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**BOARD OF SELECTMEN
REGULAR MEETING
October 7, 2015**

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

Norman Needleman called the meeting to order at 5:00 p.m.

Approval of Agenda:

Motion was made by Stacia Libby to approve the Agenda with an addition under Traffic Authority – No Parking Sign. Bruce Glowac seconded the motion. All in favor.

Approval of Minutes:

Motion was made by Stacia Libby to approve the September 16 Minutes. Bruce Glowac seconded the motion. All in favor.

Informational Items, Communications and Correspondence:

The Connection – Thank you letter

Mr. Needleman reported that the Selectmen received a letter of thanks from The Connection for the \$750 donation.

Pumpout Boat – Clean Vessel Act, Marine Sewage Disposal Facility

Mr. Needleman reported that the Pumpout Boat Program has had a very successful summer. The program helps to keep waste from boats from ending up in the Connecticut River. Last year 76,240 gallons of waste was prevented from contaminating the waters, this year 74,842 gallons.

CHRO Set Aside for Public Works Project

Mr. Needleman reported on a legislative mandate that requires all state-funded municipal public works contracts in excess of \$50,000 to set aside 25% for women and minority owned businesses.

MIRA Recycling Program Check \$3,287.80

Mr. Needleman reported that the Town received a \$5 per-ton rebate check. The Town of Essex totaled 657.56 tons.

Connecticut Oil Recycling Services and PCB's

Mr. Needleman reported that Connecticut Oil Recycling Services recently collected used oil from a transfer station somewhere in Connecticut that was contaminated with a chemical called polychlorinated biphenyls (PCBs). Going forward all transfer stations must be sampled and analyzed for PCB contamination prior to every pick up.

Public Announcements / Comment:

Attorney Thomas M. Daniells from Murtha Cullina reported that he is the owner of 15 Evans Lane. He is here because he learned the Selectmen are going into Executive Session to discuss Evans Lane. He inquired whether the Town would go into litigation over Evans Lane. Attorney Daniells

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requested that the Town not go into litigation. Back in June 2015 a permanent easement was proposed to the neighbors, but if litigation happens, that proposal will go off the table.

Kelly Simpson-Angelini and her wife Marissa Mathews are the current residents of 15 Evans Lane. They also requested this not go to litigation. Kelly stated that they would like a resolution and would like for this issue to be worked out with the neighbors.

Mr. Needleman stated that he is not looking to go into litigation, but he is looking for a legal opinion and he too would like to come to some resolution.

There was discussion on why the wording "Executive Session – Pending Litigation" was on the Board of Selectmen Agenda. Attorney Royston stated the term Pending Litigation comes from the Freedom of Information Act, which includes notice of all pending or possible litigation. Attorney Royston also stated the purpose of having this item on the agenda is to meet with the Selectmen in order to figure out the best course of action. In Executive Session the attorney would be able to answer the Selectmen's questions and to discuss the ramifications and the pros and cons of litigating. The Town may become the Plaintiff in order to have the court determine the disputed set of facts or the character of the western end of Evans Lane. It may be the only way to resolve the dispute, which would be for the court to make a decision.

There was discussion on the maintenance of the road. Ms. Agelini stated that she maintains the westerly end of Evans Lane.

Stasia and Glenn Penkofflidbeck stated the bushes on the street are overgrown and it is difficult to see and is dangerous. Their other concerns are the signs posted on the road that say "No Trespassing" and "Surveillance Cameras" just before their driveway. This causes visitors to turn away. They also reported that a wall was built over the entrance to their rear lot property and they have concerns about losing the road frontage to their rear parcel of land.

OLD BUSINESS:

Capital Building Committee Report:

Bruce Glowac reported the projects are proceeding. The Essex Elementary School, the Town Hall, and the Public Works Garage roof projects are all complete. They are moving ahead with the 40 x 80 public works equipment shed. On Friday the air conditioning project will be complete at the Town Hall. The Town Hall office renovations will begin soon.

Main Street Investment Fund - Ivoryton Grant

Stacia Libby reported that all of the funding has been received and the committee is meeting tomorrow to discuss the white fencing around the portable toilet.

Amended and Restated Ordinance Creating a Park and Recreation Commission

Norman reported that the Park and Recreation Commission will be meeting this evening at 7:00 pm.

NEW BUSINESS:

Town Hall Oil Tank – Underground Storage Tank

Norman reported that the life span of the 2,000 gallon underground oil tank, located at the Town Hall, is coming to an end. The Town must pay for insurance on the underground storage tank every year.

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There was discussion on whether to remove the tank and install an above ground oil tank or whether to replace the current tank. The cost is approximately \$25,000 to remove and replace the tank. There was a general consensus that the tank does not need to be replaced at this time and the Selectmen will revisit this discussion next year.

Code of Ethics Regulations

The Selectmen were handed the Code of Ethics Regulations and tabled discussion until the October 21st meeting.

Department of Transportation (DOT)

There was discussion on painting the bridge overpass over Route 153 and 154. There are some out of pocket expenses, like the paint. Steve Bogan, who owns BlastAll, has offered to paint the bridges. DOT has agreed to allow the Town of Essex to have someone, other than DOT, paint the bridges. There is going to be a fund raising effort. Bruce Glowac said it is unfortunate there are no funds in the State to paint the bridges and commends the efforts of Steve Bogan to offer this service.

Appointments and Resignations Board and Commissions

The First Selectman appointed John Parunak as the representative to the Long Island Sound Councils for a one-year term to become effective through December 31, 2016.

Traffic Authority

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

Essex Land Trust Sign Request – Johnson Farm Preserve

Jim Denham presented photographs to the Selectmen of the proposed Johnson Farm Preserve sign. The Essex Land Trust would like approval from the Selectmen to install the sign. The Johnson Farm Preserve is approximately 50 acres to be used for passive recreation.

Motion was made by Bruce Glowac to approve the installation and sign placement for the Johnson Farm Preserve. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

No Parking Sign – 15 Summit Street, Ivoryton

There have been numerous complaints in Ivoryton about people parking in residential driveways.

Motion was made by Bruce Glowac to have Public Works install a “No Parking Sign” at 15 Summit Street. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

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

BREAK: 6:06 – 6:11

Public Comment / Announcements:

Philip Beckman wanted to thank the Land Trust for the new land acquisition. This new piece of property opens up a walkway from Mares Hill to Walnut Street.

Kelly Angelini stated that she would like to mitigate the Evans Lane issue rather than go into litigation.

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Attorney John Bennett reported that he represents the Penkofflidbecks and the easement proposal for Evans Lane was unacceptable because it is Town owned and not private.

Attorney Daniells commented that there are things that can be easily resolved, such as the signage and the trimming of the bushes. The public nature of the road is what is being disputed.

Mr. Needleman stated that he has attempted to mediate this and he has tried in good faith to work out a compromise or to resolve this issue. He proposed once again that the groups meet and mediate and come up with a compromise. He realizes that both parties have a lot to lose, but he would really like everyone to come up with some type of resolution.

George Easton stated that he lives on Evans Lane and he too would like this to be worked out and he would like to see this resolved amicably.

SELECTMEN GENERAL DISCUSSION:

Mr. Needleman reported the possibility of purchasing a trackless articulated municipal tractor with a snow blower attachment. The cost is approximately \$32,000. The Selectmen decided not to purchase this equipment at this time.

EXECUTIVE SESSION

Motion was made by Norman Needleman to go into Executive Session at 6:35 pm for the purpose of discussion of a pending litigation. Bruce Glowac seconded the motion, it was unanimously approved. Motion carried.

Present: Selectmen Members: Norman M. Needleman, Bruce M. Glowac, Stacia R. Libby.
Town Attorney David M. Royston and Selectmen's Assistant Maria P. Lucarelli

Motion was made by Norman Needleman to exit the Executive Session at 8:15 pm. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

Re-open the Regular Meeting:

The regular meeting resumed at 8:16 pm.

Motion was made by Norman Needleman that Town Counsel be authorized to commence with a declaratory judgement action to determine whether all or any part of the westerly end of Evans Lane, located within the deeded property of Thomas Daniells, Trustee, is a public highway, subject to no action being commenced prior to October 22nd, 2015 if the parties provide to the Selectmen a written agreement setting forth a process for the resolution of the dispute with respect to Evans Lane. This agreement must provide for the manner in which that portion of the disputed Evans Lane will be plowed and maintained as a safe travel way to a point westerly of the Penkofflidbeck dwelling house driveway. Bruce Glowac seconded the motion, it was unanimously approved. Motion carried.

Motion was made by Stacia Libby to adjourn the meeting at 8:21 p.m. Norman Needleman seconded the motion, it was unanimously approved. Motion carried.

Respectfully submitted,
Maria P. Lucarelli