

THESE MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT BOS MEETING

TOWN OF WESTBROOK
BOARD OF SELECTMEN
REGULAR MEETING
Tuesday, May 12, 2020
Mulvey Municipal Center
Via Zoom

CALL TO ORDER

First Selectman Bishop called the meeting to order at 2:00 p.m. In attendance included: First Selectman Bishop, Selectman Hall and Selectman Fuchs, Lew Daniels, Library Director, Tony Cozza, BOF member, Donna Castracane Director of Finance, Marilyn Ozols, Planning Chair, Marty Marx, Conservation Commission Chairman, Zack Faiella, Director of Health, Lee McNamar, WPCA Chairman, and Ken Butterworth, IT.

Mr. Fuchs requested that background information for BOS agenda items be emailed to the Selectmen 48 hours in advance. Mr. Bishop responded that all available information will be forwarded to the Selectmen in advance of the meeting but noted that there are frequent “last minute” additions to the BOS agenda.

Ken Butterworth reported that per the Governor’s Executive Order, background information for meetings is posted on the Town’s website.

APPROVAL OF LIBRARY GIFT FUND

A copy of the Library Board’s request for BOS approval of use of the Library Gift Fund was in the BOS packet. Mr. Daniels, Library Director, reported that these are donated funds and are not part of the Town’s budget.

Mr. Bishop made a motion to approve and forward to the BOF for further action, an expenditure not to exceed \$18,000 from the Library Gift and Special Fund for the anticipated purchase of library materials, equipment, supplies, furnishings, and furniture; plants and landscaping materials for the library grounds; membership, continuing education, stipends to graduating high school pages and library employees, and other expenditures approved by the Library Board of Trustees from July 1, 2020 through June 30, 2021. Mr. Fuchs seconded the motion. The motion passed unanimously.

LIBRARY TECH ROOM CONTRACT – Architectural Contract

A copy of the Architectural contract for the All Purpose/Tech Room at the library was included in the BOS packet. This document has been reviewed by Town Attorney and the Library Board.

Ms. Castracane, Finance Director, will pursue clarification relative to insurance requirements. The work will be inspected by the Fire Marshal and Building Official.

Mr. Hall made a motion to approve the Architectural Contract between the Town of Westbrook and Thomas Elliott, pending confirmation of insurance. Mr. Bishop seconded the motion. The motion passed unanimously.

DEVICE USE POLICY – tabled.

LAKE LACONIA AQUATIC INVASIVE TREATMENT CONTRACT

A copy of the Lake Laconia Aquatic Invasive Treatment contract was included in the BOS packet. The Town Attorney’s recommended changes to the contract will be forwarded to the contractor for inclusion into the contract.

Mr. Marx, Conservation Chairman, reported that funds (\$4,626) are available in the Conservation Commission’s budget.

Mr. Hall requested additional information regarding chemicals (glyphoste) listed in the contract.

Mr. Bishop made a motion to table discussion/action on the Lake Laconia Aquatic Invasive Treatment contract. Mr. Hall seconded the motion. The motion passed unanimously.

ACCEPTANCE OF COMPUTER EQUIPMENT GRANT

Ms. Castracane reported that she has discussed the grant acceptance protocol with Attorney Forsyth given the Covid-19 Pandemic. Normally, the BOS would accept a grant; forward same to the BOF and Town Meeting for final approval. The Governor's Executive Orders prohibit meetings in public; i.e. a Town Meeting vote.

Attorney Forsyth (via email) commented as follows: "The acceptance of grants seems to be covered by E.O. 7CC(1) and E.O. 7JJ(4). It appears that the BOS and the BOF would have to vote to approve the acceptance of the grants in lieu of the Town Meeting."

The Registrars have received a grant in the amount of \$3,000 from the State of Connecticut for the replacement and upgrade of computer equipment.

Mr. Bishop made a motion to accept and forward to the BOF for further action, a grant from the State of Connecticut in an amount not to exceed \$3,000 for the replacement and upgrade of computer equipment. Mr. Fuchs seconded the motion. The motion passed unanimously.

ACCEPTANCE OF WESTBROOK FOUNDATION GRANT – Open Space

A copy of the Westbrook Foundation grant award for the purchase of Open Space (Toby Hill, 146.74 acres), in the amount of \$50,000 was included in the BOS packet. Ms. Wallace, Inland Wetland Officer and the Conservation Commission have also received a grant from the State of Connecticut for this purchase and the Conservation Commission has committed \$140,000 for the purchase. Ms. Wallace is awaiting the response relative to another grant application.

Mr. Bishop made a motion to accept and forward to the BOF for further action, the Westbrook Foundation Grant in the amount of \$50,000 for the purchase of Open Space. Mr. Hall seconded the motion. The motion passed unanimously.

ACCEPTANCE OF WESTBROOK FOUNDATION GRANT - Playscape

A copy of the Westbrook Foundation grant award (\$39,000) for the purchase of a playscape for the West Beach area was included in the BOS packet.

Mr. Bishop reported that the Westbrook Foundation has been very generous in funding many recreational projects including basketball courts, pickle ball courts, firehouse playground and others.

Mr. Fuchs requested a copy of the grant application and clarification on the following:

- Did the Park & Rec Board develop the application or did the Park & Rec Director submit the application without input from the Park & Rec Board?
- What type of community input did the Park & Rec Board and/or Park & Rec Director receive prior to submitting the grant request?

Mr. Fuchs expressed concern that perhaps a town employee approached the Westbrook Foundation without direction from the Park and Rec Board.

Mr. Bishop reported that Mr. Annino, at the request of the Westbrook Foundation Chairman, Mr. Winch, met with the Westbrook Foundation Board regarding a playscape for the beach area. Mr. Bishop will follow-up with Rich Annino, Director of Park & Rec for clarification.

Mr. Fuchs made a motion to table acceptance of the Westbrook Foundation grant (\$39,000) for the purchase of a playscape for the West Beach. Mr. Bishop seconded the motion. The motion passed unanimously.

CLARIFICATION OF SIDEWALK FUNDING PROTOCOL

Ms. Ozols, Planning Chairman, reported that at a prior meeting, the BOS awarded the Sidewalk Contract to the lowest bidder, Colonna Masonry. While the funding is in place for the project, a Capital transfer is necessary to move forward with the project. Due to the Corona virus, the BOF never had the opportunity to vote on the transfer. The transfer would also need Town Meeting approval. Again, due to the Corona virus, as noted above (under "Acceptance of Computer Equipment Grant"), a Town Meeting is not possible.

Mr. Hall made a motion to authorize First Selectman Bishop to sign the contract with Colonna Masonry, pending BOF approval of the transfer of funds. Mr. Bishop seconded the motion. The motion passed unanimously.

AWARD WPCA BID

Five bids were received in response to the RFP for 2 new septic systems; West Beach and Riggio Building. The bids have been reviewed by the WPCA.

Mr. McNamar, WPCA Chairman, at the request of First Selectman Bishop, clarified as follows:

- The WPCA voted to recommend that the BOS award the bid to the lowest bidder (C&C Excavating) in an amount not to exceed \$40,000 for the Riggio Building only.
- All engineering expenses have been paid to date. Funding is available in the WPCA budget for any additional engineering expenses associated with the project. Mr. McNamar commented that the engineering expenses should not exceed \$5,000.
- Mr. Faiella, Health Director, reported that he has reviewed the bid and is familiar with C&C's work. He recommends that the BOS accept the bid as requested by the WPCA.
- The bid includes the installation of a new septic tank at the Riggio Building.

Mr. McNamar reported that he will forward the contract to Attorney Forsyth for updating purposes (Riggio Building site only).

Mr. Bishop made a motion to award the bid for the Riggio Building septic system to C&C Excavating in an amount not to exceed \$40,000.00. Mr. Hall seconded the motion. The motion passed unanimously.

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS – none.

APPROPRIATIONS/CONTINGENCY TRANSFERS – none.

APPROVAL OF MINUTES

Mr. Bishop made a motion to approve the minutes from the 2/27/20 BOS meeting. Mr. Fuchs seconded the motion. The motion passed unanimously.

Mr. Fuchs made a motion to approve the minutes from the 3/10/20 BOS meeting. Mr. Hall seconded the motion. The motion passed unanimously.

Mr. Bishop made a motion to approve the minutes from the 4/14/20 BOS meeting. Mr. Fuchs seconded the motion. The motion passed unanimously.

Mr. Fuchs made a motion to table approval of the 4/16/20 BOS minutes. Mr. Bishop seconded the motion. The motion passed unanimously.

Mr. Butterworth, IT Director, as requested by Selectman Fuchs, will attempt to locate the ZOOM recording of the 4/16/20 BOS meeting.

FIRST SELECTMAN'S REPORT

Mr. Bishop reported that the Governor has set May 20th as the date for a partial (Phase I) opening of the State of Connecticut. The parameters of the re-opening are still a "work in progress" and are being discussed with Mr. Faiella.

Mr. Fuchs requested that an assessment be conducted to determine what residents are in need of masks. He also suggested that information be put on the town's website, social media, etc. directing individuals in need of a mask to the appropriate resources. Mr. Fuchs suggested that the BOS can discuss funding of masks if/when an assessment determines that there are a large number of residents in need of same. Mr. Faiella will discuss needs, availability and distribution of masks with Don Izzo, Emergency Management Director.

Mr. Bishop responded that Mr. Izzo secured and distributed masks to small business owners who met the criteria set by the State. In addition, Ms. Carpenter, Social Services Coordinator and Ms. Burks, Senior Center Director are working with the VNA, United Way, Regional Mental Health Board and others to coordinate the assembly and distribution of home-made masks to their vulnerable constituents.

As previously reported, Mr. Daniels, Library Director will be retiring at the end of June. The Library Board unanimously appointed a new Library Director and a memo introducing the new director was distributed to all staff and Board/Commission Chairman.

In an email dated 5/7/20 from Mr. Ehlert to the BOS, Mr. Ehlert commented that the BOS was "inconsistent" on appointing employees per the Town's Employment/Hiring Policy.

Mr. Bishop reported that proper procedures were followed in hiring the Library Director and referenced a letter dated 2/14/17 developed by Attorney Wells outlining that the appointment authority in the Town is the BOS (with the exception of the Zoning Official, Fire Marshal, Nursing Director).

In addition Connecticut General Statute, Section 11-33 – Powers and Duties of Trustees in Municipalities (Library Trustees) states: “Such board may purchase, lease, or accept grounds, and erect, lease or occupy an appropriate building or buildings, for the use of such library, APPOINT A LIBRARY DIRECTOR, and all necessary assistants and fix their compensation.”

Also, Article 5, Section 2 of the Library Bylaws state that “The Board shall appoint a qualified Library Director who shall be the Executive and Administrative Officer of the library on behalf of the Board under its review and direction.”

Mr. Fuchs requested clarification on the role of the First Selectman in the hiring of the Library Director.

Mr. Bishop reported that as First Selectman, he is an Ex-Officio member of each Board/Commission in the Town of Westbrook. His involvement in the process of hiring the Library Director ONLY included providing clarification to the Library Board/Screening Committee on the Town’s benefit package; i.e. medical, vacation time, sick time, and salary parameters etc. He DID NOT participate in the interviewing of candidates.

Mr. Fuchs reported that he has been contacted by residents expressing concerns over a variety of issues including the closure of the West Beach parking lot, lack of social distancing, etc. He requested clarification on the oversight and enforcement in Westbrook during the pandemic.

A Recovery Committee, Chaired by First Selectman Bishop has been established and will meet on May 13th to discuss the Phase I re-opening plans; specifically, the beach areas, enforcement of social distancing, etc. Mr. Maiden, Building Official is the Recovery Coordinator for the Town of Westbrook. Mr. Bishop reported that he participated in a DEEP call on Friday, May 8th with Connecticut shoreline municipalities to discuss their concerns with the DEEP Commissioner. It is anticipated that additional clarification on legalities associated with restrictions on beach access will be provided on the Governor’s weekly call (scheduled on May 13th). Another meeting/call will be convened with the DEEP Commissioner prior to the Memorial Day weekend.

Mr. Fuchs requested clarification on the duties of the Constables, specifically, why they are stationed at the Elk’s Club parking lot, enforcement of speeding on Rte. 145 and enforcement of traffic laws; i.e. stop signs, the rate of tickets being written by constables during the pandemic, etc. Mr. Bishop will follow-up with Troopers Borelli and Buck on Mr. Fuchs’ concerns.

Mr. Hall reported that he has observed an increased police presence in the North end of town and on Rte. 145.

Mr. Bishop reported that the Constable Contract negotiations have started and the BOS will have an opportunity to review and comment on the final contract.

The BOS scheduled a Special Meeting on May 14 @ 4:00 p.m. to discuss and possibly take action on the Recovery Committee recommendation regarding opening of the beach parking lot.

Tony Cozza reported that the Business Round Table is scheduled via ZOOM on Wednesday, 5/20/20 from 5:00 to 6:30 p.m. He encouraged the BOS to participate in the meeting.

Ken Butterworth reported that on May 13th @ 7 p.m., Zack Faiella, Director of Health, will participate in a forum on the local Public Access Television station.

ADJOURNMENT

Mr. Bishop made a motion to adjourn the meeting at 3:15 p.m. Mr. Fuchs seconded the motion. The motion passed unanimously. -

Respectfully Submitted,

Suzanne Helchowski
Administrative Asst.

Attest,

Noel Bishop
First Selectman