

**Disclaimer.** Please note, these Minutes have yet to be approved. Check with the department or Town Clerk for updated versions.

**BOARD OF SELECTMEN MEETING  
August 17, 2011  
Meeting Room A**

**Present:** Philip J. Miller, First Selectman  
Norman M. Needleman, Selectman  
Joel B. Marzi, Selectman

Philip Miller called the meeting to order at 6:34 p.m.

**Approval of Agenda:**

**Motion** was made by Philip Miller to approve the Agenda. Norman Needleman seconded the motion. All in favor.

**Approval of Minutes:**

**Motion** was made by Philip Miller to approve the July 20, 2011 Regular Meeting Minutes. Norman Needleman seconded the motion. All in favor.

**Motion** was made by Philip Miller to approve the July 26, 2011 Special Meeting Minutes. Norman Needleman seconded the motion. All in favor.

**COMMUNICATIONS AND CORRESPONDENCE**

**Sister Cities - Haiti**

Jenifer Grant presented to the Selectmen a one year anniversary report and she wanted to thank everyone for their continued efforts.

**To Selectmen of Essex  
From Executive Committee of Sister Cities Essex Haiti**

**Report from SCEH at one year anniversary**

We are delighted to present you with a thank-you note from the Secretary of Organization Pour Development Economique et Social (ODES), our partners in Deschapelles for our Sister Cities Essex Haiti organization.

In January of 2010, many people in Essex sought ways to respond to the horrific earthquake that occurred in Haiti. I, Jenifer Grant, received a call from, among others, Selectman Norm Needleman, stating that at their Selectmen's meeting, they had expressed a desire for the town of Essex to do something that would be long lasting and sustainable, beyond just responding to the immediate needs from the earthquake. And they decided that they should call me due to my long history with Haiti. That call initiated an effort on the part of Essex citizens, most of whom were very familiar with Hôpital Albert Schweitzer, to find a way to do just that. A group of us thought long and hard about how to establish an organization that would provide opportunities for relationships between the people of Deschapelles, Haiti and Hôpital Albert Schweitzer. A Sister Cities relationship seemed like the best idea. Working collaboratively with the town of Essex and the town of Deschapelles, we did the groundwork to establish a Sister Cities Essex Haiti relationship.

Even before we established the Sister Cities Essex-Haiti organization, there were efforts on behalf of Haiti and Hôpital Albert Schweitzer

**February 14, 2010, Essex Winter Series dedicated its Valentine's Day concert** to the "Have a Heart for Haiti" Initiative to support Hôpital Albert Schweitzer and all the people in Haiti who suffered from the earthquake.

**February 23, 2010 Tri-Club Rotary International** held a Dinner Fund Raiser for Hôpital Albert Schweitzer and Haitian Health Foundation.

Meanwhile there was forward motion to establish the Sister Cities Essex Haiti Organization. During the spring letters were exchanged between the Selectmen of Essex and the officers of ODES in Deschapelles affirming the mutual desire to form a Sister Cities relationship.

**The mission of Sister Cities Essex-Haiti ("SCEH") is to build a mutual long-term sustainable relationship between the people of Essex, Connecticut, USA and the people of Deschapelles, Haiti, their extended communities, and Hôpital Albert Schweitzer located in Deschapelles**

**May 10, 2010, the Sister Cities Essex Haiti Board** was created. The Board now consists of 24 individuals, members from the community and members who represent different organizations. The bulk of the work is done by the

**Disclaimer.** Please note, these Minutes have yet to be approved. Check with the department or Town Clerk for updated versions.

Executive Committee, 6 members at this time, and by other committees, Finance, Communications, Library and Development. Other committees are formed as the need arises.

**May, 2010, Identification of a first project, a Community Library in Deschapelles.** Sister Cities Essex Haiti, working collaboratively with ODES, identifies projects in Deschapelles that are culturally appropriate for and desired by the community, which be able to be long-lasting and self-sustaining SCEH and ODES agreed that the first project should be a community library.

**June 2010** Sister Cities Essex Haiti, Inc was registered as a non-stock Corporation in the State of CT. The encouragement of the Selectmen of the Town of Essex and the enthusiasm of citizens of both Essex CT and Deschapelles Haiti have resulted in the following amazing activities - all within the past year.

**September 28, 2010, SCEH held its first full Board Meeting,** a total of 25 members from the community and members representing town organizations.

**October, 2010, SCEH established a Designated Fund Agreement with Middlesex County Community Foundation** enabling supporters to make tax deductible contributions to SCEH.

**October 22, 2010 Fund Raiser for SCEH and Hopital Albert Schweitzer at the Connecticut River Museum.** Over 40 volunteers participated, over 200 people attended, and over \$35,000 was raised for Hôpital Albert Schweitzer and the Sister Cities Essex Haiti Library project.

**Town participation:**

- These merchants had exhibits or featured Haitian items for sale the week preceding the fund raiser: **Essex Books, Village Provisions, the Essex Savings Bank, That's the Spirit Liquor Store, Silkworm, Page Taft Realty, Prestige Yachts, The Essex Library, and The Ivoryton Library.**
- **The Ivoryton Library** organized Haitian Merenge dance classes several days preceding the event.
- **Girl Scout Troop 62041** Volunteered to serve at the event
- **Valley Regional High School's Interact Club** served as well.

**January 12, 2011 - Ringing of the Bells** for 35 seconds at 4:53 pm at St. John's Church and elsewhere in town commemorated the date and duration of the earthquake in Haiti

**February 7, 2011 - Tri-Club International Rotary Annual Dinner -** invited Terry Smith, Chair of SCEH Library Committee to be their speaker.

**March 5, 2011 - Girl Scout Troop 62041** chose to present the country of Haiti for the Girl Scout World Thinking Day exposition at Essex Town Hall.

**Disclaimer.** Please note, these Minutes have yet to be approved. Check with the department or Town Clerk for updated versions.

**March 8, 2011** - St John's Shrove Tuesday traditional Jazz Concert's free will offering was donated to the Sister Cities Essex Haiti Library project.

**April 2, 2011 Rotary International Tri-Club Second Annual Dinner** raised funds for Sister Cities Essex Haiti and a project in Niger.

**April 14, 2011 Essex Elementary School Read-a-Thon** - The whole school participated in the Read-a-Thon to raise funds for the SCEH library. They raised over \$8,000.

**April 2011 - Establishment of relationship with Sigma Alpha Iota Music Fraternity's People to People Project** enabled SCEH to purchase music and musical instruments for Haiti. Introduction by Karen Birch.

*Month of May - Haitian Art Show at Essex Meadows*

**May 5, 2011, "Music Week in Haiti" project approved by SCEH Board -**

The local Deschappelles Fanfare Band proposed a project for musicians from Essex to come to Haiti for a week to collaborate in playing music. The musicians brought music, musical instruments (some purchased and some donated, "Maestro" Patricia Hurley from the Community Music School, and good will.

**May 16, 2011, Oboe Concert** presented by Karen Birch (former Essex resident and daughter of Essex residents, Marsha and Ed Birch) and friends at the Essex Congregational Church. Free will offering to Sister Cities Essex Haiti.

**June 19 - 27 Music Week in Haiti.** A group of 6 musicians and others traveled to Haiti to learn from each other and perform a concert during the week of Hôpital Albert Schweitzer's 55<sup>th</sup> birthday and what would be the founder Dr. William Larimer Mellon's 101<sup>st</sup> birthday.

Between May 10, 2010 and August 17, 2011, Sister Cities Essex Haiti Executive Committee held 25 formal meetings. Between March 2010 and June 2011, representatives of SCEH traveled to Haiti 8 times.

**This could not have been accomplished without the support of the Town of Essex, the combined efforts of the many citizens of the Town of Essex and environs, and the wonderful publicity that SCEH has received from the press. For this we give a Grand Merci.**

**Disclaimer.** Please note, these Minutes have yet to be approved. Check with the department or Town Clerk for updated versions.

## **Board Members**

### **Officers and members of the Executive Committee**

Kathleen Maher, President  
Dan Taylor-Stypa, Vice-President, Chair of Communications Committee  
David Evangelisti, Treasurer, Chair of Finance Committee  
Jenifer Grant, Secretary  
Terry Smith, Chair of Library Committee  
Denise D'Avella, Chair of Development Committee.

### **Directors**

Anthony Chirico  
Sherry Clark  
Connle Connor  
Kristin Harris  
Lynda Hunnicut  
Susan McCann  
Robert LaMothe  
Rhode van Gessel

Joanne Beekley - Principal Essex Elementary School  
Vincent Capece, Jr. CEO Middlesex Hospital  
Cynthia Clegg, President and CEO, Middlesex County Community Foundation  
Richard Conroy - Director, Essex Library Association  
Ruth Levy - Superintendent Region 4 Schools  
Joel Marzi - Selectman  
Jeff Mehler, President Tri-Club Rotary International  
Phil Miller - First Selectman  
Norm Needleman - Selectman  
Robbi Storms - Director of Ivoryton Library.

Ms. Grant Presented to the Selectmen a colorful wall ornament to from Sister Cities that says "tet ansanm" which means to put your heads together to get things done.

Mr. Needleman inquired about how the work on the library was going. Ms. Grant stated that they are still looking for a building or a piece of land. There are projects that Sister Cities is involved with at the moment, like the music project, but the library project is taking a little bit more time.

**PUBLIC COMMENT:** None

### **INFORMATIONAL ITEMS:**

Mr. Miller reported that he received a report from the fire marshal regarding the supplemental water holes. The town requires the developer of a subdivision to install 30,000 gallon water tanks. Mr. Miller reported that the drafting basin in Birchmill Pond and Clark's Pond are totally compromised, due to submerged aquatic plants. The reason for the growth is due to the chemicals people are using on their lawns washing into the ponds.

**Disclaimer.** Please note, these Minutes have yet to be approved. Check with the department or Town Clerk for updated versions.

Mr. Miller stated that at some point in the future, at the town's expense. We may have to install 30,000 gallon water tanks because we cannot use the drafting basins. Mr. Miller suggested that the Selectmen could draft a letter to both the planning and zoning commissions that the drafting basins are not lasting too long. Mr. Miller stated that we currently have a tanker task force in place.

Mr. Needleman inquired about neighborhood development and who inspects them and maintains them. Mr. Miller stated that the town inspects them. Mr. Needleman wanted to know whose obligation it is if the drafting basins crack. Mr. Marzi suggested getting a binding opinion from the fire marshal.

### **Proclamation – Essex Basketball**

#### **First Selectman Proclamation Essex Basketball Center & Gateway Project Month September, 2011**

*WHEREAS*, Parks & Recreation Programs and Facilities are an integral part of communities throughout the country, including Essex; and

*WHEREAS*, The Essex Basketball Center & Gateway Project has the full documented support of the Town's Commissions, Boards, and Agencies; and

*WHEREAS*, The Town of Essex is a strong basketball community, with over 300 youth and adult participants annually in Park & Recreation Department Basketball Programs; and

*WHEREAS*, The Essex Basketball Center will be a safe facility where young people and families can gather together to recreate; and

*WHEREAS*, This project includes a number of improvements of the Gateway into our Community; and

*WHEREAS*, This is a Community Project to be built by the Community with Community support.

*NOW THEREFORE*, I, Philip Miller, First Selectman of the Town of Essex, on behalf of the Essex Board of Selectmen, recognizing the Essex Park and Recreation Commission and Essex Rotary Club's leadership of this Community Project, proclaim the month of September 2011 to be Essex Basketball Center & Gateway Project Month.

Given this seventeenth day of August, 2011.

  
Philip Miller  
First Selectman, Town of Essex



Mike Holmes and Jim Rawn said thank you to everyone. They are very enthusiastic and reported that they currently have 25% of the funds even before the campaign has begun.

**Disclaimer.** Please note, these Minutes have yet to be approved. Check with the department or Town Clerk for updated versions.

## **OLD BUSINESS**

### **Novelty Lane**

There was discussion on the continued issue with Novelty Lane and the issues on the deeds. Mr. Needleman stated that we are working on coming to a reasonable solution to this problem.

There was discussion on the Request for Proposal that will be going out on the Novelty Lane Project soon, and Mr. Needleman stated they should check with DEEP before doing the work.

There was discussion on an issue with drainage from one of the properties going into the river. Mr. Marzi stated that the issue is who is going to pay for the trench and he inquired as to what is being directly discharging into the cove.

Mr. Needleman stated that putting in a pipe could be a shared expense. The plan is to work from the water back. Mr. Needleman stated that everyone is trying to come to an agreement and a solution on the issues.

### **Mack Lane Extension**

Mr. Miller reported on an issue with Mack Lane Extension and read into the record a letter from counsel:

David M. Royston  
Gregory M. Harris\* (\*Of Counsel)  
D. Jeanne Messick  
Jennifer C. Zettergren  
AnnMarie Cienava Rocco  
Kenneth H. Antin  
Katherine S. Gillespie  
Sylvia K. Rutkowska

#### **DZIALO, PICKETT**

**ALLEN, P.C.**  
Attorneys & Counsellors at Law  
Established 1964

Chester A. Dzialo (1934-2010)  
John P. Pickett (1928-1982)  
Samuel H. Allen (1938-1991)  
[www.dpspc.com](http://www.dpspc.com)

148 Broad Street  
Middletown, Connecticut 06457  
Telephone: (860) 316-2741  
Facsimile: (860) 316-2747

15 Elm Street, P.O. Box 779  
Old Saybrook, Connecticut 06475  
Telephone: (860) 393-0340  
Facsimile: (860) 393-0349

August 15, 2011

Board of Selectmen  
Town of Essex  
29 West Avenue  
Essex, CT 06426

**RE: Mack Lane Extension-Pavement removal**

Dear Board Members:

This letter supplements my letter to you dated June 28, 2011 (copy attached) in which I advised you of the need for further information from Dave Carolino and Keith Nolin as to the specific area of tree removal and pavement removal which caused the fire marshal concern for safety vehicle access.

The reason is because a portion of what is known as Mack Lane Extension is owned by the Town by deeds conveying property to the Town in 1956; while a portion of what is known as Mack Lane Extension extends onto property known as 28 Mack Lane owned by Phillip Krall, Trustee and onto property owned by Mary B. Merton known as 30 Mack Lane. It also provides the vehicular access to property known as 36 Mack Lane owned by Cheryl K. Furey, Trustee, although the pavement does not extend to that property.

As I have advised you in other instances, a travelled way may become a Town highway in more than one way. Many Town highways are not conveyed to the Town by a deed of record, but rather become a highway by the process known as "dedication". Whether a travelled way becomes a Town highway by dedication is a fact based matter.

I am of the opinion that this portion of Mack Lane known commonly as "Mack Lane Extension" running easterly from the undisputed portion of Mack Lane is a Town highway, including those portions of the loop which extend "off" the above referenced ~~dedicated~~ strip of land which runs easterly from Mack Lane to Middle Cove. The basis for this conclusion is as follows:



- 1. Inquiry of David Caroline, Highway Superintendent, has confirmed that the subject portion of the travelled way of Mack Lane Extension, and adjacent unpaved shoulders, have been maintained by the Town of Essex during the period of his tenure which is well more than 15 years. Maintenance as a Town highway has included paving and snow plowing.**
- 2. A visual inspection of the area by Keith Nolin discloses that the trees removed were probably not on Town owned property. However, the portion of the pavement connecting the northerly section and the southerly section of the loop of Mack Lane Extension is Town owned property by deed.**
- 3. The Town of Essex receives financial assistance from the State of Connecticut for Town highways and maintains a list of travelled ways which is entitled "Miles of Locally Maintained Roads as of December 31, 1994" which it still considers as current Town highways. Mack Lane is on this list with a length of .19 miles. By rough measurement the lineal distance of Mack Lane running easterly from South Main Street to its southerly terminus within the Greenberg property as shown on Assessor's Map 50, plus the length of Mack Lane Extension, is the approximately .19 miles.**
- 4. Other maps of the area I looked at as far back as 1955 show the roadway in approximately its same location before the pavement removal.**
- 5. The physical evidence is quite clear that the Krall, Trustee and Merton properties are subject to such highway rights as may exist by virtue of the continuation of the travelled way and shoulders of Mack Lane Extension as lie within the boundary lines of those properties.**

**The Fire Marshal considers the removal of the pavement connecting the two sections of the loop of Mack Lane Extension to constitute a safety hazard, since it prevents the historic ability to enter and exit by the loop of the road. At present access and turning movements are impeded.**

**I should bring to the Board of Selectmen's attention that a Town highway by dedication is an *easement* for the benefit of the public. In other words, a portion of the underlying fee of the Town highway may be owned by the individual property owners (Krall, Trustee and Merton), but the public has rights over it. The Board of Selectmen is the proper entity to act to protect those public rights.**

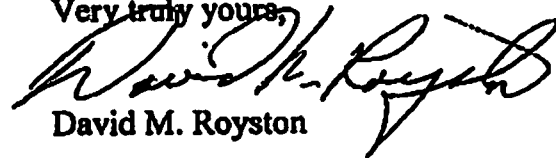


**Disclaimer.** Please note, these Minutes have yet to be approved. Check with the department or Town Clerk for updated versions.

- It is beyond the purview of this letter consider what action the Board may wish to take, but I recommend that the property owners be sent a copy of this letter and be requested to immediately contact Dave Caroline to arrange for reinstallation of the pavement so as to continue the loop configuration of this section of Mack Lane Extension as a Town highway.

It is beyond the purview of this letter as to who and how such reinstallation should be paid for. However, I am of the opinion that the person or persons who removed the pavement have a legal liability for the cost of its reinstallation.

Very truly yours,



David M. Royston

DMR/js

Mr. Marzi stated that it is a serious matter.

#### **Retirement Plan – Public Works Union Request**

Mr. Miller reported that the public works union has requested a change of the pension plan multiplier to go from 1.4 to 1.5. Mr. Needleman stated the way this would work is that the current plan members will have their plans frozen at the 1.4 multiplier and effective July 1, 2010 the new multiplier will be 1.5, if approved at a town meeting. This change will affect every employee of the Town of Essex except the police who have their own plan. Mr. Miller is in support of this increase.

#### **Set Public Hearing**

**Motion** was made by Philip Miller to set a Public Hearing on Tuesday, September 13, 2011 at 7:00 p.m. for the purpose of the Retirement Plan – Public Work Union Request. Norman Needleman seconded the motion. All in favor.

#### **Set Special Town Meeting**

**Motion** was made by Philip Miller to set a Special Town Meeting on Monday, September 19, 2011 at 7:00 p.m. for the purpose of the Retirement Plan – Public Works Union Request. Norman Needleman seconded the motion. All in favor.

#### **NEW BUSINESS**

#### **Appointments and Resignations, Boards and Commissions**

**Motion** was made by Philip Miller to appoint Christopher A. Pagliuco to position of Town of Essex Historian.

Mark Pratt the Vice President of the Essex Historical Society welcomed Mr. Pagliuco.

**Disclaimer.** Please note, these Minutes have yet to be approved. Check with the department or Town Clerk for updated versions.

**Motion** was made by Philip Miller to accept the resignation of Paul Fazzino from the position of regular member of the Essex Retirement Committee. Norman Needleman seconded the motion. All in favor.

**Motion** was made by Philip Miller to appoint Ethan Goller to the position of regular member of the Essex Retirement Committee. Norman Needleman seconded the motion. All in favor.

### **Computer Upgrade**

Kelly Sterner stated that we have the agreement with Layer 8 to replace all the town equipment. The Selectmen should think about what to do with the existing equipment. The old equipment will be taken off site and scrubbed clean and they will just have Windows XP operating system.

Mr. Miller stated that we can look into non-profits to donate the equipment or possibly the libraries. The other option is to allow employees to purchase the equipment. Mr. Miller stated that we could have our IT personnel come up with a price list. It would be easier to sell the equipment rather than placing it in storage.

Ms. Sterner stated that the equipment is not new. The last piece of equipment purchase was in late 2009. We need to decide what to do with the equipment.

### **Fire Department Permit Fees**

**Motion** was made by Philip Miller to waive the permit fees for the 11 Saybrook Road, Essex Fire House. Norman Needleman seconded the motion. All in favor.

### **Public Comment:**

Fran Nolin stated that Ethan Goller needs to be sworn in.

### **SELECTMEN GENERAL DISCUSSION:**

Mr. Marzi inquired about the Fire Department's 10 year plan. Mr. Needleman stated that he requested this information and said that maybe we could get numbers for the next Board of Selectmen meeting. The selectmen felt that the Essex Fire Department has been underfunded. Mr. Needleman said he would like to discuss a motion that the Board of Finance considers a one time transfer of money into their sinking fund. Mr. Needleman also discussed looking into a capital increase for Public Works. Mr. Marzi agreed but stated that he would like to see numbers first.

Mr. Miller reported on the Connecticut Certified Farmer's Market systems. Essex was one of the first towns to have a farmer's market. Mr. Miller proposed possibly doing a Farmer's Market in Ivoryton. Mr. Miller believes it may work.

Mr. Marzi suggested the triangle in Centerbrook would also be a great place to have a farmer's market.

**Disclaimer.** Please note, these Minutes have yet to be approved. Check with the department or Town Clerk for updated versions.

Mr. Miller reminded everyone about the box here at the Town Hall for food collection for fresh produce from gardens. The box is located by the back entrance. The food is for the soup kitchens.

Mr. Marzi stated the areas around the Essex Steam Train could use some improvements. Mr. Needleman stated that aesthetics could be done, possibly removal of some shrubs

There was discussion on cleaning up the car dealership location. The soil is contaminated. There was discussion on whose responsibility is it. There would need to be a supervised cleanup. It is not an asset, it is a liability. The dirt needs to literally to be incinerated.

The piano factory just sold.

Chris Pagliuco inquired about blighted properties and there was a brief discussion on the blight ordinance that is still being worked on. Mr. Miller said there are 8 superfund sites in Essex.

**Motion** was made by Norman Needleman to adjourn the regular meeting at 7:42 p.m. Philip Miller seconded the motion. All in favor.

Respectfully submitted,  
Maria Lucarelli