

OFFICE OF THE
FIRST SELECTMAN

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Lynne A. Vanderslice
First Selectman

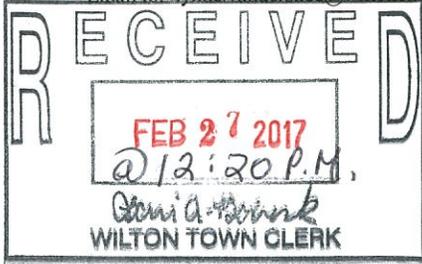
Michael P. Kaelin
Second Selectman

David K. Clune
Selectman

Lori A. Bufano
Selectman

Richard J. Dubow
Selectman

TOWN HALL
238 Danbury Road
Wilton, CT 06897



**BOARD OF SELECTMEN
TUESDAY FEBRUARY 21, 2017
MEETING ROOM B, WILTON TOWN HALL**

- PRESENT:** First Selectman Lynne Vanderslice, David Clune, Richard Dubow, Michael Kaelin
ABSENT: Lori Bufano
- GUESTS:** Anne Kelly-Lenz, Mark Ketley, Vivian Lee-Shiue, Captain John Lynch
- 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 change two items on the agenda: 1) shuffle the agenda and move item 7 to the First item on the agenda and 2) change the language under agenda item G. Executive Session: second item - Heart and Hypertension Litigation Update to read Heart and Hypertension Discussion of Proposed Settlement of Pending Claims. Motion made by Mr. Dubow, seconded by Mr. Kaelin and unanimously carried.

B. Consent Agenda

Motion made by Ms. Vanderslice, seconded by Mr. Clune to approve the February 4, 2017 minutes. Motion carried 2-2 with Mr. Dubow and Mr. Kaelin abstaining as they were not in attendance.

Motion made by Mr. Kaelin to approve the remaining consent agenda, seconded by Mr. Clune and unanimously carried.

Minutes

- Board of Selectmen Meeting-Budget Work Session – February 4, 2017
- Board of Selectmen Meeting – February 6, 2017

Gifts

- Berkshire Food Distributors – Parks & Recreation Gift Fund - \$59.14
- 911 Consulting LLC – Fire Department Gift Fund - \$800.00
- Lenore & Russell Sillery – Fire Department Gift Fund - \$100.00
- Patricia Giacalone – Fire Department Gift Fund - \$50.00

C. Public Comment

Ann Mitrione – 21 year resident – spoke regarding the Trackside Teen Center and read a letter on behalf of another resident (letter attached).

John Priest – 2 year resident – spoke regarding the Trackside Teen Center.

Vivian Lee-Shiue –spoke regarding the Trackside Teen Center.

Mike Safko 22 year resident – spoke regarding the Trackside Teen Center.

Heather Wilcauskas – Fox Run Rd – thanked the BOS for considering the idea that was brought to them at the February 6, 2017 regarding a request for a proclamation on civility respect and understanding in the community and urged the BOS to adopt the proclamation.

Jean L'allier 25 year resident – spoke in support of the proclamation on civility, respect and understanding.

Bob Sabo 13 year resident – spoke in support of the proclamation on civility, respect and understanding

D. Discussion and/or Actions

1. 2017 Distracted Driving High Visibility Enforcement (DDHVE) Grant

Captain John Lynch reviewed the 2017 Distracted Driving High Visibility Enforcement Grant. Funds for the program are provided from the National Highway Traffic Safety Administration and the grant offers 75% reimbursement with a 25% match from the Town. Motion made by Mr. Dubow to approve the application for the grant, seconded by Mr. Clune and unanimously carried.

2. Discussion of Proclamation

Ms. Vanderslice gave an overview of the Proclamation proposed by Heather Wilcauskas and Pam Hovland of the DTC. Discussion by the board on suggested language of the proclamation put forth by Second Selectman Kaelin and First Selectman Vanderslice. Ms. Vanderslice read the amended proclamation into the record below:

We the Selectmen of Wilton, Connecticut, do hereby affirm our Town's commitment to strive for civility, respect and understanding and to value the diversity of those who live and work and visit Wilton, without regard to gender, religion, sexual orientation, race, national origin, ethnicity, disability, political views, or social or economic status.

We encourage all of our citizens to participate fully in our town government as envisioned in our Town Charter. Our commitment to inclusion of all citizens informs our values and enriches our community.

We further resolve that the principles of civility, respect and understanding will guide the actions we take as Selectmen.

Motion made to approve the proclamation as read above by First Selectman Vanderslice. Motion seconded by Mr. Dubow and unanimously carried.

Mr. Dubow thanked those for all the work and commitment that went in to putting this proclamation forth.

3. FOIA Commission Complaints Filed
 - a. Delay in Amending June 2014 Minutes – BOS
 - b. Changing 12/29/16 agenda without 2/3 Approval Vote – BOF
 - c. Failure Promptly Provide Responsive Records – BOF
 - d. Secret Meeting via Email 12/29/16 – BOF
 - e. Delay in Filing 10/15/16 Conservation Commission Minutes
 - f. Delay in Filing 12/8/16 & 1/1/17 Social Services Minutes

Ms. Vanderslice reviewed the above FOIA complaints that were filed and status to date.

4. Trackside FY18 Budget Request

Mark Ketley reviewed the FY18 Budget Requests for Trackside. Before reviewing the budget requests he briefly reviewed what has been going on with regard to the Teen side of Trackside. After review the Board asks Mr. Ketley to provide a plan on fundraising for Trackside and how the will accomplish that plan. The Board asks that the plan be received before the BOF/BOS meeting on March 6, 2017.
5. Proposed Ordinance Revision: Chapter 8 Article 1 Sale of Alcoholic Liquor – EDC

Vivian Lee-Shiue, chair of EDC reviewed the proposal to revise the Town Ordinance in Chapter 8 **Article 3** Section 8-8 which is the sale of liquor in restaurants (not Article 1 as noted). Ms. Shiue is asking that the ordinance be revised so that it is entirely removed and to allow the ordinance hours to default to what is established at the state level. A copy of the presentation is attached. Ms. Vanderslice noted that if the Board chooses to proceed with replacing the ordinance that you need to have a public hearing and would need to be voted on at the Town meeting as a referendum. She noted that she would ask Chief Crosby and Captain Lynch for feedback on the ordnance revision.

Ms. Vanderslice noted that an answer would be needed by the March 6, 2017 BOS meeting as a public hearing would be needed before going to the Town Meeting. She also noted about bringing Two Rod Highway to a public hearing as well and then bringing Two Rod to the Town Meeting in May. Both could be brought at the same time.

6. Settlement of Second Taxing District Appeal

Anne Kelly-Lenz reviewed the Settlement of Seconding Taxing District Appeal. She noted that the settlement sign off was January 17, 2017.
7. Westport Broadcasting Contract Police

Anne Kelly-Lenz reviewed the Westport Broadcasting Contract for the Police. She noted that the contract is for an extension of a lease for space on a tower at 60 Deer Run Road. Town Counsel is reviewing the contract. Motion made by Mr. Kaelin to have the First Selectman sign the Westport Broadcasting Contract for the Police. Motion seconded by Mr. Clune and unanimously carried.
8. Ambler Farm FY18 Budget Request

Ms. Vanderslice reviewed the FY18 Budget Requests for Ambler Farm. She noted that she's been in discussions with Ambler Farm regarding a public/private partnership agreement. She stated once agreement is finalized will have Robin Clune come back to the Board and go in to more detail with the Ambler Farm requests.

9. Social Services FY18 Budget Requests

Ms. Vanderslice reviewed the FY18 Budget Requests for the Social Services Department.

10. General Budget Discussion

The Board of Selectmen began discussions on the FY18 Budget Requests. Ms. Vanderslice noted that she attend CCM's Legislative Breakfast and Ben Barnes, the OPM Director was in attendance and noted that the first time would get indication what the legislature were thinking would be in the third week when the appropriations committee brings forth some proposals.. Jeff Rutishauser, Chair of BOF has asked that the Board come up with alternate budgets.

E. Reports

First Selectman's Report

Ms. Vanderslice noted that she attended the Historic District Historic Property Commission meeting on Feb 7, 2017. She noted that at a previous meeting she mentioned that someone inquired about how to go about forming a district. She spoke regarding an article that was in the paper and corrected an inaccuracy in that article. She stated that it is the BOS that forms a Study Committee if they so choose. She noted that letters were received in opposition of the request for forming an historic district. The First Selectman will be meeting with the two women interested in pursuing the forming of the historic district along with Allison Sanders, Chair of the HDHP Commission.

Ms. Vanderslice updated the Selectman on application being put forth to Planning and Zoning for Millstone Farm. She noted that they pulled the application and has asked for a meeting to discuss the current Millstone Farm Conservation Easement. Asking the Board's guidance on whether should entertain the meeting. Ms Vanderslice noted that she would forward a copy of the Easement for the Board to review before moving forward.

Selectmen's Reports

Mr. Dubow

Mr. Dubow noted that since the Board approved the proclamation that it should be publicized.

Mr. Kaelin

Mr. Kaelin discussed what the community of Wilton is all about. He noted that he saw that at the memorial for Phil Reeves from different elements of the community that came out to offer support to the family.

Mr. Clune

Mr. Clune thanked the Board for moving forward with the proclamation and those that brought forth and worked on the proclamation. He suggested that if the community has specific questions about the budget, encourages them to ask now rather than wait until the last minute and ask at the Town Meeting.

F. Public Comment

Vivian Lee-Shiue – read a statement from Dan Berg (who was unable to attend the meeting) with regard to the Revision of the Proposed Ordinance. Ms. Shiue also urged the Board of Selectmen to remove the ordinance.

Steve Hudspeth – Glen Hill Road spoke regarding Selectman Clune’s comments regarding the budget. He also commented on the Proclamation and appreciated the effort put forth by First Selectman and Second Selectman Kaelin to make the proclamation reflect the Board of Selectmen.

Marissa Lowthert – seven year resident – thanked the Board for approving the proclamation. She also spoke regarding the previous FOIA discussion.

G. Executive Session

Motion made by Mr. Clune at 10:20 PM, seconded by Mr. Dubow and unanimously carried to go into Executive Session and invite Sarah Taffel for items 1, 2 and 4 and Anne Kelly-Lenz for items 2, and 3:

1. Update on Hiring For Social Services Director
2. Heart and Hypertension Discussion of Proposed Settlement of Pending Claims
3. Assessment Appeal Litigation Update
4. Collective Bargaining Update

Out of Executive session at 11:11 PM

H. Next Meeting – Budget Workshop February 27, 2017

- I. Adjournment – Having no further business, Ms. Vanderslice asked for a motion to adjourn. Motion made by Mr. Kaelin to adjourn meeting at 11:15PM. Motion was seconded by Mr. Clune and unanimously carried.



Jacqueline Rochester
Recording Secretary
Taken from Video

Wilton Economic Development Commission

Proposal to the Board of Selectmen Removal of Local Liquor Ordinance

February 21, 2017

Proposal

Background: In CT, under existing state liquor control regulations, a local municipality can decrease the number of hours in which a restaurant (or other licensed venue) is permitted to serve or sell alcohol. If no local ordinance is established, the regulations default to those established in Connecticut CGA Title 30 (§30-91)*

Wilton's Town ordinance (Chapter 8, Article III, §8-8) overrides the state restrictions, further restricting sale of alcohol in restaurants.

Neighboring Towns: Of the immediately surrounding towns (New Canaan, Norwalk, Redding, Ridgefield, Weston and Westport), only Norwalk and Westport have overrides for Sunday sales in restaurants. There are no other local ordinances on any other day of the week.

- Norwalk – Sunday Sales permitted between noon-9PM only
- Westport – Sunday Sales permitted between noon-11PM only (with exceptions for holiday, allowing sales to continue until 1AM the following day)

Proposal: The Wilton EDC would like the Board of Selectmen to consider removing the restrictions outlined in the Town Ordinance §8-8. This will align Wilton's regulations with neighboring towns.

* See *appendix*

State versus Local Ordinance on Sale of Liquor

Restaurant - (CGS §30-22) - “Restaurant” means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served, but which has no sleeping accommodations for the public and which shall be provided with an adequate and sanitary kitchen and dining room and employs at all times an adequate number of employees.

A restaurant permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a restaurant.

<i>Allowable Hours of Liquor Sales in Restaurants</i>	State – CGA §30-91 (rev 1/2017)	Wilton – Town Ordinance §8-8
Monday – Thursday	M-Th: 9AM to 1AM (following morning)	M-Th: 11AM to 11PM
Friday - Saturday	9AM to 2AM (following morning)	11AM to midnight
Sunday	10AM to 1AM (following morning)	Noon to 11PM
Exceptions	New Year’s Eve – liquor can be sold until 3AM (on New Year’s Day) provided food is also being sold in the restaurant	New Year’s Eve: 11AM to 1AM (on New Year’s Day)

Active Restaurant Liquor Permits in Wilton

There are currently a total of 16 restaurants in Wilton with active liquor permits. Each permit is active for 12 months from time of renewal.

Credential	Credential Description	Status	Status Reason	City	State	Zip Code	DBA
LIR.0018729	RESTAURANT LIQUOR	ACTIVE	CURRENT	WILTON	CT	06897-4404	LITTLE PUB
LIR.0019457	RESTAURANT LIQUOR	ACTIVE		WILTON	CT	06897-4837	BANGKOK REPUBLIC
LIR.0017289	RESTAURANT LIQUOR	ACTIVE	CURRENT	WILTON	CT	06897-2625	SCHOOLHOUSE AT CANNONDALE (THE)
LIR.0017533	RESTAURANT LIQUOR	ACTIVE	CURRENT	WILTON	CT	06897-3047	MARLY'S CAFE
LRW.0004291	RESTAURANT WINE & BEER	ACTIVE	CURRENT	WILTON	CT	06897-3047	WILTON PIZZA & PASTA
LRW.0004373	RESTAURANT WINE & BEER	ACTIVE	CURRENT	WILTON	CT	06897-4837	TOOZY PATZA PIZZA
LIR.0016323	RESTAURANT LIQUOR	ACTIVE	CURRENT	WILTON	CT	06897	OUTBACK STEAKHOUSE
LIR.0016463	RESTAURANT LIQUOR	ACTIVE	CURRENT	WILTON	CT	06897	OREM'S DINER
LIR.0019495	RESTAURANT LIQUOR	ACTIVE		WILTON	CT	06897-3036	ARANCI 67
LIR.0018431	RESTAURANT LIQUOR	ACTIVE		WILTON	CT	06897-4069	CACTUS ROSE RESTAURANT & TEQUILA BAR
LIR.0014618	RESTAURANT LIQUOR	ACTIVE	CURRENT	WILTON	CT	06897-3007	PORTOFINO'S II RESTAURANT
LIR.0019497	RESTAURANT LIQUOR	ACTIVE		WILTON	CT	06897-4069	CRAFT 14 KITCHEN AND BAR
LIR.0018433	RESTAURANT LIQUOR	ACTIVE	CURRENT	WILTON	CT	06897-3058	BIANCO ROSSO WINE BAR & RESTAURANT
LIR.0015497	RESTAURANT LIQUOR	ACTIVE	CURRENT	WILTON	CT	06897-4304	JOHN'S BEST OF WILTON
LIR.0018202	RESTAURANT LIQUOR	ACTIVE	CURRENT	WILTON	CT	06897-4031	REIKI SUSHI & ASIAN BISTRO
LIR.0017666	RESTAURANT LIQUOR	ACTIVE	CURRENT	WILTON	CT	06897	HUNAN CAFE

**** A review of the existing permits would be required in order to determine if any of the establishments listed above would need to file an amendment.**

Neighboring Town Liquor Ordinances

Town	Local Liquor Ordinances Overriding State Regulations on Hours Served in Restaurants
New Canaan	None found
Norwalk	<p><u>§12-1 Hours.</u> The sale or the dispensing or consumption, or the presence in glasses or other receptacles suitable to permit the consumption of liquor by an individual, of alcoholic liquor in places operating under hotel permits, restaurant permits and club permits shall be permitted within the City on Sunday between the hours of 12:00 noon and 9:00 p.m., in accordance with the provisions of Section 4296 of the General Statutes, as amended.</p>
Redding	None found
Ridgefield	None found
Weston	None found
Westport	<p>Sec. 6-1. - Permitted hours for Sunday sales. The Town shall allow the sale of alcoholic liquor on Sunday between the hours of 12:00 noon and 11:00 p.m. in all establishments operating under the liquor permits cited in C.G.S. <u>§30-91(a)</u>. However, when a U.S. Federal holiday falls on a Monday, and when Independence Day falls on a Monday or Tuesday, the sale of alcoholic liquor shall be allowed between the hours of 12:00 noon on the immediately preceding Sunday and 1:00 a.m. that Monday.</p>

Supporting Statements

- From Chief of Police Crosby: “[W]e do not feel there would be any issue with the extended hours that we cannot handle for the establishments in Wilton now.”
- The EDC has spoken with several local business owners/restaurants and/or prospective business owners:
 - Generally, reaction is positive.
 - It is unclear whether there would be a major uptick in patronage activity; however, many restaurant owners have said that the existing regulations have been restrictive at times in the past:
 - “Right now some people get upset when we have to enforce [the existing regulations]. I would be in favor of lengthening operating hours for bars and restaurants in Wilton.”
 - “We should remain competitive with our neighboring towns.”
 - “While the removal of the existing local regulations may not necessarily help the businesses, the current restriction can only hurt them...”

Appendix

Connecticut CGA Title 30 (§30-91) Detail

(A) The sale or the dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of alcoholic liquor by an individual in places operating under ...restaurant permits ...shall be unlawful on:

- (1) Monday, Tuesday, Wednesday, Thursday and Friday between the hours of one o'clock a.m. and nine o'clock a.m.;
- (2) Saturday between the hours of two o'clock a.m. and nine o'clock a.m.;
- (3) Sunday between the hours of two o'clock a.m. and ten o'clock a.m.*;
- (4) Christmas, except (A) for alcoholic liquor that is served where food is also available during the hours otherwise permitted by this section for the day on which Christmas falls...
- (5) January first between the hours of three o'clock a.m. and nine o'clock a.m., except that on any Sunday that is January first the prohibitions of this section shall be between the hours of three o'clock a.m. and eleven o'clock a.m.

(B) **Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales under subsection (A) of this section...**In all cases when a town, either by vote of a town meeting or by ordinance, has acted on the sale of alcoholic liquor or the reduction of the number of hours when such sale is permissible, such action shall become effective on the first day of the month succeeding such action and no further action shall be taken until at least one year has elapsed since the previous action was taken.

* Note, CT General Statutes revised 1/2017 appear to have Sunday hours starting at 10AM. Previously it was 11AM.

Wilton Town Ordinance (Chapter 8, Article III, §8-8) Detail

§ 8-8. Permitted hours of sale of alcoholic liquor.

[Amended 1-20-2009; 9-16-2013]

A. Sale of Liquor under Restaurant Permits.

The Town of Wilton shall allow the sale of alcoholic liquor in all establishments operating under restaurant permits only between the hours of 11:00 a.m. and 11:00 p.m. Monday through Thursday; between the hours of 11:00 a.m. and 12:00 midnight on Friday and Saturday; between the hours of 11:00 a.m. and 1:00 a.m. on New Year's Eve; and between the hours of 12:00 noon and 11:00 p.m. on Sunday.

Current Connecticut Liquor Permit Categories
Source: CGACT.GOV

Dining and Drinking		RETAIL		WHOLESALE	MANUFACTURER
		On Premise	Off Premise		
		Time Limited or Non Profit			
Brew Pub* (see mfg)	Airline	Charitable Organization	Druggist	Salesman	Manufacturer: Apple Brandy and Eau de Vie
Café	Airport Bar	Nonprofit Corporation	Farm Winery* (see mfg)	Warehouse: Bottling	Manufacturer: Beer
Farm Winery* (see mfg)	Boat	Nonprofit Corporation-IV	Grocery Store Beer	Warehouse: Storage	Manufacturer: Brew Pub*
Hotel: Beer & Cider	Bowling: Beer & Wine	Nonprofit Golf Tournament	Package Store	Wholesaler: Beer	Manufacturer: Cider, Apple Wine
Hotel: Liquor A	Bowling: Liquor	Nonprofit Public Museum		Wholesaler: Liquor	Manufacturer: Farm Winery*
Hotel: Liquor B	Casino	Nonprofit Theater			Manufacturer: Liquor
Hotel: Liquor C	Caterer**	Special Club Picnic			Shipper: Out-of-State: Beer
Restaurant: Airport	Club	Temporary Outing, Picnic, Social Gathering – Beer			Shipper: Out-of-State: Small Winery
Restaurant: Wine & Beer	Club: Airport Airline	Temporary Outing, Picnic, Social Gathering – Liquor			Shipper: Out-of-State: Other Alcohol
Restaurant: Beer	Club: Golf Country				Transporter: In-State
Restaurant: Caterer	Club: Nonprofit				
Restaurant: Liquor	Club: No-Permit town				
Sporting Facility	Club: Special				
Tavern	Coliseum				
	Coliseum Concession				
	Concession				
	Military				
	Racquetball Facility				
	Railroad				
	Resort				
	Special Outing Facility: Beer				
	Special Outing Facility: Liquor				
	Special Sporting Facility: Bar				
	Sporting Facility: Concession				
	Sporting Facility: Emp. Recreation				
	Special Sporting Facility: Guest				
	University: Beer & Wine				
	University: Beer				
	University: Liquor				
LEGEND:					
					category is out of scope for this analysis
					active permits found in Wilton

* Brew Pub permit allows manufacture & sale on premise; Farm Winery permit allows manufacture and sale on and off premise

** Only one active permit exists in this category and it is for a food-service provider (SODEXHO)