Jim Tarzia, 77 Poplar Rd.
Jim Belote, 25 Spireview Rd.

The following residents spoke against the ordinance and amendment:

Ed Tyrrell, 17 Pond Rd.
Bob Hebert, 58 Prospect St.
John Katz, 473 Ridgebury Rd.
Janet Hebert, 58 Prospect St.
Tom Belote, 109 Branchville Rd.

Barbara Manners, Selectman, informed the audience that this ordinance was brought up in contract negotiations with the police. The police wanted more money, and the Selectmen presented the idea of the ordinance as an alternative.

Di Masters, Selectman, also informed the audience that the Board of Selectmen kept the interests of the homeowners in mind when drafting the ordinance.

John Katz moved, and Ed Tyrrell seconded to call the question. As required, 2/3 of the audience voted in favor of stopping the discussion and voting on the amendment. (Elisabeth Maurer's amendment.) The Moderator called for a vote.
Vote: 23 Yes; 60 No. The amendment failed.

The Moderator then called on a motion to strike out all references to "state roads" in the original motion.

Joan Plock moved, Jan Rifkinson seconded.

Vote: "Aye" votes unanimous, and the motion passed.

Ed Tyrrell moved, John Katz seconded to call the question.

As required, 2/3 of the audience voted to vote on the original motion (original ordinance.)

Vote: 11 Yes; 71 No. The original motion failed.

Bob Cascella, Ridgebury Rd. moved, and it was seconded to adjourn the meeting.

Vote: "Aye" votes unanimous, and the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Barbara Serfilippi, Town Clerk