

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

WESTBROOK BOARD OF SELECTMEN
Regular Meeting
Monday, March 14, 2016
Mulvey Municipal Center
Multi-Media Room

CALL TO ORDER

The meeting was called to order by First Selectman Bishop at 3:00 p.m. In attendance included: First Selectman Bishop, Selectman Hall, Selectwoman Labbadia, Bonnie Hall, ZBA Chairman, Paul Connelly, BOF Chairman, Marilyn Ozols, Planning Chairman, Tony Marino, Zoning Chairman, Courtney Burks, Director Senior Center, Attorney Wells, Town Attorney, Meg Parulis, Planner, Rich Annino, Park and Rec Director, John Palermo, Open Burning Official, Andrew Urban, Director of Finance, Joan Angelini, Town Clerk, Deb DeCristoforo, Asst. Town Clerk, Heidi Wallace, Inland Wetland Official, Becky Coffey, Press, Pam Fogarty, Assessor, Lisa DeMaria, Asst. ZEO, David Maiden, Building Official, Nancy Moore, Registrar, Patty Moran, Registrar, Isabelle Jackson, Sr. Ctr. Board of Directors, Attorney Cassella, Bob Mariano, Joe Wren, P.E., Carol Hess, Asst. Finance Director, Kim Bratz, Tax Collector, Paul Keryc, Don Izzo, Emergency Management Director, Sonia Marino, Director of Health/Sanitarian, and Chris Ehlert.

SENIOR CENTER – WESTBROOK FOUNDATION GRANT

Documentation regarding the proposed Westbrook Foundation grant application was included in the BOS packet. Ms. Burks, Director of Senior Center, reported that the Senior Center is seeking a Westbrook Foundation grant in the amount of \$10,000. The intent of the grant is to provide a Westbrook Senior Citizen Emergency Alert System that includes medical information cards and magnetic jackets that display an individual's pertinent medical information in the event of an emergency.

Ms. Burks requested a letter of support from the BOS. There is no financial commitment necessary or requested from the Town for this project.

Ms. Labbadia made a motion to authorize the First Selectman to provide a letter of support for the project as outlined. Mr. Hall seconded the motion. The motion passed unanimously.

STATUS OF ZEO AND RELATED MATTERS

Mr. Marino, Chairman of the Zoning Board, reported that the ZEO is currently out on leave and the Asst. ZEO has been performing the necessary tasks of the ZEO. After review of the Asst. ZEO job description, Mr. Marino reported that the Asst. ZEO is not authorized to sign certain documents and he directed her to refrain from signing said documents. Mr. Marino is requesting permission for the Zoning Board to appoint the Asst. ZEO as Acting ZEO and suggested that additional compensation was appropriate.

Ms. Wallace, Inland Wetland Official, requested that this item be tabled to allow her time to review the proposal as a supervisor in the Land Use Department. Mr. Marino reported that since the absence of the ZEO, the Asst. ZEO has been overstepping her authority. If the item is tabled at this time, administrative duties would be performed but the Asst. ZEO has been directed to cease enforcement duties as they are not in her current job description. Applications may be received and processed but not signed.

Mr. Maiden reported on the protocol/timeline for processing applications and was concerned that a delay in Zoning approval/sign-off could result in statutory issues with regard to Building permits.

Mr. Marino reported that the Zoning Commission has a meeting scheduled on Tuesday, 3/22. Included on the agenda is an item to appoint an Acting ZEO.

Attorney Wells suggested that the Zoning Commission can appoint an Acting ZEO contingent upon salary adjustment that would be determined by the BOS.

The Union contract as it pertains to a wage increase as proposed by Mr. Marino will be reviewed by Attorney Jiran, Labor Counselor. Mr. Bishop will schedule a meeting with the Land Use staff to determine the impact that the absence of a ZEO has had on the Department. The Zoning Commission will meet to discuss the matter at the 3/22 Zoning Commission meeting. Their recommendations will be forwarded to the 3/23/16 Special BOS meeting.

Mr. Hall made a motion to table the discussion on the status of the ZEO pending a report from the Zoning Commission regarding the appointment of an Acting ZEO, legal opinion and the staffing impact of same. Ms. Labbadia seconded the motion. The motion passed unanimously.

REAL ESTATE TRANSACTION

Ms. Parulis, Planner, reported that the Town Center Revitalization Committee is pursuing the purchase of property from the First Niagara Bank that would allow downtown parking to expand from 14 spaces to 27 spaces. This acquisition would also allow for future parking and better traffic connections in the downtown area.

The property is a .17 acre parcel recently appraised at \$48,000. The bank has agreed to sell the land for \$30,000. These funds would be provided by the STEAP grant and no appropriation is required. A Wetlands permit for the installation of a culvert has been received and would allow for lot expansion.

Mr. Hall made a motion to authorize the First Selectman to sign the purchase and sales agreement in the amount of \$30,000 contingent on Town Meeting approval, final review of the contract by Town Attorney, and use of STEAP funding. Ms. Labbadia seconded the motion. The motion passed unanimously.

DISCUSSION ON TOWN MEETING VS. REFERENDUM BUDGET VOTE

Documentation regarding the recent results of the annual referendum budget votes was included in the BOS packet. The information indicates that over the past several years, few residents have voted on the budget at the Referendum, for example, last year, only 245 registered voters voted on the budget. The BOF discussed the matter at a recent meeting and concluded that a Town Meeting vote on the budget was appropriate.

Ms. Bratz, Tax Collector, reported on the process for issuing tax bills. The issuance of tax bills is simplified and more timely with a Town Meeting vote on the budget. Also, there are costs associated with holding a Budget Referendum.

CITIZEN'S GUIDE TO THE BUDGET

Mr. Bishop commented on the importance of communication to the public regarding a Town Meeting vote instead of a Referendum. The BOS briefly discussed the use of a Citizen's Guide that would be mailed to every household to inform residents of the budget process.

Attorney Wells reviewed the protocol for the Citizen's Guide. A Citizen's Guide is permissible when a Town votes on their budget at a Town Meeting; however, if the Town votes on a budget at a Referendum, the Citizen's Guide is not permitted.

The Citizen's Guide will be forwarded to Attorney Wells for review prior to distribution to the public.

Mr. Hall made a motion to act on the Budget at the Annual Town Meeting scheduled May 11, 2016 @ 7:00 p.m. Mr. Bishop seconded the motion. The motion passed unanimously.

UPDATE ON BLIGHT ORDINANCE

The meeting minutes from the 2/29/16 Blight Committee meeting were included in the BOS packet. These minutes outline revisions made to the job description of the proposed Blight Enforcement Officer.

Mr. Bishop reported that a request has been received from the Council of Beaches to delay any public hearing on the Blight Ordinance until late May.

REQUEST FOR PART-TIME STAFF - BUILDING DEPT.

Mr. Bishop reported that through the budget process, an additional full-time administrative staff member in the Land Use Dept. was approved by the BOS. If approved by the BOF, this individual will begin on 7/1/16.

Mr. Maiden, Building Official, is requesting funding for a temporary, part-time staff member to assist with the administrative tasks required to accommodate the needs of the Health and Building departments. A letter regarding Mr. Maiden's request was included in the BOS packet (up to 22 hours per week @ \$17.00 per hour).

Mr. Bishop made a motion to approve the request and forward a budget transfer request (from WPCC Regular Payroll to Land Use – Temporary Payroll) in the amount of \$5,610 to the BOF for action. Ms. Labbadia seconded the motion. The motion passed unanimously.

REQUEST FOR EASEMENT

Mr. Wren, P.E., outlined the proposed project at 16 Menunketesuck Road. A homeowner is requesting a town easement to allow a septic system to be placed within 5 ft. of the property line and to allow town property to be used for code compliance purposes. This is a single family home and the homeowner wishes to use the house year round.

A town easement is necessary to accommodate the enabling winterization of an existing seasonal structure. This project would allow a 100% code compliant septic system on the property. Without an easement, the appropriate separation distances under the Public Health code cannot be met.

A letter from the Planning Commission finding the proposal inconsistent with the POCD was included in the BOS packet. The act of winterization or building conversion as defined in the Ordinance is considered an intensification of the existing use and is contrary to Sewer Avoidance policies.

Ms. Labbadia made a motion to forward the easement request as presented to a Town Meeting without comment from the BOS. Mr. Bishop seconded the motion. Mr. Hall was opposed to the motion. Ms. Labbadia and Mr. Bishop voted in favor of the motion. The motion passed.

SET DATE FOR TOWN MEETING

Mr. Bishop made a motion to schedule a Town Meeting on Tuesday, April 5, 2016 @ 7:00 p.m. Mr. Hall seconded the motion. The motion passed unanimously.

A Special Meeting of the Board of Selectmen was scheduled on Wednesday, March 23, 2016 @ 5:30 to discuss with the Board of Finance "policing" in Westbrook and the implications for current staffing of State Troopers and Constables in Westbrook.

RESOLUTION- \$200,000 BROWNFIELD GRANT

The Town has received a \$200,000 grant from DECD to undertake an environmental site assessment at 88 Pond Meadow Road.

Mr. Hall made a motion to resolve that the Board of Selectmen is cognizant of the conditions and prerequisites for the state financial assistance imposed by Sec. 32-763 C.G.S. and that the filing of an application for State financial assistance by the Town of Westbrook in an amount not to exceed \$200,000 is hereby approved and that Noel Bishop, First Selectman, is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to executive any amendment, decisions, and revisions thereto, and to act as the authorized representative of the Town of Westbrook. Mr. Hall further moved to accept the grant and forward same to the BOF and Town Meeting for further action. Ms. Labbadia seconded the motion. The motion passed unanimously.

REQUEST FROM RESIDENT – FEBRUARY 25, 2016 MINUTES REGARDING STATE'S ATTORNEY OFFICE

Mr. Ehlert requested clarification regarding an agenda item and discussion/minutes from the 2/25/16 BOS meeting; specifically that "Mr. Ehlert requested that he be authorized to obtain the report." Mr. Ehlert reported that he never asked for a State's Attorney report. Also, in the past, when a resident requests an agenda item, said resident is invited to the BOS meeting for the discussion. Mr. Ehlert was not specifically invited to the 2/25/16 BOS meeting.

Mr. Bishop referenced an e-mail received from Mr. Ehlert on 2/29/16 stating: "I (Mr. Ehlert) will need to contact Mr. Whelan again as he communicated that there is a report and I was told I could request a copy as long as I was associated with the town in an official capacity." This e-mail, in Mr. Bishop's opinion, was a request from Mr. Ehlert to be given an official capacity in order to obtain the State's report.

Mr. Ehlert responded that the e-mail of 2/29/16 was out of context and that Mr. Urban, at a BOF meeting, stated that the Town received a letter on the matter from the State. Mr. Westbrook requested a copy of that letter. Mr. Urban later commented that he mis-spoke regarding a report from the State.

Mr. Ehlert also expressed concern regarding the manner in which an Executive Session regarding the Health Agent was posted on the BOS agenda.

Mr. Bishop reported that the item "Discussion and possible vote on FOI request to State's Attorney's office – re Agent of Health" appeared on the 2/8/16 BOS agenda. Mr. Ehlert was invited to that meeting. Unfortunately, that meeting was cancelled due to a snow storm. The item subsequently appeared on the 2/25/16 BOS agenda. At no point during the 2/25 meeting did anyone comment that Mr. Ehlert made an FOI request. Attorney Wells clarified that Mr. Whalen, State's Attorney Office, will not provide the document. Any FOI request for the document would be forwarded to the appropriate department at the State's Attorney office. Attorney Wells advised the Board that any FOI request would probably be denied.

Ms. Labbadia confirmed with Mr. Whalen that there is only an "investigator's report" and that their office has no intention of releasing that report. She also agreed with Attorney Wells' comments regarding the report.

Attorney Wells reported he was prompted by the Town to contact Mr. Whalen as a result of Mr. Ehlert's 2/29/16 e-mail (referenced above) requesting an official capacity from the Town in order to request the report from the State.

The BOS discussed the 2/25/16 minutes.

Mr. Hall made a motion to amend the 2/25/16 meeting minutes as follows: page 2, under FOI Request to State's Attorney Office, remove the line "Mr. Ehlert requested that he be authorized to obtain the report." Mr. Bishop seconded the motion. The motion passed unanimously.

ENERGY COMMITTEE – CLEAN ENERGY COMMUNITIES PLEDGE, PORTFOLIO MANAGER UPDATE, RENEWABLE ENERGY PURCHASE.

Mr. Ehlert reported that all of the appropriate data has been provided to Eversource to populate the Portfolio Manager. Ms. Labbadia, Ms. Brainerd, Mr. Urban and Mr. Bishop have participated in the recent conference calls with Eversource and Ms. Labbadia will attend the workshop scheduled on 3/23/16.

Mr. Ehlert, Chairman Energy Committee, presented a slide show including options for energy suppliers. Sunwave Gas and Power was recommended to be the energy supplier for 9 billing cycles. The supplier will need to be monitored and legislation calls for notification of any cost increase. Mr. Ehlert will forward a link to Mr. Urban so that the appropriate application can be filed.

Mr. Bishop suggested that the Energy Committee invite Mr. Andy Merola, CCM, to an energy meeting to discuss CCM's energy program.

Mr. Hall made a motion to direct Mr. Urban to contact Sunwave Gas and Power and report back to the BOS as recommended by Mr. Ehlert. Ms. Labbadia seconded the motion. The motion passed unanimously.

REQUEST FOR FUNDING – PARAMEDICS – MIDDLESEX HOSPITAL

Mr. Bishop reported that he recently met with Middlesex Hospital staff to discuss their request for funding (\$7,000 for fiscal year 2016/17) to accommodate the paramedic program at the hospital. It is anticipated that the hospital will request additional funding in future years. Mr. Urban suggested that this item may be added to the Public Safety budget to be presented to the BOF for action.

Members of the Fire Department and Emergency Management expressed concern and had questions regarding the hospital's request.

Mr. Bishop will invite the hospital personnel to a BOS meeting for further discussion/clarification.

APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

Mr. Bishop made a motion to accept the letter of resignation from the WPCC received from Marilyn Ozols and to express appreciation and thanks for her service. Mr. Hall seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES

February 25, 2016 – regular meeting

Mr. Bishop made a motion to approve the 2/25/16 regular meeting minutes as amended above. Mr. Hall seconded the motion. The motion passed unanimously.

February 25, 2016 – special meeting

Mr. Hall made a motion to approve the 2/25/16 special meeting minutes. Mr. Bishop seconded the motion. The motion passed unanimously.

March 7, 2016

Ms. Ozols requested that the following statement be added to the 3/7/16 meeting minutes under the "Possible Action – Environmental Technician" section of the document:

"I (Ms. Ozols) stated for the record at the end of the meeting that I was appalled that the Board was not interested in hearing any input from the WPCC perspective as to why it made the recommendation that it did. The Board should have at least heard the WPCC's reasons for its recommendation."

Mr. Bishop made a motion to approve the 3/7/16 minutes with Ms. Ozols' addition to the document. Mr. Hall seconded the motion. The motion passed unanimously.

DIRECTOR OF FINANCE

Mr. Urban reported that the February reports have been distributed to appropriate parties. BOF budget hearings and adjustments to the CIP are on-going.

FIRST SELECTMAN'S REPORT

Mr. Bishop reported that Shirley Mickens will begin work as the Environmental Technician on April 4, 2016.

Mr. Bishop will convene a meeting to elect an Acting Chairman of the WPCC. When the WPCC has a full complement of members, they can elect a Chairman.

BOS members were invited to attend an historic plaque presentation at Vista. The event is scheduled on Thursday, 3/17 @ 10:00 a.m.

The Town Hall will close early next Thursday and will be closed Friday in observance of the Good Friday holiday.

The gentleman responsible for the cemetery vandalism remains in jail. His next court appearance is scheduled on 3/18/16.

The homeowner on Seaside Ave. has agreed to remove the fence that is in violation of the Building Code.

ADJOURNMENT

Mr. Bishop made a motion to adjourn the meeting at 5:11 p.m. Mr. Hall seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Attest,

Suzanne Helchowski
Administrative Assistant

Noel Bishop
First Selectman