

THESE MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT BOS MEETING  
TOWN OF WESTBROOK, CONNECTICUT  
BOARD OF SELECTMEN  
REGULAR MEETING  
Tuesday, August 13, 2019  
Mulvey Municipal Center  
Multi-Media Room

CALL TO ORDER

First Selectman Bishop called the meeting to order at 3:00 p.m. In attendance included: First Selectman Bishop, Selectman Hall, Selectwoman Labbadia, Donna Castracane, Director of Finance, Paul Connelly, BOF Chairman, Michael Wells, Town Attorney, Rich Annino, Director Park & Rec, Jill Brainerd, Facilities, Trooper Buck, Aviva Lauria, Press, Rosemary Mastrobattisto, Chris Ehlert, Chairman Energy Committee, Tony Cozza, BOF member, Eric Knapp, Planning, Zoning and Development Coordinator, Kim Bratz, Tax Collector, Kit Bishop, there were several additional members of the public that were present for the “follow-up discussion regarding 7/9/19 BOS meeting – West Beach resident concerns”.

WPCC ORDINANCE – no discussion/action.

KIRTLAND LANDING BOUNDARY AGREEMENT

To address encroachment concerns relative to a neighboring property located adjacent to Kirtland Landing, Attorney Wells developed a proposal (Boundary Line Agreement in addition to an Access Easement; a copy of Attorney Wells’ proposal was included in the BOS packet), per the BOS’s request, to adjust the boundary to allow the neighbor access to his shed.

The next steps regarding the proposed agreement include:

- A discussion of the proposal with the Ad Hoc Qualification Based Selection Committee
- Direct surveyor to amend documents appropriately.
- Planning Commission review and comment
- Attorney Wells to forward final documents to property owner’s attorney
- Public Hearing on proposal
- Town Meeting approval

UPDATE FROM ENERGY COMMITTEE

Bill Fish has been working with Siemans and the Public Works Department to facilitate the LED streetlight conversion project. Several “shields” will be installed on identified streetlights to address reflection concerns. Two lights need to be reenergized by Eversource as a result of pole hits (car accidents). The Energy Committee has requested clarification from Siemans on rebates on LED lights. Also, the Energy Committee continues to place coordinates of each streetlight fixture into the town’s GPS record.

A copy of a Solar Power Services Agreement between the Town of Westbrook and Madison Solar, LLC was included on the BOS packet and discussed. Attorney Wells had no concerns, from a legal standpoint, with the document.

Mr. Hall made a motion to authorize First Selectman Bishop to sign the Solar Power Services Agreement between the Town of Westbrook and Madison Solar, LLC as presented (option 1). Ms. Labbadia seconded the motion. The motion passed unanimously.

Mr. Ehlert reported that the Energy Committee is pursuing the potential for a shared solar program for residents. The Energy Committee will submit an article to the next Westbrook’s Events magazine outlining the program.

APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

First Reading – Kevin Sarr, D – BAA

First Reading – Jill Brainerd – U – PA/TA

Mr. Bishop made a motion to accept the resignation of Mike Polo from the PA/TA. Mr. Hall seconded the motion. The motion passed unanimously.

APPROPRIATIONS/CONTINGENCY TRANSFERS

Mr. Bishop made a motion to add to the agenda a discussion regarding additional funding for the Kirtland Landing Project and funding from the Water Co. regarding McVeigh Road paving. Mr. Hall seconded the motion. The motion passed unanimously.

Ms. Castracane reported that the US DOT Federal Highway Administration has approved Westbrook's request for an additional \$58,000 to be used for signage, a kayak rack and ADA dock improvements at Kirtland Landing. The Ad Hoc Kirtland Landing Committee will discuss the funding at their next meeting.

Mr. Bishop made a motion to accept additional funds from US DOT Federal Highway Administration in the amount of \$58,000 for the Kirtland Landing project and forward to BOF and Town Meeting for further action. Mr. Hall seconded the motion. The motion passed unanimously.

#### Paving

Ms. Castracane reported that paving was necessary on McVeigh Road as a result of a Water Co. project.

Mr. Hall made a motion made to accept funds from Connecticut Water Co. in the amount of \$86,365 for the paving of McVeigh Road and forward to BOF and Town Meeting for further action. Ms. Labbadia seconded the motion. The motion passed unanimously.

Mr. Bishop made a motion to schedule a Town Meeting on September 12, 2019 @ 7:00 p.m. Mr. Hall seconded the motion. The motion passed unanimously.

#### FIRST SELECTMAN'S REPORT

Mr. Bishop reported:

- The August 8, 2019 Foundation event held at the Westbrook Firehouse went well.
- The Planning Commission approved the Sidewalk Plan to be discussed at a special meeting of the RiverCOG on 8/28/19. The Town is requesting funds (competitive) to complete the sidewalk project in Westbrook. Mr. Knapp provided an update on the Sidewalk Plan and application being submitted to the RiverCOG.

#### APPROVAL OF MINUTES

Mr. Hall made a motion to approve the minutes from the 7/9/19 BOS meeting. Ms. Labbadia seconded the motion. The motion passed unanimously.

Mr. Bishop made a motion to approve the minutes from the 7/18/19 BOS meeting. Mr. Hall seconded the motion. The motion passed unanimously.

Ms. Labbadia made a motion to approve the minutes from the 8/1/19 BOS meeting. Mr. Hall seconded the motion. The motion passed unanimously.

The meeting recessed at 3:30 p.m.

#### FOLLOW-UP DISCUSSION REGARDING 7/9/19 BOS MEETING – WEST BEACH RESIDENT CONCERNS

The meeting resumed at 4:00 p.m. Mr. Bishop commented that this meeting will go on as long as necessary to accommodate all concerns/issues raised by West Beach residents.

Mr. Bishop provided follow-up information from the 7/9/19 BOS meeting as follows:

- West Beach Parking lot striping was completed on 7/11/19. The lot can now accommodate additional cars.
- Hog Wild employees have been asked to park in assigned parking spots.
- A recommendation for signage directing individuals to the West Beach parking lot has been forwarded to the Police Advisory Parking Authority for consideration.
- Park & Rec staff have started collecting parking fees as 8:00 a.m. as opposed to 9:00 a.m.

The petition submitted by West Beach residents submitted to Ms. Angelini, Town Clerk, was forwarded to Attorney Wells, Town Attorney (see attached petition and comments from Attorney Wells). Attorney Wells reported that in order to petition for a Town Meeting to pass an Ordinance, the petition must include and Ordinance.

Ms. Rosemary Mastrobattisto, 18 Bellstone Ave., reported that residents are really not interested in requesting an Ordinance. They are simply requesting that the BOS listen to their concerns and assist with their concerns. Two major concerns were the signage directing individuals to West Beach parking lot and that the Town request from websites and published materials that the advertising and mention of parking at Town Hall for beach access be deleted. We understand free speech but they hope that a request from a Town Official would be honored. She suggested that issues be revisited next Summer.

Additional concerns of West Beach residents include the loss of parking revenue at the Town Beach as individuals are parking at the Town Hall for free. Also, she reported that Hog Wild customers are parking for free and staying for the entire day. Ms. Mastrobattisto stressed that these parking concerns are primarily on weekends and in the month of July. Also, residents have complained that broken chairs and other trash is abandoned on their property.

Gale Colby reported that she visited the Town Clerks office on 7/15 and requested the proper format to submit a petition. Ms. Angelini provided state statutes, etc. and Gale then submitted a petition and requested that Ms. Angelini forward to Town Attorney to confirm the format of the petition. According to Ms. Colby, a response from Attorney Wells was not received in a timely manner and she assumed the petition was appropriate and proceeded to request signatures for the petition. Ms. Colby received a phone call from Ms. Angelini on 8/12 reported that the petition was invalid.

Attorney Wells reported that he was not given a copy of the current petition until Friday, 8/9. He explained that the form of the petition is appropriate; however when you request a Town Meeting to take action, you must identify what Ordinance you wish the Town update. A petition for a Town Meeting has the following requirements: a certain format including signatures, it also has to ask for something that a Town Meeting can do and the form submitted by West Beach residents did not do that. If you want an Ordinance, you must provide the Ordinance you want voted on. If you simply want the BOS to do something, you can just have a petition that says "we all ask the BOS to do x, y and z". It has no legal binding affect unlike a petition to hold a Town Meeting.

Attorney Wells clarified that on July 23, 2019, he faxed a letter to the Town Clerk outlining the protocol for a petition; thus responding to the request in a timely manner contrary to Ms. Colby's comments.

Mr. Bishop reported that one central issue to the West Beach residents is websites. Mr. Bishop reported that he contacted a representative from Coast and Country Magazine and submitted a written request to the magazine that the phrase "there is alternative free parking at the Westbrook Town Hall, located about ½ mile from the beach entrance" be removed from any and all publications, including on-line. Mr. Langeveld, The Day (parent company to Coast and Country Magazine) agreed that the above phrase would not appear in future publications. Also, there are several "rogue" websites that may have taken information off of the DEEP website. A gentleman from West Beach informed the First Selectman that he contacted these websites and they agreed to not publish that information in the future. In addition, DEEP provides public information on a variety of matters, including public parks. DEEP representatives have contacted and will respond to the Town's request to have Westbrook "delisted" from their sites. To date, no response has been received from DEEP.

Ms. Labbadia cautioned that if DEEP posts information on public beaches throughout the state, it may not be appropriate to request that they "delist" Westbrook as a public beach.

Attorney Wells provided information relative to a 2001 State of Connecticut Supreme Court case entitled "Layden vs. Greenwich" as follows: "it is clear that a town cannot broadly restrict non-resident access to a town beach even if that property is used solely as a beach". The Town cannot restrict access to the beach.

Residents responded that they do not wish to restrict access to the beach, just to parking. Attorney Wells clarified that you cannot restrict parking but you can charge for parking.

Attorney Wells continued that a question was raised in a Federal case as to whether towns could charge and whether they could charge a different fee based on resident or non-resident. The Federal Court determined that as long as the fee is related to and relevant to the cost that the town is incurring in the maintenance of the facility (beach), they may charge different rates for residents/non-residents.

Attorney Wells provided a copy of an article that was published in the May 22, 2019 Hartford Courant listing a "rundown of every shoreline town in the state and their policies for beachgoers". He suggested that the BOS use the document as a guideline for beach policies. As the Hartford Courant article demonstrates, information regarding public beaches is well publicized and not just posted on discreet websites.

Ms. Mastrobattisto reported that she had no issue with anyone parking at the Town Beach; however she took issue with individuals parking at the Town Hall for free and not going to the Town Beach parking lot, particularly non-Westbrook individuals. They are interested in developing a "fair" solution to address their concerns. She reported that many West Beach residents use the Town Hall parking lot for their visitors, parties, etc. They do not wish to restrict the use of the Town Hall parking for that use;

they just wish to develop a “fair” policy that would apply to people from other towns parking at the Town Hall for free. We know our beach is public the issue is the parking.

Ms. Bratz, Ms. Brainerd and Mr. Annino were present and provide information on the discontinuance of the parking stickers for residents.

Ms. Bratz reported that the stickers were discontinued approximately 5 years ago. She commented that there is no difference in providing proof of Westbrook residency via the sticker that was used previously issued or by driver’s license or tax bill, the name on the license must match the name on the tax bill. In the past, individuals were getting parking passes and not sticking it in the window but passing it to others so that their guests could park for free. The new protocol allows the Town to collect more in parking fees at West Beach. Also, when the stickers were issued, there were costs associated with printing the stickers and having them stuffed in the tax bill. The same protocol is used for residents to gain access to the land fill.

Mr. Annino reported that a driver’s license with a Westbrook address is an acceptable form of ID to gain access to the beach. Since Memorial Day weekend, the Town has collected over \$23,000 in parking fees. Because of the updated protocol, we have collected more in parking fees than prior years. Staff has been directed to enforce the parking rules. As a result, we have been receiving complaints from residents south of Rte. 1 because of this enforcement. Regarding the Hog Wild parking, staff is directed to check vehicles for “beach equipment”, they charge that individual for parking.

Rosemary Brook, 62 Bellstone Ave., reported that more money could be collected if individuals parking at the Town Hall were also charged for beach parking. Also, there are no sanitary facilities at the beach in the Bellstone Ave. area. The West Beach parking area provides bathroom facilities, food, lifeguards, etc. She commented that many individuals leave trash on the beach. She suggested that a “no beach parking” sign be placed at the Town Hall and if stickers are to be used again, they must be put on the windshield or access to the beach parking would be denied. She continued that when the West Beach lot is full, staff directs individuals to the Town Hall for parking.

Ms. Bratz responded that 4<sup>th</sup> of July weekend is the only weekend that the town hall parking is used by more than a handful of cars. The situation has been monitored. Also, many people walking down Bellstone toward the beach may have parked elsewhere (Wesley Ave., S. Main Street, etc.). The beach belongs to everyone in Westbrook. The issues in Westbrook are similar to those in surrounding towns. These are public beaches. Also, regarding the request for signage directing individuals to the West Beach parking lot to access the “town beach”; the “town beach” starts at the Elk’s Club and continues down Seaside Ave.

A resident commented that individuals “unload” along the road, stopping traffic. She directs individuals to the West Beach parking lot. She reported that recently a pick-up truck was unloaded with children and beach equipment.

Loretta Rizzo, Antonie Road, reported that the Elk’s Club was checking cars for membership, etc.

Rosemary Mastrobattisto, responding to Ms. Bratz, reported that while she understands that sometimes there are not a lot of cars parked at the Town Hall. She has seen individuals abandon broken chairs on the street, etc. Perhaps the signs requested should say “town beach parking” for clarification. She stressed that parking should be done at the town beach parking lot, not the town hall.

Ms. Bratz reported that much of the parking at the town hall on the weekends is by guests of West Beach residents.

Mr. Bishop clarified that the residents would be satisfied with signs only at town hall (if approved by the PA/TA) directing individuals to the West Beach parking lot.

Janet Perry reported that individuals do not adhere to the current “one way” signs already posted at the Town Hall and will not adhere to “no parking”, etc. A sign would be useless.

Katie Kelemen, PA/TA Secretary, reported that the Committee requested that she research the requests of the beach residents. The request for signage was discussed by the TA/PA at a past meeting. At that meeting, there were more people in attendance requesting that said sign NOT be posted than those requesting the signs. As a result the PA/TA voted to not place any more signs in the area. This action was taken approximately 2 years ago and no additional requests for signage for the Town Beach have been made to the PA/TA.

Rich Annino reported that the Elk's Club checks cars on weekends, not Monday through Thursday. Many park at the Elk's Club during the week.

Mr. Bishop reported that issues relative to the 4<sup>th</sup> of July will be discussed at a future BOS meeting.

Mr. Bishop reported that he observed on Saturday, August 10, 2019, at 1:15 p.m., 5 cars were parked at the Town Hall. The West Beach parking lot, at that time, was approximately 60% full. At 4:00 p.m., 5 cars were in the Town Hall parking lot. On Sunday, August 11<sup>th</sup>, there were 9 cars at the Town Hall from approximately 1:00 p.m. to 5:00 p.m. Others have monitored the town hall parking lot and observed that there does not seem to be a large volume of cars parking at the town hall. It is also unknown if cars parked at the town hall are guests of West Beach residents and it would be difficult to develop procedures, hire staff, etc. to address the issue.

Ms. Mastrobattisto replied that "out of towners" should be directed to park at the Town Beach. She disagreed that signs posted at town hall would be ignored.

Mr. Ehlert reported that in the past, residents went to the First Selectman's office to purchase a beach pass. The BOS decided that as a benefit to residents, you no longer needed to pay for a beach pass. He stressed the need of a policy relative to parking in Westbrook and the enforcement of same. He continued that if residents have visitors who wish to park at the town hall, they must come to the First Selectman's office and get a "permit". There is no overnight parking, unless previously approved. To address the issue, the BOS must decide what the policy will be relative to parking at the Town Hall.

Ms. Mastrobattisto requested clarification on getting permission to park at Town Hall for an event. Ms. Brainerd reported that the town's website includes information regarding obtaining a permit to park at the Town Hall.

Attorney Wells commented that the BOS may restrict the Town Hall parking lot in whatever way they deem appropriate. The BOS has the responsibility of Town Property. To the best of his knowledge, the BOS has never voted to restrict or limit parking on the Town Hall property. If the BOS chooses, they may specify when the parking lot is open, specify hours for parking, etc. The PA/TA has the responsibility of addressing parking on the roads. Frequently, if a parking lot is grant funded, free parking is a requirement of the grant.

Ms. Brainerd reported that when individuals request a permit for parking at the town hall, she emphasizes that there is "no overnight parking". However, there is no policy for parking at the town hall. Attorney Wells commented that there have been policies regarding parking at the town hall developed that pre-date the current BOS. If they so desire, the BOS can develop a policy relative to parking at the town hall.

Mr. Bishop responded that several weeks ago, there were several vehicles parked at the town hall for at least 6 consecutive days, including overnight. He, as First Selectman, directed the Constables to address the vehicles. Subsequently, the vehicles were removed.

A Post Ave. resident commented that one issue is the out of town individuals frequently, along Seaside Ave., unload their chairs, people, umbrellas, etc. blocking traffic. Ms. Labbadia responded that perhaps individuals have difficulty in walking to the beach and need to be dropped off and also; there is no way to know if an individual is not a resident of Westbrook. Ms. Labbadia asked the question twice but received no answer or clarification from anyone attending the meeting.

Pat Labbadia commented that there seems to be no issues with the current status and he would not be in favor of additional signage. Regarding dropping off individuals and blocking traffic, if there are any serious concerns, police can be called to address same. The idea of dropping people off cannot be restricted, the beaches are public. Out of town individuals could be dropped off by taxi if they so choose. Our public parking at the town hall for free is acceptable. Perhaps restrictions limiting overnight parking would be appropriate. Again, the beaches are public and people have the right to access them.

A resident asked if there is any liability to individuals parking at town hall. Trooper Buck responded that parking is at your own risk.

Ms. Labbadia that Westbrook is an ALICE town (Asset Limited Income Constrained Employee), i.e. the working poor and individuals may be unable to pay the \$20 parking fee at the beach.

Ms. Bratz reported that increasing parking fees at West Beach, similar to what Madison did, will result in many more individuals parking at Town Hall and walking to the beach.

Mr. Annino reported that many cars parked overnight at the town beach are guests of West Beach residents. He recommended that if an overnight parking policy is established, it should be for both the town hall parking lot and the West Beach parking lot. The sign at West Beach currently states that overnight parking is not permitted.

Mr. Labbadia cautioned against infringing on free speech by requesting that websites, etc. not include information relative to Westbrook beaches.

A woman noted that if information posted is incorrect, it should not be posted. Mr. Labbadia responded that it is a violation to restrict what individuals may say is a violation of free speech.

Ms. Mastrobattisto reported that they are asking the BOS to “request” that information be removed from postings. They understand that said request does not have to be honored.

Ms. Bishop reported that Westbrook has many walkers and town hall is a great place to drop off your car and take a walk or a bike ride.

Mr. Bishop reported that we must ensure that as a public beach, we are welcoming to all individuals. We do not want the reputation of excluding anyone from the public beach.

Attorney Wells summarized that the West Beach residents are asking the BOS to consider adopting a policy concerning the use of the town hall parking lot. Also, if a policy is adopted, they ask that the BOS educate website, newspapers, magazines, etc. on what the town policies are relative to parking at the town hall. It should be understood that we cannot tell anyone what to publish. The West Beach residents also requested that the PA/TA consider signage directing individuals to the West Beach parking area and to consider the question of loading and unloading zones.

Ms. Mastrobattisto reported that everyone is welcome at the town beach and she is not suggesting restrictions. She reported that West Beach has seen an escalation in traffic and people at the beach. They just wish to keep advertisements to a minimum.

Ms. Labbadia reported that the holiday weekends are of concern throughout the state and, in her opinion, we should not “turn on each other” because of the 3 weekends.

Ms. Bratz reported that many of the cottages are now being rented out to large groups.

Mr. Bishop called on Trooper Buck to summarize his response to the various issues that have been discussed at tonight’s meeting.

Trooper Buck reported on his general observations relative to West Beach as follows:

- Parking at town hall – not an issue on non-holiday weekends. Typically, overnight cars parked at town hall are guests of Westbrook residents and he had no concerns.
- Overnight parking at beach lot – individuals will call the police for permission to park overnight at the town beach. They are informed that they will be locked in from 10 p.m. until the following morning. He had no concerns; this is a courtesy to residents.
- Drop offs/vehicles stopped along Seaside Ave. – he receives no complaints when the ice cream trucks are stopped. When this happens, children are frequently running toward the truck. This is more of a safety concern than individuals dropping off beach chairs.
  - Trooper Buck reported that when a car is “unloading” it actually slows cars down on the street which is a good thing.
- Recommendation to charge for parking at town beach lot only (not the municipal parking lot).
- Stressed that Town Beach starts at the Elk’s Club and any signage, if placed at Bellstone and Post, should read “beach straight ahead”.

Mr. Annino reported that broken umbrellas and chairs, etc. are frequently left at the Town Beach. His staff and Public Works remove the items.

Mr. Hall had no issues with individuals parking at the town hall for free. Ms. Labbadia agreed. He expressed concern that West Beach Association signs have been posted along Seaside Avenue without permission.

Mr. Bishop reported that requests for signage will be forwarded to the PA/TA for consideration and he will forward information from DEEP relative to website information as soon as it is received.

Mr. Bishop, one more time, asked if there were any further questions or comments regarding tonight's meeting. There were none.

ADJOURNMENT

Mr. Bishop made a motion to adjourn the meeting. Ms. Labbadia seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Attest,

Suzanne Helchowski  
Administrative Assistant

Noel Bishop  
First Selectman