

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

WESTBROOK BOARD OF SELECTMEN  
Special Meeting  
Wednesday, August 19, 2015  
Mulvey Municipal Center  
Multi-Purpose Room

CALL TO ORDER

First Selectman Bishop called the meeting to order at 5:30 p.m. Those in attendance included: First Selectman Bishop, Selectman Hall, Selectman Ehlert, Sonia Marino, Director of Health/Sanitarian Attorney Wells, Town Counselor, Kim Bratz, Tax Collector, Jill Brainerd, HR, Mary Labbadia, Registrar, Bonnie Hall, Ann Mazur, President, Middle Beach Association, Attorney Einhorn, Becky Coffey, Press, Trooper Buck and approximately 45 members of the public.

DISCUSSION AND POSSIBLE ACTION ON THE STATUS OF MIDDLE BEACH

Mr. Bishop thanked residents for their attendance at this evening's meeting and read the Call to the meeting as follows:

Notice is hereby given that a SPECIAL BOARD OF SELECTMEN MEETING will be held on Wednesday, August 19, 2015 @ 5:30 p.m. in the Multi Purpose Room of the Teresa Mulvey Municipal Center, 866 Boston Post Road, Westbrook, to hear the following:

To discuss and possibly act upon the status of Middle Beach as a beach open to the public, including but not limited to the options of keeping Middle Beach open as a public beach, closing the beach for all purposes, or closing it for swimming only.

The public is encouraged to attend.

In accordance with the American with Disabilities Act, Final Rule 1994 for State and Local Government Facilities, special accommodations will be provided upon notification to agency within a reasonable time of such need.

Noel Bishop, First Selectman

After the installation of the swim area at Middle Beach, several residents expressed concern and requested that the BOS re-visit the swim area/buoys and consider removing the buoys.

Mr. Bishop reported that at the 7/9/15 meeting, several individuals requested that any BOS meeting scheduled to discuss Middle Beach be widely advertised and that ample notice be given to ensure all Westbrook residents have an opportunity to attend the meeting and express their concerns. He explained the process and timeline, at least two week notice, for posting meeting information in the Harbor News.

Mr. Ehlert expressed disappointment that the BOS could not meet sooner to resolve the concerns at Middle Beach and that the BOS has never needed several weeks to post a Special BOS meeting.

Ms. Marino, Director of Health/Sanitarian, reported that by definition, Middle Beach is and always has been (even prior to the installation of the buoys) a public beach and designated swim area.

The location of property line of the beach area was discussed. Attorney Wells stated that the boundary between anyone's property, including the Town's, is the current high water mark line. A land surveyor would need to be engaged to determine the exact location.

Ms. Marino reported that because this property is town owned and individuals are able to access the water through the area, the DEEP and the DPH consider it a public swimming area; thus all appropriate Department of Health guidelines must be followed (a copy of the DPH B61 Highlights was available at the meeting).

Mr. Ehlert made a motion to remove the "designated swim area" designation for Middle Beach. Mr. Bishop seconded the motion. Discussion followed.

Mr. Bill Neale, Old Clinton Road resident, did not support closing Middle Beach to the public and reported that access to Salt Island would be limited if Middle Beach is closed.

The legality of the parking in the area was briefly discussed. A resident reported on the continued parking concerns at Middle Beach. She suggested that parking be removed at Middle Beach.

Mr. Hayes, Middle Beach resident, asked if the Town advertises Middle Beach as a public beach.

Mr. Bishop responded that the Town does not advertise any of the beaches in town; however, several State websites did appropriately list Middle Beach as a public beach. Mr. Bishop requested that they remove this information until the status of Middle Beach was determined. The State did comply with this request.

Ms. Bratz commented that as a resident on the north side of Rte. 1, she felt that Middle Beach should be accessible to all Westbrook residents. All beaches, not just Middle Beach, have an "overflow" of residents. Parking in the area should remain so that all Westbrook residents have an opportunity to visit and enjoy the beach.

Mr. Ehlert reported that he is not interested in closing Middle Beach to the public or removing the parking area. Middle Beach is not handicap accessible; there is no phone there, no toilet facilities etc. It is not practical to designate Middle Beach as a public swimming area. He continued that it is not acceptable for anyone to be asked to leave the beach or parking area because it is a public beach.

All parking issues are directed to the Police Advisory/Traffic Authority who have purview over parking throughout the Town. Ms. Mazur reported that she has attended PA/TA meetings and they are taking resident's concerns under consideration.

A Middle Beach resident commented that it is difficult to turn around in the parking area and private driveways are often used to accommodate individuals needing to turn their vehicles around.

Mr. Hall commented that several Middle Beach residents park their cars in the public parking spots so that the non-Middle Beach residents are unable to park and enjoy the beach. He has had several reports of individuals being "chased away" by Middle Beach residents.

Mr. Ehlert "called the question". Attorney Wells reported that in order to "call the question" an official motion must be made to do so.

There was further discussion regarding the status of the Middle Beach swim area. Following the discussion, the motion passed unanimously.

#### ADJOURNMENT

Mr. Ehlert made a motion to adjourn the meeting at 6:25 p.m. Mr. Hall seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Attest,

Suzanne Helchowski  
Administrative Assistant

Noel Bishop  
First Selectman