

FINALIZED

Borough of Litchfield
Board of Warden & Burgesses
Regular Meeting Minutes
Tuesday, December 14, 2021

Present: Gayle Carr, Senior Burgess and Acting Warden; Peter Vermilyea, Burgess; F. Todd Johnson, Burgess; Barbara Ellis, Junior Burgess; Roberta Witty, Burgess; Cassandra Simoncelli, Borough Clerk

Also Present: Nancy Southard, Treasurer

Call to order: The meeting was called to order at 4:00 p.m. by G. Carr.

Approval of Minutes:

Minutes of Regular Meeting of 10/12/2021- Todd moved to approve Barbara second. Motion carried

Minutes of Regular Meeting of 11/9/2021- Roberta moved to approve Peter second. Motion carried

Minutes of Special Meeting of 12/7/2021- Peter moved to approve, Barbara second. Motion carried

Correction: correct time of adjournment from 6:30 to 8:30. Roberta abstained

Communications:

None

Public Participation:

a) Applicants- none

b) Public Comment- limited to 3 minutes per person

Daniel Parsons- North Street – Spoke against the removal of the ribbons.

Gary Gillman- 208 West Street- Spoke against the removal of the ribbons.

Nathan Zimmerman- 913 Bantam Rd- Spoke against the removal of the ribbons.

George Divo- Spoke against the removal of the ribbons.

Ann Combs- 170 Maple Street- Spoke against the removal of the ribbons. Read a letter from: SOC Andrew Kazicki- an active military man who is originally from Litchfield, who would like the ribbons to stay.

Doyle Finan- 77 B Old South Rd.- Spoke against the removal of the ribbons.

David W. Wilson- 20 Wildcat Rd.-Spoke against the removal of the ribbons.

Seline Stuart- Spoke against the removal of the ribbons. Would like the yellow ribbons to stay. Have heard about this from family on the west coast have made national news

Mary Fretz- 23 Sedwig Lane- Spoke against the removal of the ribbons.

Bert Gibney- 33 South Lake Street- Spoke against the removal of the ribbons.

Rich Morn- 24 Holly House- Spoke against removal of the ribbons and read a letter regarding the ribbons. Sent two letters to the editor to the republican American. Would like an explanation as to why the ribbons shouldn't be there.

Gerry Perusse- 91 Pouch Drive-Spoke against removal of the ribbons.

Leslie Caron- 59 Cathole Rd., Bantam: Spoke against removal of the ribbons. Read a letter from Ann Combs 170 Maple Street Litchfield who is also in favor of the ribbons.

Cindy Birkins 80 Bald Hill Rd.- Spoke against the removal of the ribbons. Would also like to hear reasoning behind removal of the ribbons. Would like to know where the minutes are specifically from May until current.

William Deering- Spoke In favor of the ribbons.

Val Caron- 59 Cathole Rd, Bantam- Spoke against the removal of the ribbons.

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Gary Zeller- 169 Lake St- Spoke against the removal of the ribbons.

New Business:

- a. Beecher Monument.- photographs of Beecher monument decaying needs work. Cleve Fussenich is putting together a group of people about how to repair it. Anyone present who would like to volunteer- Peter happy to volunteer his time. Voiced concerns about moving it, and not doing so until a solid plan has been made. Peter will have conversation regarding plans. Before end of year will have a plan in place. Heritage Plan
- b. Trees- First issue regarding trees is tree trimming (Harwinton Company) Flag when at full staff must be illuminated all night. Tree has grown out and shadows the Flag from being illuminated at night.
 - a) Motion to have the tree trimmed to stop the flag from being in shadow. Peter moved Barbara seconded. All votes in favor, Motion carries.
 - b) Plant more trees – Gayle to work on it with the Garden Club.

Section 72-9A(3) of the Code of Borough of Litchfield which includes discussion of the signs, ribbon, and posting on the Green: Roberta made a motion, Barbara seconded: Warden, I make a motion that the Borough renew its enforcement efforts of all provisions of section 72 of the Code of the Borough of Litchfield, including 72-9 – A(3). As you know Section 72 of the Code is known as the Borough Park Ordinance. There is a violation of Code section 72 that exists currently, on the Litchfield Green, in the form of ribbons tied around five trees, that express support for the United States armed forces. They should be removed regardless of what message they express. If the ribbons are allowed to remain as an expression of a particular viewpoint, the Borough could not remove from one of its trees any other ribbon, placard, or poster that expresses a message or viewpoint. Our trees would be subject to becoming sites for the posting of expressive material of all kinds, and the Borough has a substantial government interest in avoiding the defacing of its trees, impairing the aesthetics of the park, and also in keeping the parks free of foreign material attached to trees.

This motion would not interfere with a citizen's right to congregate in any of our parks and express any message they desire through the carrying of a sign, chanting, singing, marching, or even being still and silent. A motion was made in September to remove the yellow ribbons, based on their non-compliance with section 72-9-A(3) That motion was not made based on the color of any ribbon or its associated message, the same motion would have been made regardless of the color of the ribbon or the message associated with the color of the ribbon. To avoid any confusion regarding the Borough's intention, this current motion is made both to rescind the motion made and vote taken on September 14, 2021, and to renew efforts to enforce the provisions of section 72 of the Code of the Borough of Litchfield solely through the passing of the current motion. In summary my motion is (1) to rescind the motion and vote taken on September 14, 2021 regarding removal of ribbons on the Litchfield green and (2) to renew enforcement efforts as to all provisions of section 72 of the Code of the Borough of Litchfield, at all public parks in the Borough.

After the first of the year discussion would be made to enforce the rules going forward. Process would go through council to discuss at a later date. Peter voted no in September believes in compromise. Roberta noted that moving forward we would need to look at all issues, ribbons on light posts, etc. Examine the enforcement of the ordinance and how to move forward. How do we enforce the ordinance properly. Todd- yea Barbara- yea, Roberta- yea Gayle- yea. Peter – yea. Motion Carries. After New Year discussion will partake on how to enforce the ordinance.

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Old Business:

Committees (Budget development, Sidewalks, Beautification)- Discussion to encourage people who are interested in joining come to a meeting. Stephan Krucker

- a) - expressed an interested in joining.
 - i. Committees:
 1. Peter will spearhead the Sidewalk
 2. Roberta- Budget
 3. Barbara- Website
 4. Todd- Beautification: Trees, liaison with the Garden Club and how decorations are done on the poles. Board discussed the duties regarding the beautification committee.
 5. Gayle-Trees
 - b) Website
 - i. Website development can be taken out of ARPA money

Acting Warden's Report and Requests

Discussion regarding setting up next meeting as either a special meeting or change of venue. Speak to Tom Gerard as item 1 on the agenda for the January 11 meeting. Peter and Todd to set up a conference call with Tom.

Barbara requested Gayle speak to Steve Burn regarding other towns that have done something to this extent. What does the law dictate regarding ribbons and designation and when they can be up and mandate that someone fill out an application.

Reviewed and re-read the code- Gayle does not agree with the code that two burgesses do not make an illegal meeting. Steven Burn agrees. Clarified that the governor's executive orders regarding Zoom meetings was codified. Zoom is allowed. If strictly Zoom must be posted 48 hours in advance.

Investigate making a Zoom account.

Tax Collector's refund requests/recommendations: if any.

Treasurer's Report:

Monthly Financial Statements, Payments of Bills, and Treasurer's requests, if any

Nancy reviewed the bills with the board.

Motion to approve payment: Peter moved to pay the bills in the amount of \$17,154.26. Barbara second. All in favor- motion carried. Voting was: Peter- yea, Roberta- yea, Barbara- yea, Gayle- yea, Todd- yea voted via zoom.

Motion to pay the Heritage Landscape in the amount of \$3,935.00- Barbara motion to move. Peter seconded motion.

Adjournment: Roberta moved to adjourn the meeting at 5:44 p.m., seconded by Peter, unanimously approved.

Cassandra Simoncelli, Clerk