

WESTBROOK BOARD OF SELECTMEN

REGULAR MEETING

Thursday, October 28, 2010

Multi-Purpose Room, Mulvey Municipal Center, 866 Boston Post RoadCall to Order

First Selectman Bishop called the meeting to order at 7:00 p.m.

A quorum was established with the following Board members present: First Selectman Bishop, Selectman Crawford and Selectman Hall.

Also in attendance included several members of the public, press and town employees.

Presentation from Mark Chapman, IBIC, Capital Projects/Bonding

Mr. Pytlik, BOF member, reported that the Capital Plan for the Town of Westbrook was approved and presented to the Town. Due to the favorable bond market, the Town can consider moving up the Capital Plan schedule or the possibility of adding projects to the Capital Plan. There are several projects in the Capital Plan, including fire equipment, and roof, boilers and windows at the schools. The Town's debt service expenses are scheduled to dip in year 2013/14. While the BOF understands that these project will need to be done eventually and rates are at an all time low now, **Mr. Pytlik made it clear that the BOF does not want taxes negatively impacted; their goal is to have the Town's debt service remain the same.** Mr. Bishop commented that the BOF sent a letter to all departments, boards and commissions summarizing their 0% increase expectations for F/Y 2011-12.

Mr. Mark Chapman, Director, IBIC distributed information outlining several scenarios without raising debt service costs. The Town's outstanding notes at the elementary school are paid down \$200,000 each year. These notes will be paid off in 2014. The Town has the capability of borrowing approximately \$3 million dollars with little impact on debt services.

Mr. Chapman outlined another scenario which would call for lessening the yearly payment and having a balloon payment in the third year. Doing so would give the Town the capacity to borrow \$6 million.

Mr. Chapman also outlined the spending requirements. If the Town borrows tax exempt money, the Town cannot profit on this money through investments. Ten percent of the funds must be spent in the first 6 months, 50% must be used in year one, 75% must be used in 18months and 100% must be used within two years.

Public Input

Mr. Kriete questioned the high school roof needs. Mr. Pytlik responded that the flat section of the roof is at the end of its life span. The peak roof only was done in 1995. Mr. Pytlik continued that all of the projects in the Capital Plan have a minimum average life of 20 years.

Status of Outstanding Bills

The \$83,629.83 bill from Charles Pasteryak, Jr. for the McVeigh Road project was included in the BOS packet. This bill has been reviewed by John Riggio, Jay Sheehan and Meg Parulis. This bill represents payment number 3 of the project. Mr. Sheehan expects one more bill for retainage when project is closed out. A meeting is scheduled with the DOT for final approval. Once the contractor is paid by the Town, the Town sends a request to the State for reimbursement. Woodard & Curran has not yet submitted their will/paperwork for the project.

Mr. Bishop made a motion to pay the bill submitted by Charles Pasteryak, Jr., in the amount of \$83,629.83 for the McVeagh Road project. Mr. Crawford seconded the motion. The motion passed unanimously.

Mr. Riggio reported that the \$182.50 bill from Ciel, Inc. represents costs associated with printing plans for the McVeagh Road project.

Mr. Hall made a motion to by the Ciel, Inc. bill in the amount of \$182.50. Mr. Crawford seconded the motion. The motion passed unanimously.

Acceptance of Jakob's Landing Extension

At its September 13, 2010 meeting, the Planning Commission voted to recommend acceptance of Jakob's Landing Extension. Ms. Parulis reported that the road has been inspected and certified by the Town's engineer.

Mr. Crawford made a motion to accept the Jakob's Landing Extension. Mr. Hall seconded the motion. The motion passed unanimously.

Cusson Property Update

Mr. Bishop reported that the Cusson property has been a significant issue in the community for the past several years. Woodard & Curran, Westbrook's Municipal Engineering Firm, was asked to review the property and provide an objective, professional report. A copy of the Review of Regulatory and Technical Constraints report prepared by Woodard & Curran was distributed.

Mr. Sheehan reported that Mr. Dan Wolfram, Woodard & Curran's environmental professional reviewed the history of contamination at the Cusson property located at 88 Pond Meadow road.

Mr. Sheehan briefly outlined the report and reviewed the various phases (1 through 3), state and federal funding opportunities (Brownfield Grants), proposed timeline and recommendations. The Brownfield Grants are federal grants administered by the EPA and meant to make blighted properties viable. Mr. Sheehan was optimistic that Westbrook receive Brownfield funding.

Ms. Judy Leissner has lived in the neighborhood for 42 years. She was concerned that remediation costs would exceed grant funding and that the town would be financially responsible for the clean-up. Mr. Sheehan responded that if the town does take ownership of the property, they would be responsible for the clean-up. He stressed the importance of obtaining the Phase 3 investigation in order to develop meaningful cost estimates. Mr. Sheehan advises that the town not take ownership of this property until the Phase 3 is completed. Ms. Leissner was also concerned that under the proposed timeframe remediation would not begin until 2013. She continued that this situation has been difficult for neighbors and frustrations have been mounting.

Mr. Joel Maynard questioned the options the Town has to collect taxes on the property. Mr. Bishop referenced a letter from Atty. Wells outlining personal liability of a property owner for real estate taxes assessed. This letter was available at the meeting.

Ms. Kim Bratz, Tax Collector, reported that there are options (foreclosure, tax sale) for the Town; however a Phase 3 investigation must be completed to determine the extent of contamination and remediation costs. She continued that it is not legal to "attach" the house on an adjacent property owned by Mr. Cusson since the property in question is owned by an LLC. Also, before any action is taken, a town vote is required.

Mr. Jeff Kriete reported that the Town failed to prosecute the previous owners and their relatives who created the mess. He suggested that the Town get statements, in writing, from the neighboring property owners. Mr. Kriete continued that the Phase 3 investigation should be completed. He suggested that this property could be paved and used as a site for the Town Garage. Mr. Bishop commented that the Town Garage Committee has already committed to another site.

Mr. Robert Dubord reported that the Town installed drains in the road; however, his backyard floods in the spring. Paving the area would add to this problem and neighbors would not support paving or the town garage at this location.

Dan Cohen questioned the intent of the Town after the Phase 3 investigation is complete. Mr. Sheehan responded that the end use of the site has not yet been determined.

Mr. Dubord commented that it could cost \$3 million to clean up the property. He did not feel the property was worth \$3 million after remediated.

Mr. Joel Maynard suggested that the Town leave the property alone and let Mother Nature take its course. Mr. Sheehan responded that it was not realistic to let nature take its course as not all of the contamination on the property can be addressed by nature. There was some discussion as to the amount of fill needed to clean the property. Mr. Sheehan commented that the level of remediation is dependant on the end use of the property.

Mr. Bishop questioned the financial implications to the Town if the recommendations presented by Woodard & Curran are approved. Mr. Sheehan responded that the grant application fee is approximately \$2,500 plus legal expenses. He saw no significant cost implications within the next 6 months.

Mr. Bishop made a motion to accept the proposed guideline provided by Woodard & Curran. Mr. Crawford seconded the motion. Discussion followed:

Mr. Crawford commented that a continued effort is needed to secure the Phase 3 report from the property owner.

Mr. Bishop amended the motion to add that the Town will pursue obtaining the Phase 3 Report from the property owner. Mr. Crawford seconded the amended motion. The motion passed unanimously.

Proposed Timeline

Winter 2010

Proposed Next Steps for the Cusson Property

Continue attempts to obtain Phase 3 Assessment

Westbrook Board of Selectmen
Regular Meeting
10/28/10

Winter/Spring 2011	Legal verification of site access
Spring 2011	Site walk with EPA/CTDEP staff to start positioning for Brownfields study
October 15, 2011	EPA Brownfields Assessment Grant (\$200,000) application deadline
Spring/Summer 2012	Phase 3 of 88 Pond Meadow (in addition to a Town-wide Assessment)
Summer 2012	Town determination to acquire (purchase, take) property
October 15, 2012	If Town takes ownership, EPA Brownfields Clean up Grant (\$200,000/grant with 2 grants possible) application deadline
Spring/Summer 2013	If Town takes ownership, site remediation begins

A meeting will be scheduled with the neighbors and Woodard & Curran to obtain input.

Proposed Town Meeting Agenda

The proposed Town Meeting agenda was included in the BOS packet. The Town Meeting is scheduled for November 22, 2010.

Bathroom Concessions (Westbrook Public Beach)

Mr. Bishop reported that a proposal for the concession stand at the Town Beach was received from Mr. John Anello. A copy of this proposal was included in the BOS packet.

The BOS discussed the possibility of obtaining additional bids for the Bathroom Concessions.

Mr. Crawford commented that the Pfaff's have run the concession stand for the past 18 years. Since it is not a time sensitive issue presently, he felt it appropriate to give the Pfaff's the opportunity to present a proposal.

One individual from the public requested that sales receipts of items sold by the Pfaffs be provided to the Town.

Mr. Crawford made a motion to table the discussion of the Bathroom Concessions at this time. Mr. Hall seconded the motion. The motion passed unanimously.

The Selectman's Office is to generate a bid proposal.

Request from Board of Finance – Treasurer Ordinance

Mr. Bishop reported that the BOF requested that the Town develop an ordinance making the Treasurer position appointed rather than elected. Such an ordinance would go to a Town Meeting for approval.

Mr. Crawford commented that this request is inappropriate because it was made due to personalities and not the position. He continued that the Charter Commission should be the mechanism to address this issue.

Mr. John Ferrara, Charter Commission Chairman, reported that part of the Charter Commission's responsibility is to examine all elected and appointed positions as part of their process.

Ms. Paula Ferrara commented that since the BOS is the policy making authority in Town, this request from the BOF is unusual and should be rejected out of hand.

The BOS took no action on this request.

Appointments and Resignations

Mr. Crawford made a motion to accept the resignation of Al Quarti from the PAB/TA. Mr. Hall seconded the motion. The motion passed unanimously.

Mr. Hall made a motion to accept the resignation from Theresa Thomas from the Board of Assessment Appeals. Mr. Crawford seconded the motion. The motion passed unanimously.

Mr. Crawford made a motion to appoint Mary Ann Clark to fill a vacancy on the Library Board. Mr. Hall seconded the motion. The motion passed unanimously.

Selectman's Report

Mr. Bishop reported that the Regional Energy Committee confirmed the appointment of Source One as the Regional Energy Manager. A kick off meeting is scheduled for November 4, 2010 at the Guilford Community Center. Source One is scheduled to meet with Westbrook's Energy Committee at their regular meeting scheduled for November 18, 2010.

A special meeting of the BOS has been scheduled for 6:45 p.m. on 11/15/10 to accept Fairway Lane as a town road.

A joint meeting of the BOS/BOF has been scheduled for 11/15/10 to interview finalists for the Director of Finance position.

Westbrook Board of Selectmen
Regular Meeting
10/28/10

A consultant has been invited to the 11/8/10 BOS meeting to discuss municipal wages and salaries.

The Town's Annual Report, dedicated to Dr. Robert Schreck is available in the Selectman's office.

Mr. Ferrara reported that the Charter Commission has been discussing several items including taxation and finance, the BOS and its structure, appointed boards, committees and officials. They have discussed the pros and cons of a Town Manager as well as the potential to modify/eliminate the BOF.

Treasurer's Report

Ms. Jones reported that the Town has received \$12,000 from FEMA. She added that the auditors continue to work and hope to be finished by the end of the year.

Other Business

A letter of endorsement was received from the Republican Town Committee recommending Thomas Maynard for the Water Pollution Control Commission.

Mr. Bishop made a motion to place this item on the next BOS agenda. Mr. Crawford seconded the motion. The motion passed unanimously.

Request for Transfer - Planning Commission

When the FY 10/11 budget worksheet was submitted, both the mileage and legal ad line items were erroneously left blank and therefore were not funded. An amount of \$375 should have been budgeted for mileage and \$700 should have been budgeted for legal ads. In order to cover projected expenses including a current invoice from the Hartford Courant, it is requested that \$1075 be transferred out of account no. 010-0410-048-0234 (legal) with \$375 going to account no. 010-0410-048-0246 (mileage) and \$700 going to account no. 010-0410-048-0250 (legal ads).

Mr. Bishop made a motion to approve the request from the Planning Commission as presented. Mr. Crawford seconded the motion. The motion passed unanimously.

Literacy Volunteer Request

The lease between The Literacy Volunteers and the Town of Westbrook was recently executed. The Literacy Volunteer Board has subsequently requested that the lease be extended to 5 years (currently a one year lease).

Mr. Bishop reported that the lease was reviewed by Atty. Wells. The terms, except for the length of the lease, would remain the same.

Mr. Bishop made a motion to accept the request of the Literacy Volunteer Board and extend the lease agreement to 5 years, effective 7/1/10. Mr. Crawford seconded the motion. Discussion followed.

Mr. Kriete has suggested that the space currently used by the Literacy Volunteers be used instead for a Teen Rec. Center. He was concerned that obligating this space for 5 years could be detrimental to a potential Rec Center.

The motion passed unanimously.

Approval of Minutes - Approval of minutes was tabled until the next meeting.

Adjournment

Mr. Bishop made a motion to adjourn the meeting at 8:59 p.m. Mr. Crawford seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Suzanne Helchowski
Recording Clerk

Attest,

Noel Bishop
First Selectman