

OFFICE OF THE  
FIRST SELECTMAN

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Lynne A. Vanderslice  
*First Selectman*

David K. Clune  
*Second Selectman*

Lori A. Bufano  
*Selectman*

Michael P. Kaelin  
*Selectman*

DeborahMcFadden  
*Selectman*

TOWN HALL  
238 Danbury Road  
Wilton, CT 06897

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**BOARD OF SELECTMEN  
REGULAR MEETING  
MONDAY DECEMBER 18, 2017  
TOWN HALL – MEETING ROOM B**

**PRESENT:** First Selectman Lynne Vanderslice, Lori Bufano, David Clune, Michael Kaelin and Deborah McFadden

**GUESTS:** Chris Burney, Anne Kelly-Lenz

**OTHERS:** Members of the Press and Members of the Public

**A. Call to Order**

Ms. Vanderslice called the meeting to order at 7:30PM

Ms. Vanderslice asked for a motion to add an Executive Session to the Agenda to expand Item B. Motion moved by Ms. McFadden, seconded by Mr. Kaelin and carried unanimously.

**B. Executive Session**

• Interviews

Ms. Vanderslice asked for a motion to go into Executive Session for interviews and invite Dave Johnson for an interview with the Board regarding his interest in serving on the Energy Commission and also invite Jeff Miller for an interview with the Board regarding his interest in serving on the Council on Ethics. Motion moved by Ms. McFadden, seconded by Ms. Bufano and unanimously carried.

Out of Executive Session at 7:56 PM

**C. Consent Agenda**

Motion made by Mr. Clune, seconded by Ms. Bufano and unanimously carried to approve the Minutes with Mr. Kaelin abstaining on the November 20, 2017 minutes as he was not present at the meeting and Ms. McFadden abstaining from all as she was not seated as a Selectman at the November 20, 2017 meeting and not present at the December 4 and December 8, 2017 meetings:

Minutes

- Board of Selectmen Meeting – November 20, 2017
- Board of Selectmen Meeting – December 4, 2017
- Board of Selectmen Special Meeting – December 8, 2017

Motion made by Ms. McFadden to accept the gift from Stan Kovak for the Senior Center, seconded by Mr. Kaelin and unanimously carried.

Gifts

- Stan Kovak – Senior Center - \$1000

Ms. Vanderslice and the board thanked Mr. Kovak for his generous gift.

D. Public Comment

**Moses Alexander** of Ryders Lane commented regarding the upcoming subject on the Agenda of Religious Symbols on Town Hall and other property. He noted that he does not believe that there should be any religious symbols at Town Hall and that it should be left to the Selectmen with the guidance of Town Counsel to determine what is or is not a religious symbol.

**Donna Merrill** – Executive Director of Wilton Land Trust spoke regarding the proposed Trail System by Millstone Farms and the benefits to the Town. She noted that the Land Trust has offered to maintain the trails.

**Peter Gaboriault** – President of Wilton Land Trust spoke regarding the Trail System proposed by Millstone Farms. He noted that the Land Trust would maintain parking and kiosk at Tito Lane entrance of the Millstone Farm property.

**John Maken**-Spoke regarding Religious Symbols. He spoke to his concerns about lights on a tree being considered a religious symbol.

**Sue Wall** of Lambert Common – addressed the lights and decoration. Stated she loves all the bling and festivities of Christmas. We should include more, not exclude any that was there before. She supported the concept behind the choice of the blue and white banners, but suggested alternating with the previous red joy banners. She noted that the merchants and Chamber of Commerce should be involved in decisions regarding decorations.

**Peter Wrampe** of Pipers Hill Road – addressed lights and decorations. He noted that he felt downtown was cold and impersonal. He indicated he has seen a continuing decline in decorations and lights so much so that he is wondering if he should remain in Wilton. He noted the more the merrier with decorations so that all feel included rather than the majority being dictated to by a smaller group. Should be inclusive with more rather than exclusive with less.

**Andrea Preston** of Belden Hill Road echoed Ms. Walls and Mr. Wrampe comments. She noted her understanding that there was a Supreme Court case that determine a Christmas Tree and a Menorah together were secular. She would wait to hear comment from board later with regard to legal case reviewed by Town Counsel.

**Steve Hudspeth** of Glen Hill Road – noted the letter read by the 6<sup>th</sup> grader was very eloquent and beautifully written. He noted Wilton should be a community that welcomes and includes everyone. Suggested either include all or include none. Mr. Hudspeth encouraged the Board of Selectmen to consider the suggestion of the 6<sup>th</sup> grader who asked that symbols of different faiths be included in decorations outside Town Hall. He noted it would send a strong statement to honor traditions different than their own and encourage expression of all religions.

**Max Fanwick** of Westport Road – spoke regarding the issue of religious displays at Town Hall and Wilton Center decorations. He noted that there were points made on both sides of the issue. He reviewed several court cases that have dealt with similar issues, noting the town will not be able to decide what is and what is not allowed. He noted that the Town does not get to decide treatment of lights on Town property as the Supreme Court has already done so. Mr. Fanwick also noted previous Joy banners that were hung in previous years represent a religious symbol as it reminds him of the Christmas Carol Joy to the World which comes from a verse in the Bible, which he read.

**Karen Silverberg** of Pipers Hill Road spoke regarding a possible amendment to the Millstone Conservation Restriction Agreement. She complimented the Town regarding the selection of an environmentally appropriate location for the septic. She does not want the Town to give up the existing right of way. If owners want to build another trail, they should produce a performance bond until trail can be completed and work with the Town to locate the trail.

**Frank Simone** of Charter Oak Drive – Opposes any change to the Millstone Conservation Restriction Agreement. Mr. Simone expressed concern with the precedent that may be established, as this would be the first change to a conservation restriction agreement. He noted the Town had purchased 9 conservation restriction agreements.

**Eleanor Sasso** of Musket Ridge Rd – spoke regarding the lights and decorations in Wilton Center. Referencing the banners, she noted that she does not want a 4-week period honoring the season of winter. She would like more lighted trees in Wilton Center, noting she had pictures of other Towns with more lights.

**Matt Motley** Manager of Millstone Farms – pointed out features of the trail system included in the Millstone Farms' proposed amendment to the conservation restriction agreement. Believes some trail is better than no trail and that this a great opportunity for the town, board of selectmen, land trust and property owner to open up the property to the citizens of the town.

**Lori Forcade** of Highfield Road – argued for inclusion of additional Christmas decorations in Wilton Center and Christmas tree lights at Town Hall. She noted she had visited the White House, which had hundreds of Christmas trees and a Menorah. She mentioned caroling taking place in town this Wednesday 12/20/17 and Soul Suppers event featuring the Hindu Swami on January 16, 2018. She quoted from the new Stars Wars Movie "This is how we win, not by fighting what we hate, but by saving what we love".

**Debra Thompson-Van** – Chair of Energy Commission – read a letter from the Commission that thanked the First Selectwoman, Chris Burney-Facilities Manager, Consultant Mark Robbins and Dwayne Escola and Town Counsel for efforts and time spent to successfully complete the Municipal Solar Project. The letter also thanked the Board of Selectmen for their ongoing support of the project. Applause from the audience

Ms. Vanderslice thanked Ms. Thompson-Van and noted she was personally responsible for bringing solar to the school roofs. She noted Ms. Thompson-Van was the one deserving of applause. She also thanked the entire Energy Commission or all their hard work. Applause from the audience.

**Margaret Sapir** of Woodhill Rd – lights are what the season are about and is common to both religions. Nicer to have lights, Noting that the Center for Hope was no longer

holding the December luminaries event, she suggested a luminary event might be held in Wilton Center.

E. Discussion and/or Action

1. Miller Driscoll Billing – Contractor Payment Approval – Chris Burney

Mr. Burney reviewed the Miller Driscoll Billing-Contractor Payment Approval. He noted that the Miller Driscoll Building met on December 14, 2017 but lacked a quorum. As there was no quorum, he asked the Board of Selectmen to approve the November Billing Contracts for payment. Mr. Burney gave a revised summary of payments. After review, motion made by Ms. McFadden, seconded by Ms. Kaelin to approve the Miller Driscoll Billing – Contractor Payments and carried unanimously.

2. Millstone Farms-Proposed Amendment to the Conservation Restriction Agreement (CRA)

Ms. Vanderslice reviewed the status of discussions surrounding amending the Millstone Farms CRA. She and Mike Conklin spoke with Mr. Tony Grassi (previous owner of Millstone) to obtain his thoughts on the owners' proposal to replace the Town's right of way with a new right of way. Mr. Grassi indicated he had not seen the map of the proposed trail when he wrote his letter of support. He indicated the intent of the original CRA was to restrict development. The trails represented the required public good component. His opinion, based on his own experience was that horses and humans can share a trail that is well marked as to the horse's right of way.

Ms. Vanderslice reviewed the Town's most recent draft amendment proposal, which reflected the general concept approved by the Board at its Nov 6<sup>th</sup> meeting and cured the two existing CRA/zoning violations. She provided a further updated draft, which reflected the Conservation Commission's suggestion that after the execution of the proposed amendment, Millstone at its option could engage a professional trail builder to design and construct a mutually agreed alternate to the Town's right of way.

Ms. Vanderslice suggested the Board choose between the Town's updated proposed draft amendment and the Millstone proposed draft amendment. A discussion was held. Ms. McFadden expressed support for the Town's draft. Mr. Kaelin expressed support for the Millstone proposed amendment with a suggested change to their proposed Town right of way to address the Conservation Commission's concerns. Ms. Bufano expressed support for the Town's draft amendment stating the Board should respect the advice of the Conservation Commission, our appointed advisors. Mr. Clune expressed his preference for the Millstone proposed new Town right of way. He spoke to the fact that the Town's amendment could result in no constructed trail. A motion was made to authorize the First Selectman to submit the updated Town draft amendment to the CRA subject to strengthening of the language around Millstone's responsibility to pay. Motion made by Ms. McFadden, seconded by Ms. Bufano and carried 3-2 with Mr. Clune and Mr. Kaelin opposed.

3. Religious Symbols on Town Hall and other property

Ms. Vanderslice read a prepared statement (attached) She also noted that the selectmen received a memo from town Counsel regarding the Allegheny v. Pennsylvania case. If decide to pursue concept of possibly religious symbols at Town Hall the suggestion from Town Counsel is that the Town develop a concept, from that he will do the necessary legal research to determine if that

concept is allowable. Ms. Vanderslice gave background on fundraiser that took place while Former First Selectman Bill Brennan was in office regarding decorations. She noted that there was a strong desire for additional lights, but it was cost prohibitive. Ms. Bufano suggested a formation of a committee and made a motion which was seconded by Ms. McFadden. Mr. Clune clarified what the committee would need to do. Proposals vetted by Town Counsel so that is consistent and not cause legal issues. Motion made to form a committee for design ideas for decorations that addresses the idea of inclusivity and fundraising. Mr. Kaelin amended the motion to include turning on the existing lights tomorrow and the committee in the future based on input from town figure out a better way to do this. Motion was seconded by Ms. McFadden and carried unanimously.

4. Area 9 Cable Council – Government Access Fund Grant  
Ms. Vanderslice reviewed the Area 9 Cable Council – Government Access Fund Grant. She noted that the grant is the same that is applied for yearly. Motion made by Mr. Kaelin, seconded by Ms. Bufano and carried unanimously.
5. Finance Report – Anne Kelly-Lenz  
Ms. Kelly-Lenz reviewed the attached Finance Report for the Town. She noted the only change from the previous month was additional revenue due to the renewal of the Crown Castle cell tower lease. Governor has suggested \$50million in municipal grant reductions to help address the State deficit. We are awaiting a resolution.
6. Janney Resolution – Anne Kelly Lenz  
Ms. Kelly-Lenz reviewed the Janney Resolution. After review, motion made by Ms. McFadden to approve the Resolution, seconded by Ms. Bufano and unanimously carried.
7. Appointments
  - a. Council on Ethics  
Motion made by Mr. Clune to appoint Jeff Miller to fill the vacancy of Josh Kammerman on the Council on Ethics, seconded by Mr. Kaelin and carried 4-1 with Ms. McFadden abstaining.  
  
Motion made by Ms. Bufano to appoint Julianne Higgins to the Council on Ethics, seconded by Mr. Kaelin and carried 4-1 with Ms. McFadden abstaining.
  - b. Special Meeting to interview candidates  
Ms Vanderslice noted a special meeting may be needed in January to interview prospective candidates for open board positions.

## F. Reports

1. First Selectman's Report  
Ms. Vanderslice noted that Section C14 of the charter shows that board dates that are not meeting on a first/third Monday or on a Tuesday that follows a holiday needs to be noticed in the paper.

Budget Calendar: First Saturday in February (2/3/18) will be the budget meeting for Police, Fire, DPW. Land Use, Social Services and Parks & Recreation.

Recognized members of the police and fire on outstanding job done on Toys for Tots and thanked the community for their generosity.

Ms. Vanderslice wished all a Happy New Year, Happy Hanukah and a Merry Christmas.

## 2. Selectmen's Reports

Ms. Bufano

Ms. Bufano noted that she was overwhelmed at the support at the Stuff a Cruiser event. She noted that what this Town is all about is good people filling a need. She wished all Happy Holidays.

Mr. Clune

Mr. Clune noted that he attended Sprouting Spaces event. Space was received through Kimco and the winner moves into the space this week.

Mr. Kaelin

Mr. Kaelin was impressed by the conservation commissioners and all volunteer boards and commission members. He noted that as all members of boards and commissions are volunteers in this community, the community should be mindful of comments made on social media sites regarding volunteers.

Ms. McFadden

Ms. McFadden noted that she is delighted to once again serve on the Board of Selectmen and is looking forward to working with the all members of the board in 2018. Ms. McFadden echoed Mr. Kaelin's comments on the Conservation commission and wished all a Merry Christmas and happy New Year.

## G. Public Comment

**Sue Wall**– Responded to Mr. Fanwick's classification of the Joy banners as religious. She noted to her joy represents happiness. She is happy to serve on a decorations committee. She wished all a Merry Christmas, Happy Hanukkah and Happy New Year.

**Steve Hudspeth** of Glen Hill Road – impressed with quality of discussion at good thought and good work that deserves acknowledgement. Consider not only trees, and menorah, but also symbols that include all faiths.

## H. Adjournment

Having no further business, Ms. Vanderslice asked for a motion to adjourn. Motion made by Mr. Clune to adjourn meeting at 10:45 PM. Motion was seconded by Mr. Kaelin and unanimously carried.

Next Meeting – January 8, 2017



Jacqueline Rochester  
Recording Secretary  
(Taken from Video)

**From:** Vanderslice, Lynne  
**Sent:** Friday, December 22, 2017 11:10 AM  
**To:** Rochester, Jacqueline  
**Subject:** Fwd: Tonight

Every First Selectman has to make decisions. We bring to those decisions our life experiences and our sensibilities. Two concepts that are ingrained in me are fairness and facts.

At our last meeting, I provided information that I thought to be factual-that under the law, a Menorah is a religious symbol. I provided this same information to Sara, her mother and you all in an email prior to our last meeting. In that email, I said that we did not have a Menorah at Town Hall because 1-there was a Menorah in Wilton Center and 2-we could not put up a Menorah without being required to put up a other religious symbols, which leads to other issues.

At the end of our board discussions, I had a couple of takeaways, including: I was to report back at tonight's meeting after having Town Counsel provide more information, including the case mentioned by the Rabbi

There was a sense from at least 2 of the 4 members present that they would like to allow for a Menorah, if there was a way to do it.

I did as instructed and learned that in the case referenced, for a certain fact pattern, which included a third element in addition to the Menorah and the Christmas Tree, the Menorah may not be considered religious.

I gave it some thought:

1-I had provided the BOS, the girl and the public with the wrong facts, but not intentionally.  
2-Because the subject was ongoing at the Board, it was not appropriate for me to attempt to replicate the fact pattern and put up the Menorah.

I thought about the matter for a great deal of time and struggled with the fact that one request was fulfilled (mine to put up Christmas lights) and one request was derailed because of our absence of all the facts.

In the end I decided it wasn't fair and I decided to temporarily unplug the lights until the BOS could be informed and provide guidance.



FINANCE DEPARTMENT

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TOWN HALL  
238 Danbury Road  
Wilton, Connecticut 06897

December 18<sup>th</sup>, 2017

To: Board of Selectmen

From: Anne Kelly Lenz 

Re: FY 2018 Financial Reporting November 2017

Below I have listed the key items of the FY 2018 forecast versus the budget.

FY 2018 revenues are currently forecasted \$380,002 higher than the budget, mainly due to:

- Education – up \$387,705 due to State ESC funds that were not expected or budgeted in FY 18 but currently slated to be received from State.
- Renewal Contract signed for Cell Tower lease. \$125,000 in signing bonus and an additional \$80,000 in annual lease income.
- Loss of FY 18 LOCIP funds from the General Funds but being picked up as additional funds for the road program in the Capital Fund – (\$225,524)

FY 2018 expenses are currently forecasted \$1,515,688 lower than budget, mainly due to:

- Favorability in the BOS budget was due to open positions in the Police Dept. and DPW along with lower funding level needed for the OPEB ARC.
- Charter Authority – savings of \$1,255,490 as the Town is forecasting it to be unused at this time.