

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

**BOARD OF SELECTMEN
REGULAR MEETING
January 6, 2021**

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

Bruce Glowac called the meeting to order at 7:00 p.m.

First Selectman Needleman welcomed everyone to the Board of Selectmen remote public access meeting. This meeting was made available to the public via Zoom Meeting.

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

Others in attendance: Fred Szufnarowski, Kelly Sterner, Elizabeth Reinhart, David Royston, Robert Doane, Tracey Celentano, Andre Roussel, Joanne, and Suzanna McCauley.

First Selectman Needleman announced that audio attendees will be muted during the meeting except during public comment. Attendees were asked to please identify themselves for the record prior to making any comments.

Approval of Agenda:

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

Approval of Minutes:

Motion was made by Norman Needleman to approve the December 2, 2020 Meeting Minutes. Bruce Glowac seconded the motion. All in favor.

Informational Items, Communications and Correspondence

Public Announcements / Comment: None

OLD BUSINESS: None

NEW BUSINESS:

Appointments and Resignations Board and Commissions

Motion was made by Bruce Glowac to accept the resignation of Rosemary Willis from the Essex Housing Authority with gratitude for her service. Stacia Libby seconded the motion and it was unanimously approved. Motion carried.

The Housing Authority position is a First Selectman appointment. An appointment will be made once Essex Housing Authority approves and recommends someone.

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Motion was made by Bruce Glowac to accept the resignation of Joseph Zaraschi from the Harbor Management Commission with gratitude for his service. Stacia Libby seconded the motion and it was unanimously approved. Motion carried.

Motion was made by Bruce Glowac to appoint Steven Babjak as a member to the Economic Development Commission. Stacia Libby seconded the motion and it was unanimously approved. Motion carried. This appointment requires a Town Meeting.

Motion was made by Bruce Glowac to appoint Tom Nichols as a member to the Economic Development Commission. Stacia Libby seconded the motion and it was unanimously approved. Motion carried. This appointment requires a Town Meeting.

The Selectmen discussed there are still two vacancies on the Park and Recreation Commission, one vacancy on the Economic Development Commission, and one vacancy on the Planning and Zoning Commission.

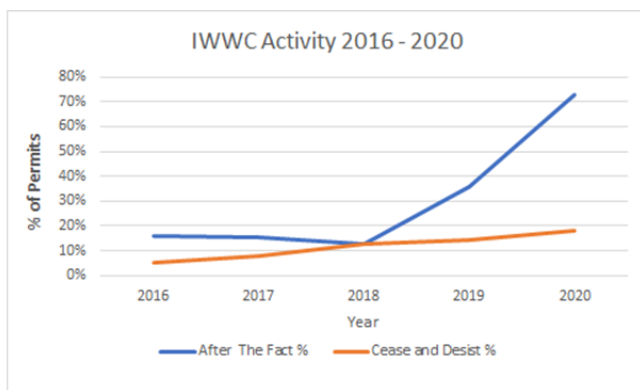
Property Tax Deferral Executive Order 9R

Mr. Needleman reported the Town already approved an amendment to the ordinance providing tax relief for elderly or disabled homeowners and gold start parents. The new expiration date is November 1, 2025.

Ordinance Providing For Fines For Violation Of Wetlands Regulations

A request was made by the Inland Wetlands Commission to amend the wetlands ordinance to include **Sec. 7-146. Clearing of waterways assessment of cost**, and fining violators up to \$1,000 for a violation without having to go to Superior Court, (**Sec. 22a-42g. Municipal fine for violation of wetlands regulations**). This CGS allows Towns to enact ordinances that allow a Town to perform emergency remedial measures to correct time sensitive violations and then bill the property owner.

Fred Szufnarowski presented an IWWC Activity Chart to the Board of Selectmen and reported there has been a steady increase in violations, or property owners not cooperating, or where they have had to issue cease and desist orders.



Year	Permits	After the Fact	After The Fact %	Cease and Desist	Cease and Desist %
2016	19	3	16%	1	5%
2017	13	2	15%	1	8%
2018	8	1	13%	1	13%
2019	14	5	36%	2	14%
2020	11	8	73%	2	18%

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Bob Doane mentioned that since enforcement has increased, after the fact permits has increased.

The Selectmen discussed the proposed ordinance at length and decided they needed more time to further review and discuss the ordinance at upcoming Selectmen meetings before setting a Town meeting.

Attorney David Royston responded by stating this ordinance should be viewed as an additional remedy for the wetlands commission to use. The ordinance does provide an additional method of enforcement and that is prudent. It is a function of the educational process. The educational part is essential. This is just one more way, where somebody can be given a citation very quickly if someone ignores a phone call or a letter when a violation has been made.

When a violation has occurred, the first contact with the violator is typically a phone call or a visit to the site to let the homeowner know that activity is not allowed. The procedure is to educate violators and to allow remediation, which is the best course of action. Mr. Szufnarowski stated they are working on educating the commission members as well.

Mr. Doane reported that the reason for this ordinance is because they discovered illegal dredging of a pond. Mr. Doane notified the homeowner and tried working with them to remediate the problem. Eventually a cease and desist order was issued, but the homeowner kept dredging the pond.

Mr. Doane believes if the Town had an ordinance that allowed fines that they would get a better response from a violator. The fine is up to \$1,000. Mr. Doane stated the damage done to the wetlands is more than \$1,000 to repair and in addition to that, hiring experts to work on a remediation plan will most likely cost more than \$1,000. This ordinance would be just another way to get someone's attention. The superior court action can mandate fines, penalties, restoration, legal fees, etc. The ordinance can give the town some leverage.

Mr. Needleman reported that this is something that we have had no experience with where someone was told there is a problem, and cease and desist order was put in place, and they kept proceeding. Mr. Szufnarowski reported they have, at great length, tried to work with the property owners and that most property owners are eager to cooperate.

Mr. Needleman asked Attorney Royston how this was all going to work. Attorney Royston stated the Town would need to appoint two people. One appointment is a person who could issue the citation, preferably someone who has some knowledge of wetlands regulations. Possibly the IWWO could be the one authorized to issue the citation. You also need to appoint a hearing officer and that person would oversee holding a hearing. The other appointment would be an Essex Inland Wetlands Hearing Officer. The hearing officer would determine if there has been a violation.

Mr. Glowac stated it is important for the Selectmen to listen to their commissioners and give them the tools to do their job. Mr. Glowac stated that generally he is opposed to adding more rules, but he does believe something needs to be done, but that the timing is bad since we really cannot hold open meetings due to COVID. The other issue is that we have a new enforcement officer and we really haven't practiced the steps that DEEP has in place. There was discussion of focusing on the steps that are in place and tabling the ordinance for another month to see if the new enforcement officer can make a difference.

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Mr. Needleman would like to table this until the first meeting in March and would like to have this ordinance under Old Business until then to continue the discussion. Mr. Needleman stated that he and the Selectmen will do everything they can to help the commission members.

Motion was made by Bruce Glowac to table the Proposed Ordinance Providing For Fines For Violation Of Wetlands Regulations. Stacia Libby seconded the motion and it was unanimously approved. Motion carried. (Copy of proposed Ordinance is on file in the Town Clerk's Office.)

Schedule Public Hearing None

Set Town Meeting

Motion was made by Stacia Libby to set a Special Town Meeting on Wednesday, January 20th at 6:50 pm. Bruce Glowac seconded the motion. All in favor.

Public Comment: None

SELECTMEN GENERAL DISCUSSION:

Sinking Funds

The Selectmen discussed placing Sinking Funds Requests on the next Board of Selectmen Agenda to request funds from the Board of Finance at their next meeting. The Selectmen would like to recommend to the Board of Finance funds for the Bridge infrastructure, Essex Ambulance Association, Police, and the Fire Department.

Firearms Resolution

There was discussion that the Firearms Resolution sunsets on December 31, 2020. Mr. Needleman would like to make the Town Hall Building firearms free permanently, except for the police. This will be added to the January 20th Agenda for further discussion and a vote.

Average Daily Membership ADM (average number of students enrolled within a school)

There was discussion that Essex is looking at a sizeable increase in education costs due to the number of 7th graders that moved up into the middle school.

Motion was made by Bruce Glowac to adjourn the meeting at 8:52 p.m. Norman Needleman seconded the motion. All in favor.

Respectfully submitted,
Maria P. Lucarelli