

MINUTES (APPROVED)

The Board of Selectmen held a public hearing on Wednesday, April 27, 2011, at 4 p.m. in Rooms 309/307 of the Westport Town Hall. Present at the meeting were: Gordon F. Joseloff, Shelly A. Kassen, Charles W.K. Haberstroh (arriving late), John Kondub, Police Chief Alfred Fiore, Deputy Police Chief Dale Call, Deputy Fire Chief Jonathan Gottfried, Stephen Edwards, Alicia Mozian, Patty Haberstroh, Kenneth Alexander, Richard Lowenstein, Donald Bergman, Robert Mazzone, Matthew Murray, Peter Romano, John Hilts, William Cotter, Melvin Barr, Rick Potvin, and Patricia Scully recording secretary.

MINUTES

1. The minutes of the Board of Selectmen's public hearing of April 12, 2011 were presented by the recording secretary. There were no additions/deletions/revisions. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0 (Mr. Haberstroh was not present), it was:

RESOLVED: That the minutes of the Board of Selectmen's April 12, 2011 as presented are hereby APPROVED.

APPROVAL OF ACCEPTANCE OF MONETARY GIFTS TO DEPARTMENT OF HUMAN SERVICES FAMILY PROGRAM CEREMONIES AND CELEBRATIONS IN ACCORDANCE WITH POLICY FOR GIFTS TO TOWN AS AMENDED OCT. 28, 1998

2. Selectman Haberstroh recused himself from this item. Item #2 was presented by Parent Education Coordinator/Human Services Department Patty Haberstroh. Board members expressed the town's appreciation and thanks to contributors. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request to accept monetary gifts to the Department of Human Services Family Program Ceremonies and Celebrations in accordance with Policy for Gifts to the town as amended Oct. 28, 1998, is hereby APPROVED.

APPROVAL OF ACCEPTANCE OF MONETARY GIFTS TO DEPARTMENT OF HUMAN SERVICES FAMILY PROGRAM CAMBERSHIP IN ACCORDANCE WITH POLICY FOR GIFTS TO TOWN AS AMENDED OCT. 28, 1998

3. Selectman Haberstroh recused himself from this item. Item #3 was presented by Parent Education Coordinator/Human Services Department Patty Haberstroh. Board members expressed the town's appreciation and thanks to contributors. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request to accept monetary gifts to the Department of Human Services Family Program Campership in accordance with Policy for Gifts to the town as amended Oct. 28, 1998, is hereby APPROVED.

APPROVAL OF USE OF CERTAIN TOWN-OWNED ROADWAYS FOR THE CONNECTICUT CHALLENGE "BIKE ACROSS AMERICA" EVENT TO BE HELD ON

SATURDAY, JULY 30, 2011, CONTINGENT UPON COMPLIANCE WITH COMMENTS FROM TOWN DEPARTMENTS INCLUDING WESTPORT/WESTON HEALTH DISTRICT AND IN ACCORDANCE WITH PROCEDURES FOR USE OF TOWN-OWNED PROPERTY, FACILITIES AND/OR PUBLIC ROADWAYS

4. Item #4 was presented by Robert Mazzone representing the Connecticut Challenge organization. Also speaking to the request was Westport resident Matthew Murray. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request to the Traffic Authority for use of certain town-owned roadways for the Connecticut Challenge "Bike Across America" event to be held on Saturday, July 30, 2011, contingent upon compliance with comments from town departments including the Westport/Weston Health District, and in accordance with the Procedures for Use of Town-owned Property, Facilities and/or Public Roadways, is hereby APPROVED.

APPROVAL FOR ACCEPTANCE OF 2011 FORD EXPEDITION VEHICLE TO TOWN OF WESTPORT FROM WESTPORT VOLUNTEER EMERGENCY MEDICAL SERVICE IN ACCORDANCE WITH POLICY FOR GIFTS TO TOWN AS AMENDED OCT. 28, 1998

5. Item #5 was presented by Deputy Police Chief Dale Call. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for acceptance of a 2011 Ford Expedition vehicle to the Town of Westport from the Westport Volunteer Emergency Medical Service, in accordance with the Policy for Gifts to the Town as amended Oct. 28, 1998, is hereby APPROVED.

APPROVAL OF CONTRACT BETWEEN TOWN OF WESTPORT AND POSITIVE DIRECTIONS AS RELATES TO SERVICES FROM EMPLOYEE ASSISTANCE PROGRAM OF SOUTHWESTERN CONNECTICUT

6. Item #6 was presented by Finance Director/Acting Personnel Director John Kondub. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for a contract between the Town of Westport and Positive Directions as relates to services from the Employee Assistance Program of Southwestern Connecticut is hereby APPROVED.

APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF WESTPORT AND U.S. FISH AND WILDLIFE SERVICE AS RELATES TO COCKENOE ISLAND, AND TO AUTHORIZE FIRST SELECTMAN GORDON F. JOSELOFF TO SIGN SUCH AGREEMENT ON BEHALF OF THE TOWN OF WESTPORT

7. Item #7 was presented by Conservation Director Alicia Mozian and U.S. Fish & Wildlife Service representative Rick Potvin. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for a Memorandum of Understanding between the Town of Westport and the U.S. Fish and Wildlife Service as relates to Cockenoe Island, and to authorize First Selectman Gordon F. Joseloff to sign such agreement on behalf of the Town of Westport is hereby APPROVED.

APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF WESTPORT AND CONNECTICUT DEPARTMENT OF AGRICULTURE AS RELATES TO GROWING SHELLFISH AREAS, AND AUTHORIZE FIRST SELECTMAN GORDON F. JOSELOFF TO SIGN SUCH AGREEMENT ON BEHALF OF TOWN OF WESTPORT

8. Item #8 was presented by Conservation Director Alicia Mozian. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for a Memorandum of Understanding between the Town of Westport and the Connecticut Department of Agriculture as relates to the growing shellfish areas, and to authorize First Selectman Gordon F. Joseloff to sign such agreement on behalf of the Town of Westport is hereby APPROVED.

APPROVAL OF APPLICATION TO CONNECTICUT OFFICE OF POLICY & MANAGEMENT DESIGNATING THE WESTPORT POLICE DEPARTMENT ROOF REPLACEMENT PROJECT AS A LOCAL CAPITAL IMPROVEMENT PROJECT (LOCIP) PROGRAM AND TO AUTHORIZE FIRST SELECTMAN GORDON F. JOSELOFF TO SIGN SUCH APPLICATION ON BEHALF OF TOWN OF WESTPORT

9. Item #9 was presented by Finance Director John Kondub. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for an application to the Connecticut Office of Policy & Management designating the Westport Police Department Roof Replacement Project as a Local Capital Improvement Project (LoCIP) program and to authorize First Selectman Gordon F. Joseloff to sign such application on behalf of the Town of Westport is hereby APPROVED.

APPROVAL OF REMOVAL OF TRAFFIC SIGNALS IMMEDIATELY IN FRONT OF SAUGATUCK FIREHOUSE AT INTERSECTION OF KETCHUM STREET AND RIVERSIDE AVENUE, CONTINGENT UPON COMPLIANCE WITH REQUIREMENTS OF WESTPORT FIRE DEPARTMENT

10. Item #10 was presented by Peter Romano representing the applicant. Attached to the minutes of the meeting is a copy of the Westport Fire Department's correspondence of March 17, 2011. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request to the Traffic Authority to remove traffic signals immediately in front of the Saugatuck Firehouse at the intersection of Ketchum Street and Riverside Avenue, contingent upon compliance with requirements of the Westport Fire Department attached, is hereby APPROVED.

APPROVAL OF INCREASE OF \$175 IN THE ANNUAL COST OF A RAILROAD PARKING PERMIT EFFECTIVE JULY 1, 2011 BRINGING THE ANNUAL COST TO \$400 AS RECOMMENDED BY THE WESTPORT POLICE DEPARTMENT; AND TO APPROVE AN INCREASE OF \$1 IN THE DAILY FEE FOR RAILROAD PARKING EFFECTIVE JULY 21, 2011 BRINGING THE DAILY FEE TO \$5 AS RECOMMENDED BY WESTPORT POLICE DEPARTMENT

11. Item #11 was presented by Police Chief Alfred Fiore and Deputy Police Chief Dale Call. Mrs. Kassen made a motion which was seconded by Mr. Haberstroh.

Chief Fiore and Deputy Chief Call presented the request to the board. They said that the last increase was in 2004 and at \$225; the parking permit fee was the lowest on the New Haven railroad line. Since 2004, the expenses for the railroad parking operation have increased by 25% while revenues from the permit sales have remained more or less the same and therefore for the last three years the operation has shown a deficit.

Mrs. Kassen and Mr. Haberstroh expressed their concern about the amount of the proposed increase in the annual permit fee. Mr. Joseloff made an amendment to the motion to increase the annual cost of a railroad parking permit by \$125 bringing the permit fee to \$350. Mrs. Kassen seconded the motion. After discussion, Mr. Joseloff withdrew his motion – Mrs. Kassen withdrew her second.

Mr. Haberstroh said he would feel comfortable at an increase of \$75 for an annual permit fee of \$300, and presented board members with his analysis. With an expenditures increase of 25% since 2004, his analysis shows an annual permit fee of \$281.25. Mr. Haberstroh said that while the town wanted to encourage people to take the train, there was a need to cover expenses. He questioned the 25% increase in expenses.

Mr. Joseloff questioned how many commuters would no longer purchase a parking permit if the fee was raised to \$300? \$325? or \$350? Deputy Chief Call confirmed that there were approximately 3,700 permits sold for 1,500 spaces and that there is a 4-5 year waiting list. It was agreed that only time would tell.

Finance Director John Kondub stated he believed \$350 was the appropriate annual permit fee to cover increasing expenses and to decrease the deficit.

Mrs. Kassen suggested that the time of day for daily ticketing should be extended to the evening hours. This would increase revenues. If non-residents were permitted to use town-owned parking lots, the permit fee for non-residents could be determined by the town. Perhaps the town should examine the possibility of purchasing state-owned lots. With the increase in the number of town-owned parking lots, the town would have more control over the permit fees for non-residents.

Also speaking to the issue was RTM Member Richard Lowenstein. He felt that \$350 (between \$400 proposed by Westport Police Department and \$300 proposed by Selectman Haberstroh) was a good compromise. Westport resident Donald Bergman asked if \$300 would cover all expenses.

Mr. Haberstroh questioned the percentage increase for expenses. Mr. Kondub stated that in 2003/2004 expenses were \$1.13 million; in 2009/2010 \$1.44 million; and for 2010/2011 expenses were projected at \$1.75 million. Because there was not been an increase in the permit fee since 2004 the revenues have remained flat. Operating expenses have been covered by using the fund surplus. Mr. Haberstroh felt that the permit fee should be increase over time – perhaps to \$300 now; \$350 in six months; and then \$400 in another six months. This would give commuters advance notice of the increases.

Mrs. Kassen suggested an amendment to the motion to increase the annual permit fee by \$100 for an annual fee of \$325.

Upon motion by Shelly Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-1, with Mr. Joseloff and Mrs. Kassen voting yes and Mr. Haberstroh voting no, it was:

RESOLVED: That the request for an increase of \$175 in the annual cost of a railroad parking permit effective July 1, 2011 bringing the annual cost to \$400 be amended to an increase of \$100 in the annual cost of a railroad parking permit effective July 1, 2011 bringing the annual cost to \$325 is hereby APPROVED.

Mrs. Kassen then called for a vote on the original motion as amended. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-1 with Mr. Joseloff and Mrs. Kassen voting yes and Mr. Haberstroh voting no, it was:

RESOLVED: That the request for an increase of \$100 to the annual cost of a railroad parking permit effective July 1, 2011 bringing the annual cost to \$325, and further that the request for an increase of \$1 to the daily fee for railroad parking effective July 1, 2011 bringing the daily fee to \$5, are hereby APPROVED.

APPROVAL OF WAIVER OF POLICY ON ENCROACHMENTS ON TOWN PROPERTY AS RELATES TO RETENTION OF AN EXISTING LANDING, RAMP AND FLOATING DOCK AT PROPERTY LOCATED AT 6 CANAL ROAD, CONTINGENT UPON COMPLIANCE WITH TOWN ENGINEER LETTER OF APRIL 7, 2011 AND CONSERVATION DIRECTOR LETTER OF APRIL 5, 2011

12. Item #12 was presented by John Hilts representing the applicant and Public Works Director Stephen Edwards. Connecticut Department of Environmental Protection sent a notice of violation to several Canal Road property owners with docks. As the dock was partially located on town owned property, approval of a waiver of the town's encroachment policy was need prior to applying to the state for approval of the dock. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for a waiver of the Policy on Encroachments on Town Property as relates to the retention of an existing landing, ramp and floating dock at

property located at 6 Canal Road, contingent upon compliance with the Town Engineer letter of April 7, 2011 attached and the Conservation Director letter of April 5, 2011 attached, is hereby APPROVED.

APPROVAL OF WAIVER OF POLICY ON ENCROACHMENTS ON TOWN PROPERTY AS RELATES TO REBUILDING OF AN EXISTING DOCK AT PROPERTY LOCATED AT 92 HARBOR ROAD, CONTINGENT UPON COMPLIANCE WITH TOWN ENGINEER LETTER OF APRIL 14, 2011 AND CONSERVATION DIRECTOR LETTER OF APRIL 18, 2011

13. Item #13 was presented by William Cotter and Melvin Barr representing the applicant. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for a waiver of the Policy on Encroachments on Town Property as relates to the rebuilding of an existing dock at property located at 92 Harbor Road, contingent upon compliance with Town Engineer letter of April 14, 2011 attached and Conservation Director letter of April 18, 2011 attached, is hereby APPROVED.

APPROVAL OF FIRST SELECTMAN'S FIVE YEAR CAPITAL FORECAST 2011/2012 THROUGH 2015/2016 IN ACCORDANCE WITH TOWN OF WESTPORT CHARTER

14. Item #14 was presented by First Selectman Joseloff and Finance Director John Kondub. Mr. Kondub reviewed the various schedules in the capital forecast. Detail discussion took place regarding the Capital and Nonrecurring Expenditure fund. Mr. Haberstroh inquired what amount of funding was needed to get this back on track. Answering Mr. Haberstroh's question, Mr. Kondub felt that an annual two million dollar contribution to this fund was needed. A copy of the five year capital forecast is attached to the minutes. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request in accordance with the Town of Westport Charter to approve the First Selectman's Five Year Capital Forecast 2011/2012 through 2015/2016 is hereby APPROVED.

Upon motion by Gordon F. Joseloff, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, the public hearing was adjourned at 6:45 p.m.

Patricia Scully
Recording Secretary