

Board of Selectmen
October 25, 2017
APPROVED MINUTES

The Westport Board of Selectmen, Traffic Authority and Water Pollution Control Authority held a public meeting on Wednesday, October 25, 2017 at 8:30 a.m. in Room 307/309 of the Westport Town Hall. In attendance were Jim Marpe, Avi Kaner, Helen Garten, Eileen Flug, Steve Edwards, Elaine Daignault, Sue Pfister, Foti Koskinas, Ryan Paulsson, Matt Cohen, Jennifer Fava, Ned Batlin, presenters as noted in the minutes, members of the public, and Eileen Francis, recording secretary.

ANNOUNCEMENTS: the Board of Selectmen meeting scheduled for November 8 was rescheduled to November 15.

MINUTES

1. Item #1 was presented by Avi Kaner. There were no revisions. Upon motion by Helen Garten, seconded by Jim Marpe and passing by a vote of 3-0, it was hereby:

RESOLVED, that the minutes of the Board of Selectmen's Special Meeting of September 14, 2017 and the Board of Selectmen's public hearing of October 11, 2017 are hereby APPROVED.

APPROVE USE OF IMPERIAL AVENUE PARKING LOT FOR WESTPORT-WESTON COOPERATIVE NURSERY TOUCH A TRUCK EVENT ON APRIL 28, 2018

2. Item Dan Gormley, event coordinator for the Westport Weston Cooperative Nursery School, presented #2. The published agenda had the incorrect date for the event. The corrected date is noted in the resolution. Mr. Gormley stated that because the event has expanded over the years, the previous locations were no longer suitable. It was noted that other touch a truck events have been held in the Imperial Avenue Parking Lot with success. Upon motion by Helen Garten, seconded by Jim Marpe and passing by a vote of 3-0, it was:

RESOLVED, that the use of the Town owned property known as the Imperial Avenue Parking Lot on Saturday, April 28, 2018 from 7:00 am to 3:00 pm for the Westport Weston Cooperative Nursery School's Touch-A-Truck Event, contingent upon compliance with recommendations from Town departments and in accordance with Procedures for Use of Town-owned Property, Facilities and/or Public Roadways, is hereby APPROVED.

NO VOTE – UPDATE ON PROPOSED CONSOLIDATION AND RELOCATION OF EMERGENCY COMMUNICATION CENTERS

3. Item Police Chief Foti Koskinas, Police Staff Corporal Charles Sampson and Assistant Fire Chief Matt Cohen presented #3. Chief Koskinas provided background and historical

perspective to the process that led to the opportunity to consolidate and relocate the Town of Westport and the Town of Fairfield Emergency Communications Centers at the former GE site in Fairfield. He thanked First Selectmen Marpe and Tetreau for their input and guidance. Staff Corporal Sampson and Assistant Chief Cohen provided a detailed overview of the partnership between Westport, Fairfield and Sacred Heart University, the current owner of the building, including the goals, facility benefits, municipal benefits (including cost savings) and the project outline. They also explained the technical aspects and advantages of the consolidation and relocation.

APPROVE ANONYMOUS GIFT OF \$21,000 TO HUMAN SERVICES DEPARTMENT ACCOUNTS

4. Item # 4 was presented by Director of Human Services Elaine Daignault. Upon motion by Helen Garten, seconded by Jim Marpe and passing by a vote of 3-0, it was:

RESOLVED, that in accordance with the Policy for Gifts to the Town, a monetary gift in the amount of \$21,000 from an anonymous donor to the Town of Westport Families in Need and Senior Client Needs Funds Escrow Funds, is hereby ACCEPTED.

APPROVE CONSULTING AGREEMENT BETWEEN THE TOWN OF WESTPORT AND POSITIVE DIRECTIONS

5. Item #5 was presented by Director of Human Services Elaine Daignault. Ms. Daignault explained the current strategic preventative network available through the department. The consulting agreement with Positive Directions will enhance and expand the substance abuse prevention and education services to a wider age group and demographic. Upon motion by Helen Garten, seconded by Jim Marpe and passing by a vote of 3-0, it was:

RESOLVED, that the Consulting Agreement between the Town of Westport and Positive Directions as it relates to substance abuse prevention and education services, is hereby APPROVED.

APPROVE AGREEMENT BETWEEN THE TOWN OF WESTPORT AND CATHOLIC CHARITIES OF FAIRFIELD COUNTY

6. Item #6 was presented by Director of the Center for Senior Activities Sue Pfister, Sandra Cole, representing Catholic Charities of Fairfield County, and Director of Human Services Elaine Daignault. Ms. Pfister indicated that previous funding was no longer available for the position and that the Town would now reimburse Catholic Charities for the dishwasher's services out of the Town budget. Upon motion by Helen Garten, seconded by Jim Marpe and passing by a vote of 3-0, it was:

RESOLVED, that the Agreement between the Town of Westport and Catholic Charities of Fairfield County, Inc. (CCFC) as it relates to providing a dishwasher for the Westport

Center for Senior Activities Meal Program as part of the CCFC Senior Nutrition Program to support Congregate Meals under the Older Americans Act, is hereby APPROVED.

APPROVE LICENSE AGREEMENT BETWEEN THE TOWN OF WESTPORT AND WESTPORT PAL FOR ICE SKATING RINK AT LONGSHORE

7. Item #7 was presented by Director of Parks & Recreation Jen Fava and President of the Police Athletic League Ned Batlin. Ms. Fava and Officer Batlin explained that the agreement was the same as last year, with the exception of one fee that was increased. Upon motion by Helen Garten, seconded by Jim Marpe and passing by a vote of 3-0, it was:

RESOLVED, that the License Agreement between the Town of Westport and the Westport Police Athletic League for the installation and operation of the ice skating rink at Longshore Club Park for the 2017-2018 season, is hereby APPROVED.

NO VOTE - ACCEPT ACCOUNTING OF DONATIONS UNDER \$5,001 ACCEPTED BY FIRST SELECTMAN FY 2016/2017

8. In accordance with Section 2(A) of the Policy on Gifts to the Town, the Board of Selectmen received an accounting of donations under \$5,001 accepted by the First Selectman from July 1, 2016 through June 30, 2017, totaling \$55,693.27.

NO VOTE - HEAR PRESENTATION REGARDING CONFIGURATION OF VETERANS GREEN SIDEWALK PROJECT AND RECONFIGURATION OF INTERSECTION AT AVERY AND MYRTLE

9. Item #9 was a discussion item presented by Director of Public Works Steve Edwards and Town Engineer Peter Ratkiewich. The presenters provided an overview and status of the current ongoing project related to the sidewalk surrounding Veterans Green. Mr. Edwards and Mr. Ratkiewich also explained a proposal for the intersection at Avery Place and Myrtle Avenue whereby the crosswalk would be reconfigured to insure public safety. The proposal will be presented to the Board of Selectmen, acting as the LTA, for approval at an upcoming meeting.

Item #10 is noted in the WPCA Minutes of October 25, 2017 (SUMMIT SAUGATUCK)

ADJOURNMENT

Upon motion by Helen Garten, seconded by Jim Marpe and passing by a vote of 3-0, the meeting was adjourned at 10:30 am.

Eileen Francis
Recording Secretary

Water Pollution Control Authority
October 25, 2017
APPROVED MINUTES

The Westport Water Pollution Control Authority held a public meeting on Wednesday, October 25, 2017 at 8:30 a.m. in Room 307/309 of the Westport Town Hall. In attendance were Jim Marpe, Avi Kaner, Helen Garten, Eileen Flug, Steve Edwards, Al D'Amura, Pete Gelderman, presenters as noted in the minutes, members of the public and Eileen Francis, recording secretary.

Upon the order of the Superior Court of the State of Connecticut, to re-hear the Application of Summit Saugatuck, LLC for Extension of Private Sewer from Davenport Lane to Hiawatha Lane Extension and Allocation of Sewer Capacity, dated April 11, 2016.

The meeting was a continuation of the September 25, 2017 hearing at which time the WPCA received supplemental material from Attorney Hollister.

WPCA Item #1 (BOS Item #10) was presented by Attorney Timothy Hollister of Shipman and Goodwin, representing the applicants, Summit Saugatuck, LLC. Attorney Hollister contended that the plan included within the Supplemental Materials provided at the previous meeting was not the purview of the WPCA, but rather it was for the WPCA to approve a request for a mainline extension and associated capacity to be approved conditional upon the completion of the project currently underway to upgrade the facility. The request for conditional approval is based on the ongoing construction schedule for the line replacement under the Saugatuck River and subsequent hook up from the Water Pollution Control Facility to Pump Station #2.

Attorney Hollister stated that the supplemental material was for information only, and it was not meant as a new application. Attorney Hollister stated that in his opinion, the policy and procedure adopted by the Town for Mainline Extensions was not to be applied to those plans submitted in the Supplemental Materials. This included the request for an 8-24 review by the Planning & Zoning Commission. The WPCA indicated its belief that the Supplemental Materials included a new plan and thus constituted a new application. As such, the WPCA contended that an 8-24 request should be sent to the P&Z for its review based on the new plans.

Director of Public Works Steve Edwards provided context as to the progress of the directional drilling and eventual hook up to Pump Station #2. His original assessment that the work would be complete by the summer of 2017 was revised based on the current status of the project. Mr. Edwards believes that the directional drilling portion of the project would be complete by December 2017/January 2018. Then, the next phase of the project would be bid, and the completion of that phase would be in the summer of 2018. Mr. Edwards did not recommend approval of any increase in capacity to the pump station until such time that the full project was complete. He indicated that he was aware of 3 or 4 developers who have been waiting to present projects for hook up to the pump station, but have not applied because the WPCA has not approved conditional applications. Due to the nature and complexity of the project, Mr. Edwards

feels strongly that it should be in place and operational before any applications for increased capacity are approved. Attorney Peter Gelderman stated that there could be unforeseen circumstances that prevented the full operation of the pump stations, and that the town shouldn't be committed to providing conditional approval before the project was complete.

The WPCA considered new evidence from the applicant and from Mr. Edwards, and determined that such new evidence did not merit a different disposition of the original application of April 11, 2016. The WPCA determined that it was contrary to its long standing policies and public policy to grant a conditional approval. The applicant was encouraged to reapply when the required sewer system infrastructure is completed and all actual conditions are known, including capacity, which is not currently available.

Upon motion by Avi Kaner, seconded by Helen Garten, and by the following vote:

James Marpe	No
Avi Kaner	No
Helen Garten	No

It was,

RESOLVED, that the Application presented by Summit Saugatuck, LLC for the Extension of Private Sewer from Davenport Lane to Hiawatha Lane Extension and Allocation of Sewer Capacity pursuant to a remand of the matter per order of Judge Schluger dated August 1, 2017, is hereby DENIED for the following reason(s)*:

The WPCA considered new evidence from the applicant and from Steven Edwards, Director of Public Works as to the estimated date of completion and determined that such new evidence did not merit a different disposition of the original application of April 11, 2016. The WPCA determined that it was contrary to its long standing policies and public policy to grant a conditional approval.

*Full Resolution, as attached, available online at www.westportct.gov and at the Town Clerk's Office

Upon motion by Avi Kaner, seconded by Helen Garten and passing by a vote of 3-0, the meeting was adjourned at 11:00 a.m.

Eileen Francis
Recording Secretary

NOTICE OF DECISION
(attachment)

On October 25, 2017, the Water Pollution Control Authority unanimously voted not to approve the remanded application of Summit Saugatuck, LLC. The application was remanded by Judge Schluger to permit the WPCA to consider supplemental information not available or presented at the hearing dated July 27, 2016. The supplemental information was presented and considered by the WPCA on September 27, 2017 and October 25, 2017. The reasons for the WPCA's decision to not approve the application, as supplemented, are as follows:

1. Steven Edwards, Director of Public Works testified that the estimated date of completion of the replacement of the force main under the Saugatuck River and the upgrades to Pump Station #2 is likely to be summer of 2018.
2. Mr. Edwards noted that currently there is not sufficient capacity in the system to accommodate the proposed sewer line extension.
3. Mr. Edwards recommended against approving any project, whether conditional or not, that required more capacity than is available.
4. The WPCA has never granted a conditional approval as a policy matter. Events could occur after a conditional approval that, if known at the time of approval, would have caused an application to be denied or modified. There is no reason to grant approvals to extend a sewer prior to the time when the extension can physically be implemented.
5. Allocation of capacity prior to the completion of necessary work by the Town is unfair to other developers and potential users who have been advised to wait until the work is complete to file applications.
6. It is noted that although it is not the function of the WPCA to consider land use issues in making its decisions (other than to the extent capacity may be affected), the application submitted by the applicant pursuant to the remand order was substantially different from the application that is the subject of the appeal.
7. The applicant failed to provide a compelling reason to grant a conditional approval. The applicant's only stated reason was that it would benefit its ability to plan its project. That reason does not outweigh the public policy reasons for not granting conditional approvals (as set forth in item #4, above).

James S. Marpe
Chair