

WESTBROOK BOARD OF SELECTMEN
REGULAR MEETING

Thursday, May 26, 2011
Mulvey Municipal Center, 866 Boston Post Road, Westbrook

CALL TO ORDER

First Selectman Bishop called the meeting to order at 7:03 p.m.

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

BUSINESS

Mr. Hall made a motion to add to the agenda the following discussions: Zoning Fee Schedule, Open Space Ordinance, Energy Committee Update and board and commission resignations. Mr. Ehlert seconded the motion. The motion passed unanimously.

Zoning Fee Schedule

A copy of the proposed Zoning Fee Schedule (application fees) was distributed to the BOS. Nancy Rudek, ZEO, reported that the new Storm Water Regulations call for more extensive plan review. Additional fees have been added due to impervious surface plan review. These new fees will be discussed further at the next Board of Selectmen meeting scheduled for June 13; 2011 and will be placed on a Town Meeting agenda for town approval.

Constable Contract

A copy of the Constable Contract was distributed to BOS members. Mr. Bishop reported that this contract was unanimously approved by the Constables. Highlights of the contract include:

- The duration of the contract is from 7/1/11 through 6/30/13.
- The evening shift will now run from 4:00 p.m. until midnight, with the ability of the Resident State Trooper to adjust these hours if necessary based on operational needs. The prior Evening Shift Late ran from 6:00 p.m. until 2:00 a.m.
- Wage rates increased by 2%, effective 7/1/11 and 7/1/12.
- Pension eligibility requirements for retirement were amended to reflect a normal pension date to be the earlier of 25 years of service with no age restriction or 20 years of service and age 65.

The BOS may act on this contract; however, the contract must also be approved by the Pension Board.

The following resolution was prepared by Atty. Gabe Jiran, Labor Counselor.

Mr. Ehlert resolved that the Town of Westbrook Constables' Pension Plan ("Plan") be amended as follows: (1) effective as of July 1, 2008, to increase the Normal Pension Benefit in Section 5.1 of the Plan to \$500; and (2) effective as of July 1, 2011, to amend the eligibility requirements of the Plan to reflect that an employee's Normal Pension Date shall be the earlier of 25 years of service with no age restriction, or 20 years of service with no age restriction, or 20 years of service and age 65, pending Town Attorney review. Mr. Hall seconded the Resolution. The Resolution passed unanimously.

The following resolution was prepared by Atty. Gabe Jiran, Legal Counselor.

Mr. Hall resolved that the First Selectman of the Town is authorized and empowered to execute a written Plan Amendment to the Plan on behalf of the Town to effect the changes referred to in the above Resolution. Mr. Ehlert seconded the Resolution. The Resolution passed unanimously.

Resignations

George Rehberg's resignation from ZBA, accepted by ZBA at their last meeting, was distributed to the BOS.

Mr. Hall made a motion to accept the resignation of George Rehberg from the ZBA effective immediately. Mr. Ehlert seconded the motion. The motion passed unanimously.

Due to a conflict created between Land Use and Board of Finance members who receive compensation as town employees, George Pytlik submitted a resignation for his position as Emergency Management Director, effective immediately.

Mr. Pytlik recommended that Don Izzo, Deputy Emergency Management Director be appointed as Director with the remaining salary, approved during the budget process, transferred to Mr. Izzo.

Mr. Bishop made a motion to accept the resignation of George Pytlik as Emergency Management Director. Mr. Hall seconded the motion. Discussion followed:

Chris Ehlert commented that this may be an issue the Charter Commission can address. Atty. Wells responded that this is not an issue for the Charter Commission or a conflict of interest. The statute clearly states that no municipal employee shall serve on the BOF, Zoning Commission, ZBA, Planning Commission or Inland Wetland Commission. Atty. Wells continued that this issue was first addressed in February, 2009. Continuing on a Land Use Commission endangers the decision of that Commission in the event of an appeal. Atty. Wells reported that an Ordinance can allow municipal employees to serve on Land Use Commissions.

The motion passed unanimously.

Mr. Hall made a motion to appoint Mr. Don Izzo as Director of Emergency Management, effective immediately. Mr. Ehlert seconded the motion. The motion passed unanimously.

A letter was received from George Pytlik requesting that his \$599 stipend as Deputy Fire Marshall be rescinded allowing him to continue as a Deputy Fire Marshall.

Mr. Urban commented that the use of a 1099 form instead of a W2 would allow Mr. Pytlik to be considered a contractor as opposed to a town employee. Atty. Wells responded that the use of a 1099 form would have to be applied to all Deputy Fire Chiefs, not just Mr. Pytlik.

Mr. Hall made a motion to table this request until further legal and financial clarification is obtained. Mr. Ehlert seconded the motion. The motion passed unanimously.

Open Space Ordinance

A copy of the Open Space Management Ordinance was included in the BOS packet. Attorney Wells has reviewed this ordinance and reported that the Conservation Commission approved it at their last meeting.

Mr. Bishop made a motion to adopt the ordinance as written and submit same to the June 9, 2011 Town Meeting. Mr. Hall seconded the motion. The motion passed unanimously.

Energy Committee Update

A draft agreement between Southern Connecticut Gas Company Gas Company and Westbrook Public Schools and letter from Attorney Wells were distributed to BOS members.

Mr. Ehlert reported that the Westbrook Energy Committee has put a priority on a boiler replacement project at the High School. The new boiler will have the capability to operate using gas and/or oil. The Energy Committee voted to move the Gas line installation agreement to Attorney Wells for legal review.

Attorney Wells' letter expressed concern over several items in the agreement including:

- The cost of replacing all facilities beyond Southern's meter shall be the responsibility of Westbrook Public Schools. This work must also occur within 30 days of installation of service to the location.
- The agreement does not include specific language concerning the duration.

Attorney Wells reported that while the school property is technically owned by the Town, the properties are under the sole direction and control of the BOE and the documents should be signed by the BOE. However, the BOS would be required to give permission if easements are necessary.

The route the gas company is proposing at this time is through Pond Meadow Road.

Since BOS action is not required, Mr. Ehlert will discuss the project further with Ms. Lesley Wysocki, Westbrook Public Schools.

Mr. Urban commented that the agreement with Southern Connecticut Gas states that the Town would be responsible for removing any contaminated soil on the property. Mr. Bishop commented that soil testing is done annually at the school.

Mr. Bishop commented that there were concerns from the BOF Chair on the process of allocating capital funds for school projects without specific documentation.

Mr. Urban recommended, by his proposed resolution to the BOS, that the BOF could decide on how to address this issue at their meeting.

Mr. Bishop made a motion to forward a capital improvement appropriation request, as per the written request by Mr. Urban, in the amount of \$331,000 for various capital projects for the school to the BOF for action. Mr. Hall seconded the motion. The motion passed. Mr. Ehlert abstained from voting.

Town Meeting Agenda

Mr. Bishop made a motion to approve the Agenda for the June 9, 2011 Town Meeting. The agenda items to be discussed are: The Open Space Management Ordinance and the purchase of the Highway Dept. Equipment. Mr. Hall seconded the motion. The motion passed unanimously.

POCD Update

Mr. Bishop reported that e-mails regarding the POCD were received from Walter & Nancy Moore, 116 S. Main Street, Eugene & Anne Barton and Linda & Mike Lawton, 61 Magna Lane. These letters expressed concern with the proposed expansion of the "Town Center".

Ms. Parulis reported that the Planning Commission will meet on 5/31/11 to review and determine if changes are warranted as a result of the Public Hearing on the POCD. She requested that the BOS forward her any of their concerns. She will follow up at the next BOS meeting.

Ms. Parulis reported that she does not anticipate any major changes to the Plan. The Town Center boundary is the only issue at this time. She continued that there is no intent to further commercialize the area and clarification will be included in the POCD.

COST Day at the Capitol

Mr. Bishop reported that he and Mr. Urban attend the COST Day at the Capitol. The strong consensus is that the towns will be held harmless this year if the union contracts are not signed.

Worthington Manor Anniversary Celebration

A copy of the flyer advertising the Worthington Manor Open House scheduled for June 5, 2011 at noon was included in the BOS packet.

Lease Arrangement – Proper Signature

Mr. Urban recommended that the First Selectman be the individual to sign all of the leases throughout the Town.

Appointments

First Reading – Board of Fire Commissioners - Katie Keleman

First Reading – BAA – Michelle Neri

Resignations

Mr. Bishop made a motion to accept the resignation from IWWC received from Carole Ketelsen, effective immediately. Mr. Hall seconded the motion. The motion passed unanimously.

Mr. Bishop made a motion to accept the resignation from IWWC received from Chris Ehlert, effective immediately. Mr. Hall seconded the motion. The motion passed unanimously.

Treasurer's Report – none – Treasurer not present.

Director of Finance Report

Mr. Urban reported on a quote for copiers received from Konica Minolta. The Town will receive 4 additional machines at no additional cost. This newer technology will meet the needs of all of the departments.

Mr. Urban reported that the Town Clerk's office has a coin operated copier. This copier is provided by another company. The Town is supposed to get 65% of funds received but the Town has not been paid for several years. The Konica copier currently located in the Town Clerk's office can be purchased for approximately \$1,000 and converted to accept coins; as a result, the Town can realize approximately \$6,000 per year in revenue.

Mr. Urban will present a business case on the BMSI system at the next BOS meeting.

Mr. Urban reported that the Ambulance Company utilizes the Town fuel tanks but the Town has not billed them since January 2010. Mr. Urban will follow up.

Selectman's Report

Mr. Bishop thanked Mr. Urban for the well presented, well received budget.

Mr. Bishop distributed information regarding the use of communications and information systems. Mr. Urban commented that these plans are often difficult to monitor and enforce.

Mr. Bishop reported that there is a Union Negotiation meeting scheduled for June 6, 2011 at 4:00 p.m. To date, Mr. Bishop has met informally with union officers to discuss data collected from CCM.

Minutes

Mr. Hall made a motion to approve the meeting minutes from the May 9, 2011 BOS meeting. Mr. Ehlert seconded the motion. The motion passed unanimously.

Adjournment

Mr. Bishop made a motion to adjourn the meeting at 8:26 p.m. Mr. Ehlert seconded the motion. The motion passed unanimously.

Respectfully submitted,

Attest,

Suzanne Helchowski
Clerk

Noel Bishop
First Selectman