

**BOARD OF SELECTMEN
REGULAR MEETING
June 8, 2016**

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 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 May 18th Minutes. Bruce Glowac seconded the motion. All in favor.

Informational Items, Communications and Correspondence: None

Public Announcements / Comment: None

OLD BUSINESS:

Capital Building Committee

Bruce Glowac reported the Essex Elementary School is on schedule with the library renovations. The sidewalk repaving in front of the Essex Elementary School is scheduled to start next week. The renovations in the Town Hall are also moving along. The Land Use Department has officially moved downstairs and into the auditorium and their old space is under demolition. The Town garage building will be completed later this summer. The Walnut Street Bridge project is ahead of schedule.

Evans Lane Dispute – “Pending Litigation” for FOIA Purposes

There was discussion on whether there was a basis for remediation or a settlement of the Evan's Lane dispute between the parties. Attorney Royston inquired whether the parties were interested in binding arbitration. Attorney Royston stated that neither party was interested in binding arbitration. The Board of Selectmen has consistently asked that the parties work together to try and resolve this issue privately. Attorney Royston stated that, unfortunately, the issue has not been resolved. Attorney Royston recommended that the Board of Selectmen go into Executive Session to get a recommendation of where to go from here.

Motion was made by Norman Needleman to table this item until the July 12th Special Meeting. Bruce Glowac seconded the motion. All in favor.

NEW BUSINESS:

Woodwinn Development Corporation / Clark's Pond Lane Subdivision

There was discussion that during this subdivision there was a section of the land that was set-aside. There was a requirement to form a Homeowner's Association. The Town Tax Collector has sent numerous invoices to the association, but the Town has learned that the association still has not been formed.

Motion was made by Norman Needleman to table this item until the July 12th Special Meeting. Bruce Glowac seconded the motion. All in favor.

Permit Fees – Town Hall Renovations – Heating System & HVAC Unit in Auditorium

Motion was made by Stacia Libby to waive all of the Town of Essex Permit Application Fees for the removal of the existing heating system, and install new packaged HVAC unit in the auditorium in the Essex Town Hall. Norman Needleman seconded the motion and it was unanimously approved. Motion carried.

Permit Fees – Town Hall Renovations – Temporary Walls and Demolition

Motion was made by Stacia Libby to waive all of the Town of Essex Permit Application Fees for the temporary walls built in the auditorium and the demolition in the Land Use offices at the Essex Town Hall. Norman Needleman seconded the motion and it was unanimously approved. Motion carried.

Permit Fees – Essex Elementary School – Solar Panel Installation and Wiring

Motion was made by Stacia Libby to waive all of the Town of Essex Permit Application Fees for the roof top installation of PV solar system at the Essex Elementary School. Norman Needleman seconded the motion and it was unanimously approved. Motion carried.

Resolution – Flexible Spending Account Amendment

Motion was made by Bruce Glowac to approve the Certificate of Adopting Resolution (copy attached). Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

Resolution – Pedestrian Safety Improvements Main Street / Essex Elementary School, State Project No. 49-108, Federal Aid Project No. PEDS(187)

Motion was made by Bruce Glowac to approve the Signatory Authorizing Resolution (copy attached). Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

Neighborhood Assistance Act – The Ivoryton Library Association

Norman Needleman reported that The Ivoryton Library Association has submitted an application under the State of Connecticut, Department of Revenue Services Neighborhood Assistance Act Tax Credit Program. The Neighborhood Assistance Act is designed to provide funding for municipal and tax exempt organizations by providing a corporation business tax credit for businesses that make cash contributions to these entities. The application process requires a public hearing, which was conducted earlier this evening and approval by the governing body of the municipality.

Motion was made by Norman Needleman to approve the Neighborhood Assistance Act application for The Ivoryton Library Association. Bruce Glowac seconded the motion and it was unanimously approved. Motion carried.

Appointments and Resignations Board and Commissions

The First Selectman appointed Yolanda Lowe to the Essex Housing Authority with a term from June 8, 2016 to December 31, 2019.

Motion was made by Bruce Glowac to accept the resignation of Robert R. Laundry from the Economic Development Commission with gratitude for his service. Stacia Libby seconded the motion and it was unanimously approved. Motion carried.

Norman Needleman reported the **First Selectman appointment** of George Sexton to the Economic Development Commission that will go to the Special Town Meeting on July 12.

The First Selectman appointed Augie Pampel as the Essex Tree Warden for a one-year term to become effective July 16, 2016 through July 16, 2017.

Set Town Meeting

Motion was made by Norman Needleman to set a Special Town Meeting for Tuesday, July 12th, 2016 at 4:55 pm. for the purpose of an appointment. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

Public Comment: None

SELECTMEN GENERAL DISCUSSION: None

EXECUTIVE SESSION

Motion was made by Norman Needleman to go into Executive Session at 5:24 pm for the purpose of discussion of 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 Selectmen's Assistant Maria P. Lucarelli

Motion was made by Norman Needleman to exit the Executive Session at 6:18 pm. Stacia Libby seconded the motion, it was unanimously approved. Motion carried.

Re-open the Regular Meeting:

The regular meeting resumed at 6:23 pm.

Norman Needleman stated that he is deeply disappointed that we have gotten to this point regarding Evans Lane. Mr. Needleman stated that he feels that, in good faith, the Board of Selectmen has tried to resolve this issue. Mr. Needleman stated that the Board of Selectmen has an obligation to defend all Town residents equally. Mr. Needleman proposed the Selectmen postpone this issue to be heard at the next Selectmen's meeting and if a resolution is not in place, then the Selectmen, with council advice, will vote to go to Declaratory Judgement.

Attorney Royston stated that if one of the resolutions would be to discontinue the road beyond the existing Penkofflidbeck's driveway, then the discontinuance would have to go to a Town Meeting. From the discontinuance, there is a statutory right-of-way, so it wouldn't require a deeded easement. A statutory right-of-way runs with the land.

Mr. Needleman stated that he has worked for the best interest of both parties. He feels sadly that this issue has reach this point and the Town has no choice but to bring it to a Declaratory Judgement if the parties have not come up with a resolution by July 12th.

Bruce Glowac stated that he too was sorry that this issue has come to this, and he stated that the First Selectman has gone above and beyond in trying to come up with a solution and he commends his efforts. Mr. Glowac also felt badly that this issue has not resolved privately.

Attorney Royston stated that he would write up the Town's proposal into specific language and he would provide a copy of the proposal to all the parties.

Attorney Diane Whitney thanked both Norman Needleman and Attorney Royston for their continued efforts in trying to resolve this issue.

Motion was made by Norman Needleman to table the pending litigation item until the July 12th Special Board of Selectmen Meeting. Bruce Glowac seconded the motion. All in favor.

Motion was made by Norman Needleman to adjourn the meeting at 6:48 p.m. Bruce Glowac seconded the motion. All in favor.

Respectfully submitted,
Maria P. Lucarelli



Selectmen's Office

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Norman M. Needleman, First Selectman

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Board of Selectmen:

Stacia R. Libby

Bruce M. Glowac

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CERTIFICATE OF ADOPTING RESOLUTION

I, Joel Marzi, duly qualified and Town Clerk of the Town of Essex, a municipality organized under the laws of the State of Connecticut, do hereby certify that the following is a full and true copy of a resolution adopted at a regular meeting of the Board of Selectmen of the Town of Essex, duly held on the 8th of June, 2016, and is on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

RESOLVED that the form of amended Cafeteria Plan including a Health Flexible Spending Account and Dependent Care Flexible Spending Account effective 7/1/2016, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

The undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of FSA & DCA Plan Town of Essex Cafeteria Section 125 as amended and restated, and the Summary Plan Description approved and adopted in the foregoing resolutions.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Town of Essex this 9th day of June, A.D. 2016.

Joel Marzi, Town Clerk

SEAL





Selectmen's Office

www.essexct.gov

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Board of Selectmen:

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Bruce M. Glowac

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Signatory Authorizing Resolution

I, Joel Marzi, duly qualified and Town Clerk of the Town of Essex, a municipality organized under the laws of the State of Connecticut, do hereby certify that the following is a full and true copy of a resolution adopted at a regular meeting of the Board of Selectmen of the Town of Essex, duly held on the 8th of June, 2016, and is on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Resolved that Norman M. Needleman, First Selectman is hereby authorized to sign the Agreement entitled "Pedestrian Safety Improvements Main Street / Essex Elementary School, State Project No. 49-108, Federal-Aid Project No. PEDS(187)" and administer the project.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Town of Essex this 9th day of June, A.D. 2016.

Joel Marzi, Town Clerk

