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TOWN HALL
238 Danbury Road
Wilton, CT 06897

BOARD OF SELECTMEN'S REGULAR MEETING
January 22, 2008

MINUTES

Present: William F. Brennan, Harold E. Clark, Richard F. Creeth, Susan A. Bruschi, Ted W. Hoffstatter

Others: Robert Nerney, Town Planner and Sarah Taffel, Director of Human Resources, Labor Relations, and Administrative Services

Guests: Karen Birck and Jim Saxe, Board of Education/Wilton High School Steering Committee; Bruce Sampson, Wilton High School Steering Committee; Gary Richards, Sean O'Toole, and Mark Esposito, Wilton Public Schools; David Stern, Council on Public Facilities; Stephen Hudspeth and Peter H. Kaskell, Council on Ethics; Brian Shea, The Bulletin, Frank MacEachern, The Villager

First Selectman Brennan called the meeting to order at 7:30 p.m.

A. Consent Agenda

Mr. Clark questioned whether the vote to approve the resolution in support of the Connecticut Municipal Consortium for Fiscal Responsibility was properly recorded on page 3 of the Board of Selectmen's draft Regular Meeting Minutes of January 7, 2008 which showed the vote as 4-0-1 (Mr. Hoffstatter abstaining). Mr. Hoffstatter stated that he had voted in opposition to approving said resolution.

A MOTION was made by Mr. Brennan, seconded by Ms. Bruschi and carried 5-0 to approve the consent agenda as follows:

Minutes

- Board of Selectmen's Regular Meeting – January 7, 2008, as amended with the vote to approve the resolution in support of the Connecticut Municipal Consortium for Fiscal Responsibility being 4-1 (Mr. Hoffstatter opposing).

Gifts

- One thousand dollars ($1,000.00) to Department of Social Services from Mr. Larry Koch of 32 Springbrook Lane, Wilton, Connecticut. This contribution was received via United Way to support the work of Wilton Youth Services.

- Two hundred dollars ($200.00) to Fire Department Gift Fund from Peggy Vandervoort on behalf of Chance Hill House and The Equestrian Center, 93 Silver Spring Road, Wilton, Connecticut.

- Two hundred ($200.00) to Fire Department Gift Fund from PVI Inc. Designs/Peggy Vandervoort on behalf of The Equestrian Center, 93 Silver Spring Road, Wilton, CT 06897.

B. Discussion and/or Action

1. Discussion of blight properties and blight property ordinances.

Mr. Nerney addressed the Board of Selectmen regarding the draft blight ordinance and the companion ordinance which enables the Town to issue citations against blight ordinance violators, that he prepared for the Selectmen for discussion purposes. Mr. Nerney also provided the Selectmen with copies of the State statute that is the enabling legislation that allows towns to adopt a blight ordinance and the State statute that authorizes towns to assess fines. Mr. Nerney reported that he researched a number of blight ordinances from similarly situated towns throughout Connecticut in preparation for drafting the Town's ordinance. Mr. Nerney pointed out that the draft ordinance designates three employees as the enforcement officers, namely the Zoning Enforcement Officer, Health Director, and Building Official.

Mr. Brennan suggested a plan of action concerning the proposed ordinances prepared by Mr. Nerney. This plan included the Selectmen thoroughly reviewing the draft documents and preparing comments and suggested edits for the next Board of Selectmen's meeting. Once the Selectmen have agreed upon the final text, a public hearing will be scheduled, and the final text will be written taking into consideration the comments of the public.

Mr. Brennan offered some language clarification and edits. Discussion ensued about the definition of blight including reference to overgrown vegetation. Mr. Hoffstatter cautioned about being too excessive in the definition of blight with respect to vegetation. Mr. Clark recommended that strict consequences be spelled out for the failure to appear for a requested hearing. Mr. Nerney will prepare a redline version to incorporate the comments and suggested edits and will e-mail the revised draft to the Selectmen. The Selectmen will then send to Mr. Nerney their

suggested edits. A final document incorporating all of the edits will then be distributed to the Selectmen for discussion at a future Board of Selectmen's meeting.

2. Discussion of Statement of Requirements for the WHS Building Project, plus Council on Public Facilities Report

Mr. David Stern, Chairman of the Council on Public Facilities, presented the Council's recommendations on the WHS Building Project and on the Field House Roof Project. Mr. Stern first summarized the Council's role as being the eyes and ears on the building projects, raising questions that need to be asked, and having the responsibility to oversee and monitor the projects. Mr. Stern stated that after thoroughly reviewing the various statements of requirements, it was the Council's recommendation that all three components of the WHS Building Project move forward, namely the HVAC system replacement, the Little Theater renovation, and the science classrooms renovations. With respect to the Field House Roof Project, Mr. Stern stated that a very thorough proposal had been prepared, the budget work has already been done, and the Council recommends that the project be advanced to the approval phase.

Mr. Clark inquired as to whether the WHS Building Project as proposed had been evaluated in terms of ensuring energy efficiency. Much discussion ensued about the efforts being made to ensure considerations of energy efficiency were incorporated in the project.

Mr. Brennan inquired whether State reimbursement would be available for any of the proposed projects. Ms. Karen Birck stated that they had spoken to the State Department of Education about reimbursement and that only renovations and new construction projects are eligible for reimbursement. Ms. Birck added that the likelihood that the projects in question would be eligible for reimbursement was not great.

Mr. Brennan also suggested that the projects be ranked in order of priority in the event the budget did not allow for all projects to be addressed concurrently.

A MOTION was made by Mr. Brennan, seconded by Ms. Bruschi, and carried 5-0 to move the WHS Building Project to the budget phase.

A MOTION was made by Ms. Bruschi, seconded by Mr. Brennan, and carried 5-0 to move the Field House Roof Project to the approval phase.

A MOTION was made by Mr. Brennan, seconded by Mr. Clark, and carried 5-0 to appoint Sean O'Toole as the Advocate for the Field House roof project.

3. Wilton Council on Ethics Proposed Amendment to Wilton Code of Ethics

Mr. Stephen Hudspeth, Chairman of the Council on Ethics, gave a presentation describing the basis for the Council's recommendation to the Board of Selectmen that an amendment to the recently adopted Code of Ethics be considered by the Selectmen. Specifically, Mr. Hudspeth recounted that subsequent to the public hearing and the adoption of the Code of Ethics with an effective date of September 15, 2007, concerns were raised by certain Town Boards, department heads, and unions about the possible duplication of coverage of certain bargaining unit employee groups by Board or departmental codes of conduct and the Town Code of Ethics and the resulting possibility of redundancy in Town adjudicative review.

Mr. Hudspeth described the thoughtful analysis that the Council undertook in conjunction with discussions with the Police and Fire Commissions and the Board of Education to study the concern raised and consider possible resolutions. Mr. Hudspeth stated that the Council particularly took note of the fact that the Police Department has a sophisticated and comprehensive departmental code of conduct, including a citizen complaint filing and adjudicatory process, for its police officers. Additionally, on January 14, 2008, the Police Commission amended its departmental Code to incorporate substantive provisions found in the Town Code of Ethics so that its departmental Code was as strict as the Town Code.

In light of its analysis, the members of the Council, concluded and recommended to the Board of Selectmen that an amendment to the Code be adopted changing the definition of "Employee" to which the Code applies to allow for an exclusion for those bargaining unit employees who were covered by a Town Board of department code of conduct that contains language equivalent to, or stricter than, that contained in Section B (substantive provisions) of the Town's Code and that provides a mechanism for the making of citizen complaints and their adjudication. Mr. Hudspeth also stated that this proposed resolution had been reviewed by Town Counsel Ken Bernhard.

Mr. Hudspeth also described a second concern that had been raised subsequent to the adoption of the Town Code of Ethics. This concern was whether the Town Code could be enforced against Planning & Zoning Commission officials. Mr. Hudspeth stated that Town Counsel had provided a legal opinion definitively concluding that Connecticut case law held that public officials such as the members of the Planning & Zoning Commission were subject to the Town Code of Ethics.

Discussion ensued in support of the proposed amendment as an equitable resolution to the concern expressed regarding duplication of coverage under multiple codes and the resulting possibility of redundancy in Town adjudicative. Ms. Taffel advised the Board of Selectmen that the issue would have to be brought to a public hearing prior to the adoption of a resolution implementing the change to the definition of "Employee" in the Town Code.

A MOTION was made by Mr. Creeth, seconded by Mr. Clark, and carried 5-0 to bring the proposed Code amendment to a public hearing on March 3, 2008 at 7:00 p.m.

4. Selectmen's Transfer Station Committee – Finalize Charge

A MOTION was made by Mr. Brennan, seconded by Mr. Hoffstatter, and carried 5-0 to approve the Charge to the Transfer Station Committee.

5. Charter Commission Review Articles I and II. Formation of Charter Review Commission

Mr. Hoffstatter will present on Article IV at the February 25, 2008 Board of Selectmen's Special Meeting.

Mr. Creeth will present on Article VII at the March 17, 2008 Board of Selectman's Regular Meeting.

Mr. Brennan will write up Articles I and II.

A date of March 3, 2008 for adoption of a resolution to appoint a Charter Review Commission was discussed with April 2, 2008 being the date for members to be appointed to the Commission.

6. Consideration of accepting the resignation of Lisa Chubinsky from the Zoning Board of Appeals effective February 1, 2008.

A MOTION was made by Mr. Brennan, seconded by Ms. Bruschi, and carried 5-0 to accept the resignation of Lisa Chubinsky from the Zoning Board of Appeals effective February 1, 2008.

7. Consideration of appointing Glenn Hemmerle to the Wilton Library Board of Trustees for a three-year term ending June 30, 2010.

A MOTION was made by Mr. Clark, seconded by Mr. Hoffstatter, carried 5-0 to appoint Glenn Hemmerle to the Wilton Library Board of Trustees for a three year term ending June 30, 2010.

8. Consideration of appointing Christopher Coyle to the Wilton Conservation Commission for a three-year term ending December 1, 2010.

A MOTION was made by Mr. Brennan, seconded by Mr. Clark, carried 5-0 to appoint Christopher Coyle to the Wilton Conservation Commission for a three-year term ending December 1, 2010.

C. Public Comment

No public comment.

D. Reports

1. First Selectmen's Reports

FAA

Mr. Brennan gave a brief update on the activity of the Alliance. He reported that he presented recent FAA information to the Board of Finance on January 16, 2007 and requested a supplemental appropriation of $35,200 for FAA litigation and related expenses, which the Board of Finance approved. Mr. Brennan stated that an Alliance executive committee meeting was scheduled for February 1, 2008 in New Canaan. He will report on the status of the Alliance activity and next steps to the Board of Selectmen and the Board of Finance following the February 1 meeting.

Board of Selectmen Budget Meetings

- January 23, 2008: the Parks & Recreation Department budget will be presented.
- January 24, 2008: the Fire Budget will be presented.
- January 28: the Police Department and Wilton Library Association budgets will be presented.
- January 29, 2008: the Public Works Department and Transfer Station budgets will be presented.

Retail Alcohol Sales

This subject will be placed on a future agenda for discussion as to whether the Board of Selectmen want to consider altering the Town's position on the sale of alcohol, and if so, what steps would need to be taken.

2. Selectmen's Reports

Compact Fluorescent Light Bulbs

~~Mr. Creet~~h expressed his concern about the presence of mercury in compact fluorescent light bulbs and potential environmental issues that arise out of the disposal of these light bulbs. ~~Mr. Creet~~h will forward an e-mail on the subject to ~~Mr. Clark.~~

February 5, 2008 Primary
Mr. Hoffstatter urged all citizens to vote at the February 5, 2008 primary and, if not affiliated with a party, to do so in order to be able to participate in this very important vote.

Wildlife Flyer
Mr. Hoffstatter suggested that a wildlife flyer be drafted to provide to new residents to advise them about the wildlife that inhabits this area and how best to be prepared to deal with the issues that arise around the presence of this wildlife in residential areas.

Wilton Town Committee – Presidential Forum
The Republican Town Committee is hosting a presidential forum January 29, 2008 at the Wilton Library. Representatives from the presidential campaigns of Senator John McCain, Governor Mitt Romney, and former Mayor Rudy Giuliani will be present to discuss each candidate's position on a variety of issues.

E. Adjournment

A MOTION was made by Ms. Bruschi, seconded by Mr. Clark, and carried 5-0 to adjourn the meeting at 9:50 p.m.

Respectfully submitted,

Diane Fontana
Recording Secretary