

**BOARD OF SELECTMEN
SPECIAL MEETING
August 17, 2016**

Present: Norman M. Needleman, First Selectman
Stacia R. Libby, Selectman
Bruce M. Glowac, Selectman

Norman Needleman called the meeting to order at 7:01 p.m.

Approval of Agenda:

Motion was made by Norman to add item to the agenda - 7E under New Business – Public Hearing for Ivory Street Bridges.

Motion was made by Bruce Glowac to approve the Agenda. Stacia Libby seconded the motion. All in favor.

Approval of Minutes:

Motion was made by Norman Needleman to approve the July 12th Minutes. Bruce Glowac seconded the motion. All in favor.

Informational Items, Communications and Correspondence:

A letter of appreciation was received for the repairs to the curbing on Mitchell Terrace in Ivoryton.

A letter of thanks was received from the Shoreline Soup Kitchen for the donation of \$5,000.

A letter of thanks was received from the Regional Mental Health Board for the donation of \$354.

A letter of thanks was received from a customer thanking the Town's Building Official David Deleeuw for doing a great job.

Mr. Needleman reported that the US Department of Transportation proposed new rules for transportation planning. The proposed rule would take away local control and centralize it into large organizations and larger metropolitan areas. There was discussion on the current boundaries of the COGs and the future boundaries under the new proposed rules.

Public Announcements / Public Comment: None

OLD BUSINESS:

Capital Building Committee

Bruce Glowac reported that things are proceeding nicely with construction in the Land Use offices and paving at the Essex Elementary School parking lot has been completed. All projects are on schedule. Work to be done on bridges will be put out to bid.

Evans Lane Dispute – “Pending Litigation” for FOIA Purposes

Norman Needleman reported that the Selectmen had, at their last meeting, tabled this item because Attorney David Royston believed that the parties were close to a resolution. Attorney Royston reported at the meeting held on July 12, 2016 that he had provided a recommendation of a settlement agreement along the lines of what the First Selectman had proposed with a few additions and

clarifications. Attorney Royston had expectations that this would be acceptable to all parties. To date, both parties have not agreed to the settlement agreement that was distributed by Attorney Royston. Mr. Needleman recommended all further discussion on this item be continued later this evening in Executive Session.

Before moving to go into executive session, Mr. Needleman stated that in his opinion the offer was fair and the right approach. He also provided the parties a brief opportunity to comment. Attorney Diane Whitney stated that she reviewed the proposal with her clients and they essentially agree to the changes, but she was disappointed that no counter proposal was made and that it's unfortunate this has to go to litigation. Attorney Whitney stated her clients do not think the Town should have to put forth Town resources because they still believe this is a neighbor dispute.

Attorney John Bennet thanked the Town for its efforts but reported that his clients will not accept the settlement agreement, and had provided a counter proposal. Mr. Needleman stated he was disappointed that this could not be resolved.

Motion was made by Norman Needleman to move this item into Executive Session later this evening. Bruce Glowac seconded the motion. All in favor.

Woodwinn Development Corporation / Clark's Pond Lane Subdivision

Motion was made by Norman Needleman to table this item until one of the September Board of Selectmen Meetings. Bruce Glowac seconded the motion. All in favor.

NEW BUSINESS:

Appointments and Resignations Board and Commissions

Motion was made by Bruce Glowac to accept the resignation of Thomas J. Danyliw from the Planning Commission, effective October 14, 2016 with gratitude for his service. Stacia Libby seconded the motion and it was unanimously approved. Motion carried.

Motion was made by Stacia Libby to recommend the following **Board of Selectmen appointment** to the Special Town Meeting on September 21. Norman Needleman seconded the motion and it was unanimously approved. Motion carried.

Zoning Board of Appeals

Richard Rybak (alternate)

Set Town Meeting

Motion was made by Norman Needleman to set a Special Town Meeting for Wednesday, September 21, 2016 at 6:50 pm. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

Appropriations

Kelly Sterner, Director of Finance, reported that the Town ran a reasonable surplus this year. Ms. Sterner presented a list of 2015/16 budget year fye special/supplemental appropriations totaling \$350,000. Ms. Sterner requested the Board of Selectmen approve and recommend to the Board of Finance the appropriations listed below. These appropriations would address important capital needs without adding to the operating budget.

There was discussion on the surplus and capital & sinking funds. Ms. Sterner stated that the fiscal year surplus would be reduced to approximately \$130,000. Mr. Glowac stated that he is in support of the appropriations and the Town can avoid a tax increase to finance these items.

Motion was made by Norman Needleman to approve and recommend to the Board of Finance the 2015/16 Budget year fye special /supplemental appropriations in the amount of \$350,000 to be distributed according to the following chart. Bruce Glowac seconded. Motion carried.



Fiscal Year End Appropriations/Supplemental Appropriations Fiscal Year 2015/16

Budget Category	Purpose	Account	Amount
Fringe Benefits- Retirement	Police Pension Plan –additional contribution to improve funding level	10494-501500 supplemental appropriation	75,000.00
Fringe Benefits - Retirement	Merit Service Pension Plan – additional contribution to improve funding level	10494-501500 supplemental appropriation	50,000.00
Fringe Benefits Retirement Incentive	Provide funding for proposed employee retirement incentive	10494-501310 special appropriation	100,000.00
Capital & Sinking Funds Marine Patrol Boat	Additional appropriation for Marine Patrol Boat sinking fund	10496-508350-870 supplemental appropriation	30,000.00
Capital & Sinking Funds Police Vehicle	Additional appropriation for Police Vehicle sinking fund	10496-508350-850 supplemental appropriation	20,000.00
Capital & Sinking Funds Road Reconstruction	Additional appropriation for Infrastructure improvements	10496-508700 supplemental appropriation	75,000.00

TOTAL APPROPRIATIONS \$ 350,000.00

Permit Fees- Essex Elementary School HVAC

The Essex Elementary School is installing new HVAC systems in classrooms, the gym and cafeteria.

Motion was made by Norman Needleman to waive the Town of Essex Building Permit Application Fee for the installation of new a/c systems at Essex Elementary School. Bruce Glowac seconded the motion and it was unanimously approved. Motion carried.

Permit Fees- Essex Elementary School Electrical

The Essex Elementary School is installing a conduit under the floor for a new desk outlet and retrofitting 24 lights in the school library.

Motion was made by Norman Needleman to waive the Town of Essex Building Permit Application Fee for the installation of the conduit for the new outlet and the retrofitting of 24 lights in the school library. Bruce Glowac seconded the motion and it was unanimously approved. Motion carried.

Set Public Hearing – Ivory Street Bridge

Motion was made by Norman Needleman to set a Public Hearing for Wednesday, September 7, 2016 at 4:30 pm. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

There was discussion and a request that the Selectmen's Office Administrative Staff send out abutter's notices as a courtesy to all abutters near the bridge.

TRAFFIC AUTHORITY

Motion was made by Stacia Libby to enter Traffic Authority. Bruce Glowac seconded the motion, it was unanimously approved. Motion carried.

Main Street – Sidewalk Extension & Parking

Mr. Needleman discussed the sidewalk that ends at the circle in Essex Village and the potential that it could be dangerous. Mr. Needleman asked Bob Doane and David Caroline to please look into this and determine if it is on Town property.

Motion was made by Stacia Libby to exit Traffic Authority. Bruce Glowac seconded the motion, it was unanimously approved. Motion carried.

Public Comment: None

SELECTMEN GENERAL DISCUSSION:

There was discussion on the graphics proof for the new Essex Fire Department Fire Engine.

There was discussion on big budget filming in Essex and the possibility of requiring permit applications to be done through the Selectmen's Office. The consensus was that no fees would be required at this time. Requirement of Private Duty police officers will be handled on a case by case basis.

The Town of Essex received a members' equity check from CIRMA in the amount of \$8,135.00

The Town of Essex received the first Ethics Advisory Opinion Request. It was determined that there were no violations or a conflict of interest for services rendered by the Tree Warden.

Norman Needleman briefly discussed a dredging issue. The Governor of New York has deemed the offshore dumping ground is not acceptable and has put President Obama and the EPA on notice that the state of New York will take necessary steps to prevent dredged materials from being dumped into Long Island Sound on the eastern end of the island. Mr. Needleman will have additional information at the next Selectmen's meeting.

EXECUTIVE SESSION

Motion was made by Norman Needleman to go into Executive Session at 7:33 pm for the purpose of discussion of the Evans Lane "pending litigation". Bruce Glowac seconded the motion, it was unanimously approved. Motion carried.

Present:

Selectmen Members: Norman M. Needleman, Bruce M. Glowac, and Stacia R. Libby

Others: Attorney David M. Royston and Administrative Assistant, Betsy D'Amico

Motion was made by Norman Needleman to exit the Executive Session at 8:20 pm. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

Re-open the Regular Meeting:

The regular meeting resumed at 8:24 pm.

There was a review of the 1967 "Gabriel" map #186-25A and the May 2014 Annino Survey Map produced by Attorney Royston in which Attorney Whitney participated.

Norman Needleman stated that in light of the failure of the parties to reach a private settlement agreement of their dispute as to the status of Evans Lane, in whole, or in part as a public highway, counsel has recommended the Board of Selectmen to pursue a Declaratory Judgement.

Motion was made by Norman Needleman to move to vacate and rescind all prior instructions to counsel regarding Evans Lane. Stacia Libby seconded the motion. All in favor.

Motion was made by Norman Needleman to move to direct Town Counsel to commence a Declaratory Judgement action to determine the status of Evans Lane as a public highway as shown as "Town maintained" on the 1967 "Gabriel" map #186-25A and the May 2014 Annino Survey Map. Bruce Glowac seconded the motion. All in favor.

Public Comment

Norm Needleman offered a third opportunity for public comment.

A member of the audience expressed her disappointment that the parties are pulling the Town into a neighbor dispute. She felt that this situation was out of control. She thought that more people should have known this was going on. Norman Needleman discussed the fact that this has been going on for 2 (two) years. All Selectmen meetings have been properly publicized and notices have been posted.

A new Town resident, Lee Gaby, introduced himself to the group. He recently purchased a home on West Avenue. This is his first town council meeting in Essex and he wanted to say thank you to the Town. Shortly after his arrival he was greeted by warm neighbors who, along with the police, helped rescue his dog. He is from Georgia and was involved in the municipality there. Mr. Needleman asked if he'd like to become a volunteer and Mr. Gaby was happy to offer his phone number.

Motion was made by Norman Needleman to adjourn the meeting at 8:34 p.m. Bruce Glowac seconded the motion. All in favor.

Respectfully submitted,
Betsy D'Amico and
Maria P. Lucarelli