

THESE MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT BOARD OF SELECTMEN MEETING

WESTBROOK BOARD OF SELECTMEN

Regular Meeting

Thursday, July 9, 2015

Mulvey Municipal Center

Multi-Media Room

CALL TO ORDER

First Selectman Bishop called the meeting to order at 6:30 p.m. Those in attendance included: First Selectman Bishop, Selectman Hall, Selectman Ehlert, Ann Mazur, President, Middle Beach Association, Rich Annino, Director of Park & Rec., Sonia Marino, Health Director/Sanitarian, and approximately 50 town residents.

First Selectman Bishop thanked residents for attending this evening's meeting and reported that we will provide ample time for discussion and comments from all individuals. It is important that we hear all comments and concerns. While the BOS may not be able to act this evening on recommendations/suggestions, they will be followed through on in a timely manner and all parties will be kept informed.

Furthermore, it was noted at the beginning of the meeting that all major comments from this evening's meeting will be recorded for the minutes to clearly document all of the specific concerns that are raised. You will note in the minutes that names of the residents have not been referenced however; Selectmen and staff comments were duly noted.

DISCUSSION MIDDLE BEACH SWIM AREA

For purposes of clarification, there are currently two designated public beaches in Westbrook; Middle Beach and West Beach. Since the designated swim area was installed at Middle Beach, the Selectman's Office has received numerous e-mails and telephone calls expressing concern about the area, i.e. size and color of the buoys, traffic/parking concerns, possible installation of Porta Potty.

Mr. Bishop read from the August 11, 2014 BOS meeting minutes that state that Ms. Mazur, President of the Middle Beach Association, requested that a designated swim area be installed at Middle Beach. At that time, she assured the BOS that residents favored this request. In late September/early October 2014, Mr. Mike Payton, DEEP, visited the site and subsequently provided a DEEP permit that included specifications for the installation of a swim area. In January/February 2015, Rich Annino, Director of Park & Rec, was asked to secure the equipment as specified in the permit.

Mr. Annino reported that he spoke with Mike Payton, DEEP, several times regarding the installation of the swim area. Mr. Annino was clearly under the impression that what was installed at Middle Beach was not optional, but required. One goal of the swim area was to prevent jet skis, kayaks, small boats etc. from entering the area. In order to do so, barrier floats and marker buoys were necessary. The DEEP specified the size necessary and Mr. Annino reported on the difficulty in obtaining the proper sized buoys and floats. The Chapman Beach Association installed similar swim buoys 10 years ago and they are very happy with what has been installed.

On December 4, 2014, the DEEP permit was received in the Selectman's office and copies of the document were forwarded to Ann Mazur, Dave Russell, Harbor Patrol, John Riggio, Director of Public Works and Mike Farrell, Chairman of the Harbor Commission.

Ms. Marino, Director of Health/Sanitarian, reported that she is charged with enforcing the Public Health Code. Since the Middle Beach area fits the definition of a public swim area as stated in the Public Health Code, an on-site toilet facility is required. The Health Code notes that if it can be proven that there are adequate toilet facilities available, no porta potty is needed. However, she is unaware of appropriate toileting facilities. Private beaches do not have to follow the Public Health Code.

Mr. Bishop reported that the Town has provided additional signage in the area noting that **no lifeguard is on duty and that diving is not permitted**. A letter from Attorney Campbell Hudson was available for review. He indicated with the proper signage that has been installed, there is no liability to the town. Also available for review was a notice that has been sent several times outlining the Town's ordinances regarding smoking, dogs on the beach, alcohol etc. Cigarette receptacles have been placed at the beaches and the public was encouraged to cooperate with the rules in place.

The Harbor News published two articles regarding the Middle Beach swim area last summer/early fall. These articles were available for distribution at the meeting.

The Public Works department re-installed the swim area on June 25 after the buoys were cut soon after installation.

Mr. Bishop had a meeting with Fire Chief Jenkins and he reported no issues regarding emergency vehicle accessibility at the Middle Beach area.

Mr. Ehlert reported that the State of Connecticut has identified Middle Beach and West Beach as Town Beaches, public beaches.

Mr. Annino reported that West Beach will require new floats/buoys next year. At that time, the West Beach area will be installed per the DEEP specifications.

A Middle Beach resident reported that for the past 30 years, the residents were informed that in order for a beach to be a "town beach", a lifeguard was required. He commented that Middle Beach has never been designated as a "town beach".

Mr. Hall responded that Middle Beach has been a town beach for over 55 years. It is town controlled and town owned.

A resident reported that the beach has never been raked by the Town. The same individual commented that it was not a town beach 30 years ago. The BOS, at that time, informed him that any town beach would have to be maintained and would require a lifeguard.

Mr. Bishop reported that the West Beach Park & Rec. area is raked by the Park & Rec. staff. The West Beach Association also rakes a portion of the West beach, at their expense. The West Beach Association did apply for and receive a grant to cover some of the raking expenses.

Mr. Annino reported that from the parking lot to the Elks Club is a Town Beach. However, the Town cannot get the “heavy” equipment in the area and does not clean that entire area. The Town does not do any raking beyond the jetties.

Ms. Marino reported that while she cannot speak to what occurred 30 years ago, by today’s Health Code, Middle Beach is in fact a public swimming area. Unless an area is owned privately, it is a town beach.

Mr. Hall commented that if the town owned it, it was a public beach. He continued that the Middle Beach Association President requested the swim area and the BOS acted on that request. Mr. Bishop reported that the BOS acted on “good faith” and believed that the residents wanted the swim area. Any internal Association conflicts must be addressed by the residents and the Association.

A resident reported that the Association did not take a vote and does not speak for all of residents in the area. He reported that Middle Beach is an inappropriate location for a public swimming area. It is difficult to provide the appropriate facilities (toilet, telephone, Sheppard’s hook) and parking is inadequate. He continued that the DEEP permit only requires the two corner buoys, not the large, orange buoys that were installed. Regarding the porta potty, this gentleman encouraged the BOS to un-designate the swim area and make Middle Beach a non-public swim area; thus, in his opinion, making a porta potty unnecessary.

Mr. Bishop reported that the DEEP only requires the two corner buoys however, without the ropes and floats, those buoys alone would not stop boaters from entering the swim area.

Mr. Annino added that jet skis do have the capacity to go over the ropes but there is a \$1,000 fine for doing so.

A resident reported that he believes that the Association came to the Town (BOS) and the Board acted in good faith; the intent was to protect the swimmers and to keep boats and jets skis off the beach. They did not know about what requirements came with the swim area (porta potty, additional signage etc.).

A long time resident of Salt Island Road commented that she has been at Middle Beach since she was a teenager and has never seem a jet ski or a boat go into the area where people are swimming. She felt that the orange balls lying in the sand at low tide present a hazard. She continued that the designating a public swim area has led to increased traffic and parking concerns in the area.

A resident who resides on Salt Island Road reported that while the BOS’s action was well intended, there was no consensus on a swim area from the people that live at Middle Beach. The beach is small at high tide and if you make Middle Beach a facility available to everyone, it will “destroy” Middle Beach tax payers. He encouraged the BOS to consider removing parking and replace it with picnic tables.

Ann Mazur, President of the Middle Beach Association made the following comments:

- The Association was approached by many individuals who expressed concern about kayaks and other boats/jet skis on the beach.
- At the request of these individuals, she approached the BOS and requested the swim area.

- The intent was to keep people safe.
- When the area was installed, she notified the First Selectman's office and expressed her dismay at the large orange balls that were installed.
- She contacted the DEEP and was informed that only the two white marker buoys were required. She requested that the swim area be removed and added that a porta potty would be an eyesore.
- Middle Beach Association rakes the beach.
- Additional concerns relayed to her as President include fishing hooks left in the sand and speeding/traffic concerns.
- Individuals creating traffic and speeding issues in the area are the people who live at Middle Beach.
- Parking in the area should be removed and added that the Association would purchase picnic tables for the area.

A Salt Island Road resident thanked the BOS for meeting to listen to their concerns. Her property is located at the end of Salt Island Road (dead end). She constantly has cars pulling into her driveway to turn around. On several occasions she has seen children nearly hit by cars. She added that since the buoys were installed, traffic in the area has increased. She encouraged the BOS to take the area back to the way it was before the buoys were installed.

A Middle Beach Association Board member reported that the Board receives numerous complaints on a variety of issues including condoms and needles found on the beach, parking and traffic. She suggested to residents that if they want to keep the neighborhood/beach clean, pay dues and join the Association. This will allow the Association the ability to hire someone to rake the beach. The current situation is the result of poor communication between residents and the Association. She added that several state websites advertise that there is "supervised" swimming at Middle Beach. This is incorrect. There are no lifeguards on duty at Middle Beach. She added that these websites are drawing people to Middle Beach.

Mr. Bishop reported that he spoke to an individual at the State's tourism office and requested that she remove Middle Beach from their site. She agreed to do so. The Middle Beach Board member will forward additional websites to Mr. Bishop.

A Middle Beach resident expressed concern about the possible placement of a porta potty. Ms. Marino responded that she would be open for suggestions on placement of any porta potty. Several town owned areas have been suggested but no final location has been determined.

Several residents reported that since the swim area was installed, jet skis now come to shore in front of her cottage. She was concerned that because of jet skis, her family, including 9 children, were unable to swim in front of her home.

A resident reported that she was unaware of complaints and was never asked by the Association to vote on a swim area. She reported that parking is more dangerous than the jet skis. She requested that the parking area be removed from Middle Beach.

Mr. Bishop reported that even if the swim area were to be removed, this area is still a public beach and would require a porta potty.

Ms. Marino responded that this area should have always been designated as a public swimming area because it is not privately owned, it is accessible to the public and parking is available to the public.

The residents requested that the BOS investigate avenues to “decertify the swim area with DEEP” or options for the Middle Beach Association to lease or purchase the property from the Town. Mr. Bishop reported that he will discuss same with the Town’s legal counselor.

Trooper Buck’s comments included:

- Parking in the area is difficult. He encouraged individuals to take extra caution when backing out of spaces.
- The Troopers and Constables are willing to respond to any calls and he encouraged residents to call the Constables. They will write tickets for cars illegally parked.
- The Marine Patrol will also respond to any complaints.
- Fourth of July weekend is always busy. West Beach also experienced increased usage over the holiday weekend.

A resident reported that two open spaces at Salt Island Road and Seascape Road were owned by the residents. He continued that traffic is horrendous and he is concerned for the children in the area. He suggested that the Town consider a traffic study and lines in the street. He also felt it would be a good idea to eliminate the parking area.

A resident reported that when she purchased her home 15 years ago, the realtor told her that Middle Beach was a private beach and that parking was not allowed.

A Brookside Ave. resident reported that traffic/speeding at the Armory is also a problem. She also expressed concern about the number of 18 wheeler trucks making deliveries at the Armory.

A resident reported that the Beach Association and the BOS had good intentions but that the placement of the buoys has been counterproductive. He encouraged the BOS to remove the swim area.

A resident reported that numerous cars turn around in his driveway because this area is a dead end. To avoid people turning around in driveways, he suggested that parking be eliminated. He added that the buoys “ruined one of the most beautiful views in the State”.

A resident commented that the Town has West Beach for town residents. Middle Beach is a tiny beach and there is no room to have the public coming in. She suggested that the parking be eliminated and golf carts for Middle Beach residents be permitted.

A resident commented that “we need to take our beach back”. She encouraged individuals to let jet skiers know that they must stay behind the second sandbar.

A resident reported that in her 11 year experience at Middle Beach, she has never received complaints about kayaking or paddle boarding.

A Middle Beach Association Board member reported that the Association will start to keep copies of complaints that come to the board. She again encouraged residents to pay their dues and become

active members of the Association. She added that many of the concerns mentioned this evening (speeding, traffic, going through stop signs) are due to the individuals that live in the neighborhood.

A resident reported that jet skis, under idle power, are permitted and that the Association has no right to tell people to get off of jet skis, kayaks etc. He encouraged the group to focus on the goal of this evening's meeting which is to right the terrible wrong. This is not the BOS's fault. This resident summarized what he thought was the intent of this evening's meeting; to remove the swim area, the potential for a porta potty, additional signage and parking at Middle Beach.

Mr. Bishop reported that this evening's comments will be followed-up on and results will be communicated to the residents.

Mr. Hall reported that the BOS did not intend to force the swim area on Middle Beach. They acted on good faith with the information that was provided. The DEEP was contacted as well as the Town Attorney and town insurance company. Parking has been provided at Middle Beach for many years. If it is removed, what do we say to the other 10,000 tax paying residents of Westbrook that want to use the beach? Other town residents want to use the area too. They also pay taxes and we have had complaints from them because they feel they get harassed by Middle Beach residents. Parking has not changed, the installation of the swim area is new, if the "balls" are removed perhaps the parking will go back to a more reasonable level.

A resident suggested the installation of a chain in front of the parking area in order to enforce the "no parking from 9:00 p.m. to 9:00 a.m." rule.

Several residents reported that people from other towns come to Middle Beach because it is free. A gentleman suggested that parking should be for Westbrook residents only.

A gentleman suggested that the Town pursue steps to eliminate parking.

Mr. Hall responded that if parking were eliminated, it would give the perception that Middle Beach is a private beach. It is not. Any decision to remove parking should go to a Referendum vote.

Mr. Ehlert thanked residents for attending the meeting. He continued that the public should be able to utilize Middle Beach since it is public property. Parking and traffic issues will be communicated to Trooper Buck and the Police Advisory Traffic Authority will be contacted regarding signage. He added that when the parking area is full, it should be shut down for safety purposes.

Mr. Ehlert made a motion to un-designate the swim area at Middle Beach. The motion was not seconded.

Mr. Bishop reported that legal advice is required prior to un-designating Middle Beach. Any decision regarding leasing or selling Middle Beach to the Association would require legal advice and a Town Meeting.

The BOS urged residents to call the police regarding any safety and traffic concerns and parking after 9:00 p.m.

Mr. Bishop thanked residents for attending this evening's meeting.

ADJOURNMENT

Mr. Hall made a motion to adjourn the meeting at 8:38 p.m. Mr. Bishop seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Attest,

Suzanne Helchowski  
Administrative Asst.

Noel Bishop  
First Selectman