

Town of East Hampton
Town Council Regular Meeting
Tuesday, April 25, 2017
East Hampton Middle School Library

DRAFT MINUTES

Present: Chairperson Patience Anderson, Vice Chairperson Ted Hintz, Council Members Pete Brown, Melissa Engel, Mark Philhower, Josh Piteo, Kevin Reich and Town Manager Michael Maniscalco

Call to order & Pledge of Allegiance

Chairperson Anderson called the meeting to order at 6:30 p.m. in the Middle School Library

Adoption of Agenda

A motion was made by Councilor Reich, seconded by Councilor Engel, to adopt the agenda. Voted (7-0)

Approval of Minutes

A motion was made by Councilor Engel, seconded by Councilor Reich, to approve the minutes of the Town Council Regular Meeting of April 11, 2017. Voted (6-0) in favor, with Councilor Philhower abstaining.

Discussion: Councilor Philhower asked if there had been a discussion at the April 11 meeting regarding the contract/bid award for the Town Hall Facilities architect and a fear of conflict of interest. The Council stated that it was known that the architects had worked for the Mottos in the past, but also that the process the committee used to award the bid was a clear, fair and open process as described.

Presentations

None

Public Remarks

Jennifer Palma, 3 Wangonk Trail, stated that she is concerned with possible larger class sizes, which would be detrimental to students and wrong for the teachers. School sports are important, and she doesn't want them cut. Cuts will hurt the town, making people want to leave because of the taxes and they feel unheard by the Town Council.

Nancy Oakley, 71 Pocotopaug Dr., expressed her support for the education budget and advocates for it, and the municipal budget, to be sent to referendum without further reductions. In regards to the education budget, the 3.41% increase does not even cover the unfunded mandates and contractual obligations. The BOE made conservative cuts from the start. Cutting it further will have devastating effects to the schools and the town. There is a less vocal group of constituents that support our schools, as opposed to the "0 percenters" that insist on stagnation in town. How can we ask the taxpayers to fund a 12 – 15

million dollar Town Hall/PD project but then say we cannot support a \$989,000 increase to the education budget? We cannot cry poverty on the one hand and not the other, and doing so is setting the Town Hall/PD project up to fail as well. Please send both budgets to referendum as is and let the people decide.

Kelly Snyder, 18 Laurel Glen Dr., supports voting on the budget without additional cuts. She works at Center School and states that working in a class with 27 children is unbearable at times. She outlined the constraints and duties on staff in a class that size and noted that the professionals in East Hampton are some of the most dedicated she's ever worked with. She urged those in power to speak to the resources (staff at the schools) that they have as the decisions will impact them and our children.

Amanda Helky, 2 Julia Terrace, thanked the Council for their time and effort. She feels the town is short-sighted with the budget, and we barely fund our schools, therefore not investing in them. She stated that if we don't fund the schools properly, families with children will leave, dropping property values for all taxpayers. Investing in the school is not optional. We cannot have a growing town, as evidenced by increased enrollment, and not have increased funding to support it. This doesn't work unless you are accepting of a lower standard of education, and she is not. She asks the council to pass the budget to the voters with no further cuts.

Ben Phillips, 15 Maple St., stated that he moved to E. Hampton because of the schools. He has one child with special needs who receives services so the potential cuts scare him. He asked why the budget goes to referendum when so many people in town are not part of the process, as he feels it is an unnecessary step.

Tania Sones, 17 Curry Lane, stated that bifurcation of the budget was enacted to ensure transparency. The BOE heard the budget policy loud and clear and came up with creative solutions to pay for items, which was cut already by the Board of Finance. Now the Town Council's job is to send the budget to referendum with no further cuts. She thanked two Councilors that attended the BOE budget presentation. Nasdaq wrongly predicted class sizes, there are already 130 + children in the upcoming kindergarten class that was projected at 112 students, and the 4th and 5th grade classes have even grown this past month. Cutting the education budget now micromanages an already scrutinized budget. We are not taxing the community properly to meet expenditures if we are borrowing from the general and other funds. This practice cannot be continued. Please send the town and education budgets forward as is.

Kristen Flannery, 8 Flannery Row, spoke as a parent and a teacher. She praised the administrators and the BOE in town for creating a prudent budget that cannot be cut without irreparable damage, particularly in regard to staff cuts. She stated we have the best teachers in E. Hampton, and it is unbearable that their jobs may be threatened. Please move the budget forward with no further cuts.

Nancy Kohler, 31 Daniel St., advocated for the entire budget to move forward without additional cuts. Her opinion is that the Council has shown a lack of fiscal responsibility as hundreds of thousands of dollars of off-budget appropriations and the mill rate stabilization fund has been drained for expenditures other than its intended purpose. In regards to the purchase of the ladder truck from that fund, the Council also disregarded the opinion of the Finance Director whose salary is paid with our tax dollars. The Council declined to participate in negotiation of the school administrator's contract, then rejected the fair and reasonable contract brought forth sending it to binding arbitration, despite being advised by the Attorney that they would not win. The Town did not, but it was our kids who were clearly the losers as it cost the BOE over \$30,000, which could have been used for other purposes. To cut the budget would be hypocritical and unconscionable so please let the people decide by leaving the budget as is.

Bob Hine, 19 Birchwood Rd., stated that quality education costs money because we want to attract and retain good teachers. The teachers are not overcompensated and deserve whatever they get. Cuts will affect the teachers, who are the backbone of the system. As it is E. Hampton provides a good solid no frills education. Our national treasure is our people, and that future is our children. Investing in education ensures a good future for all citizens, which is money well-spent. Please continue the budget as presented by the BOE and endorse it as is.

Sherry Bannick, 47 Peach Farm Rd., supports the budget going to a vote with no further reductions.

Carleen Brooks, 22 Chestnut Hill Rd., stated the whole budget needs to be passed. We need to rebuild cut services to support our aging community, the library and our Police Dept., which is a great asset to our town, in addition to our award-winning schools. She states that for 18 years the Town Council has let her down and asked when will we invest in ourselves.

Ellen Nozza, 152 Main St., ensured the man that was concerned about services for his child with special needs that his services will not be cut because the state requires it, not because we are funding it here. The Town needs to do what the state tells us to do, but what else may suffer? She has been voting for 35 years, not once has she gone to polls and said "I hope there's a 0% increase" because she knows what that means, that cutting everything would have us living in a bad situation in town.

Robert Bosco, 91 Tarragon Dr., is disappointed to be here tonight asking for an already bare bones education budget. He thinks Mr. Smith would like to set a budget that meets the needs of our students, but he has had to put forth a bare bones budget that can't even restore cuts. Also, with bifurcation with the budget, the expectation was that we wouldn't have to do this; the town would have the opportunity to vote on the BOE budget without further Council reductions. Please send the education budget to referendum as is.

Mark McMillan, Bevin Court, supports the previous education comments. He notices the subdivisions going up, and there will be an influx in development, presumably approved by the same government here tonight cutting and minimizing infrastructure budget. Whether we are paying more taxes or spreading ourselves thinner and reducing services, we are paying either way. Please move the budget forward to referendum without further cuts.

Candy Miller, 27 Tarragon Dr., supports the budget moving forward with no further cuts. She is a special educator in another district and spoke to the demands on general and special ed teachers, and how large class size makes the demand even larger. The teachers and students need extra help, especially as the special needs services are mandated by law. Please keep the budget as it is.

Linda Chambers, 10 S. Main St., is an educator at the high school, and has seen over 32 years budget after budget that is less than what is necessary. Our teachers are extremely resourceful, so its not always seen, but we are not funded properly. She encourages the Council to listen to the professionals.

Bids & Contracts

None

Resolutions/Ordinances/Policies/Proclamations:

Draft Ordinance regarding Fracking

It was stated that the Town does not currently have any penalties because an ordinance is not enacted in town and the \$250 penalty is not out of the ordinary. Councilor Piteo noticed there was nothing stated about accidental/unintentional usage; Town Manager Maniscalco stated that if the ordinance were part of the Town's bidding package, it would make it harder for a contractor to say it was accidental usage. It was asked if this would cost the town and/or companies that work in town more to be in compliance. Mr. Maniscalco stated that this ordinance is more about a waste product that we may not want in our community rather than dollars and cents. He gave the example of salt being treated with fracking waste, which is already being banned in other towns, so it therefore would be less expensive than other salt not treated with fracking waste. This ordinance is broader than the State's and affords the Town a larger breadth of protection.

Councilor Philhower asked why if DEEP says it's ok to use product treated with fracking waste, the Town won't use it. He also asked if there were any known commercial products that a homeowner could buy with fracking waste included at this time. Mr. Maniscalco stated that he knew of no products being used in CT at this time, but this is an effort to be preemptive rather than reactive on this issue. Vice Chairperson Hintz stated that a many towns are putting in ordinances restricting transport and storage of the fracking waste and that if it the product is used on our town roads it could further pollute the lake and streams. He offered to get information for the Councilors that were not present at the last meeting.

A motion was made by Vice Chairperson Hintz and seconded by Councilor Engel to move the Ordinance Prohibiting the Storage, Disposal or Use of Waste from

Oil and Gas Exploration or Extraction Activities, or any Derivative Thereof, in the Town of East Hampton, Connecticut, to public hearing on May 9, 2017 at 6:15 P.M.. Voted (7-0).

Continued Business

Discussion & Possible Approval of 2017/2018 Budget

Councilor Engel made a motion, seconded by Councilor Philhower, to defer action on the 2017/2018 town and education budget until the Council has received clearer understanding of State revenue. Voted (7-0).

Discussion: Councilor Engel explained that this year we are in an extraordinary predicament, and that it is by our own ordinance that we have a date for budget approval, so this does violate our own ordinance. However, to approve a budget in any form is to guess what the State will give us, therefore either over or under taxing the public. It is not the Council's fault that the State hasn't imposed a deadline on itself to pass their budget. Rep. Ziobron has stated that the State may not pass a budget until August, though they are set to vote June 7th, it is unlikely. Finance Director Jylkka has assured the Council that the town can continue to operate as is.

Councilor Reich asked how late the town can go through the typical process acknowledging what the State has done, and still provide residents with a tax bill. Town Manager Maniscalco stated that a mill rate would need to be set mid-June to send tax bills in time.

Councilor Engel noted that the wording of the motion is not in regards to when the State adopts their budget, but until the State gives us further information on valid revenue items. Until that information is obtained, we would be guessing and making cuts based on a guess, which would be unfair.

Chairperson Anderson clarified that with the budgets the way they are now, the mill rate would be presented to the public at a 2.78 mill increase. This is with the BOF including 1.6 million in potential lost revenue from the state (equal to 1.49 mills).

Vice Chair Hintz stated that the Town has set a temporary mill rate (at the prior year's mill rate) in the past, with the Town Council passing monthly budgets, which is a wise idea to keep the operations moving. His concern is letting it go too long because under the current mill rate/funding, there will be a great impact on the hiring process and what the BOE will be able to start the next school year with. If this drags on to the end of summer it will handcuff the Superintendent with hiring. He will support the motion as long as they don't go until the end of summer. Councilor Engel stated that is not the intention of the motion. Councilor Reich requested a dated schedule at the next meeting, echoing Vice Chair Hintz's statement on strapping the Superintendent and/or Town Manager.

Chair Anderson asked the legal risk in putting off the referendum. Town Manager Maniscalco stated that they could be taken to court for violating their own

ordinance, though by the time that happened, there would most likely be a budget set and therefore no grievance.

Councilor Brown stated that he agrees with deferring and after hearing concerns here tonight he hopes that the public would not support moving forward, or backward, without firm numbers. He hopes that the public will support a budget with known facts and figures; and that those that support the education budget most likely do not want unnecessary cuts or increases, nor does he. Councilor Piteo agreed that and suggested using the June 7th deadline, which is when the State adjourns for the season. He stated we need knowledge and policy before taxation. He believes the State budget won't linger until August as there will be pressure on them to act sooner rather than later.

Set Town Meeting/Budget Referendum Date

Not applicable.

Attorney Policy

Councilor Piteo asked who has the final say if the Council Chair and the Town Manager disagree on obtaining legal opinion, which led to discussion on the number of Council members that must be contacted if there is a question for the attorney and the particulars of this policy.

Vice Chairperson Hintz moved; Councilor Engel seconded, to approve the Attorney Policy as amended to include contacting the Town Manager or two members of the Town Council prior to obtaining legal information from Town Attorneys. Voted (6-0-1) with Councilor Piteo abstaining.

Tax Abatement for West High Enterprises, LLC

Councilor Engel moved and Councilor Brown seconded to approve the Tax Assessment Agreement between the Town and West High Enterprises, LLC. Voted (6-0-1) with Councilor Philhower abstaining.

Update on 250th Anniversary

Councilor Piteo updated that on April 3 there was a lecture on E. Hampton taverns, inns & bars at Angelico's, which kicked off restaurant week. On April 29th the Chatham Historical Society will hold a historical lecture in the community room. The town birthday cards are in the school, senior center, library and town hall, and they are open for all to sign. All events are listed on www.eh250.org. Channel 3 will report on the town's 250th anniversary on May 3 at 5:00 P.M.. Plans for a fall block party and a trivia night are forming. The high school rededication will be on Sept. 8th, at which a time capsule will be opened. The Gala will be on November 5th, the \$55 tickets will be available after Old Home Days.

New Business

None

Town Manager Report

State Revenue Projections/Legislative Update

The State budget talks have fallen apart, appropriations adjourned today without voting. A legislative update is provided in the Council's packet. One piece of legislation was put out earlier this week regarding changing home assessments from 70% - 100% of the value.

Announcement of Town Attorney

Udike, Kelly, Spellacy were appointed as new Town Attorneys. Mr. Maniscalco recognized Councilor Reich and Engel in helping to find the new Attorneys.

Update on Town Facilities Building Committee Meeting

The meeting for this week is cancelled, though the Committee has been doing a lot of work. They have been talking about whether using a General Contractor or Construction Manager is most beneficial for the Town. Vice Chair Hintz asked when the project would go to Planning & Zoning. Mr. Maniscalco will find out, but plans will need to be created first.

Update on Christopher Brook

Construction should be starting tomorrow. The wrong kind of stone was delivered for the bridge facing, it will be re-delivered. The ribbon cutting and naming ceremony will be the day before Father's Day at 2:00 P.M.. A plaque in honor of Mr. Morris has been ordered. The road paving should be done quickly.

Update on Town Road Sweeping

A list of roads already swept is included in Councilor's packets. Some are listed twice as they made a loop and came back down the other side of the road. Councilor Philhower asked about some roads near the lake not being on the list, particularly Minnetonka, Namonee or Wangonk, as they were recommended to be swept multiple times. Mr. Maniscalco stated that Public Works is getting to the tribe neighborhoods this week, and that recommendation was made when sand was used; now salt is used.

Update on Open Positions

Assessor: Three applications were received; one interview will take place tomorrow.

Other

There has been a trend of banks requesting COs and permits for residents trying to sell their homes, even going back to the 1970s and 1960s. We are finding our files don't contain all the COs, and a plan is being worked on for how to deal with this. We are not the only community going through this now.

Appointments

None. Councilor Philhower requested another notice in the paper as there has been a shortage of applicants.

Tax Refunds

A motion was made by Councilor Reich and seconded by Councilor Engel to approve tax refunds in the amount of \$459.93. Voted (7-0)

Public Remarks

Ann McLaughlin, 85 N. Main St., stated there is an ad in Rivereast every week for volunteers, so perhaps reword it or make it more eye catching. She noted that Councilor Piteo did not mention the tree planting in Sears Park for the 250th Anniversary. She also asked why they can't do something about the mic, it is not fair to the public and there shouldn't be a meeting unless there is a useable mic.

Dennis Wall, Beechcrest Dr., noted that N. Maple St. was resurfaced last year due to the school renovation. He asked that someone come take a look after the rain to see that there is a pond that is created at the end of the sidewalk, forcing the students to have to walk around on the road.

Monique Sherer, 14 Berkshire Dr., stated that all in the room are on the same side, we all care about the town, but sadly for 20 years she has been hearing not what is best for the town or schools, but what is the minimum budget for the schools. It's already established that the budget is bare bones, and that we can't look for more to cut. Remember why you are at the table and for once pass the budget without cutting it.

Krista Sickles, White Birch Rd., is disappointed that no one mentioned talking to Superintendent Smith before deciding to delay and/or asking about his timeline. She stated he is phenomenal about getting information out to parents. She thinks he should have been asked about his timeframe for hiring, and doesn't think they have the school in their best interests. She noted that going into the budget asking "what am I going to cut" instead of "what is best for the schools" is short-sighted. She believes more families will move out the way things are going.

Roger Abraham, 47 Clark Hill Rd., fully supports the BOE budget. Please use TBell at the high school for town meetings.

Richard Sturmer, 41 Comstock Trail, is concerned that the budget referendum will be delayed until the summer months when a large amount of constituents will be on vacation, therefore potentially not reflecting upon the will of the entire town.

Ines Venetainer, 17 Berkshire Dr., stated there is no absentee ballot for a referendum, so vacationing people cannot vote. She brought up the 1.6 million dollar line of contingency fought for in the BOF as a catch-22. She stated that her daughter struggles with math, and her teacher is excellent, but large class sizes will have a domino effect on students that may need extra help and dismantle their confidence. Mathnasium will cost her \$300 a month. She asks the Council to put forward the budget as is with no further cuts.

Communications, Correspondence & Announcements **Town Manager Annual Evaluation**

A memo was received by the Council from the Town Manager. Per agreement, the forms will be returned to Chairperson Anderson by June 1 for compilation. It was discussed and decided that the Town Manager will be presented with one compiled evaluation, rather than seven. A special meeting was tentatively

scheduled for May 30 at the Town Hall, for the Council to go over the individual forms and compile them into one evaluation.

Invitation to Killingworth 350th Anniversary Parade

The parade will occur Saturday, September 2.

Other

Sue Drum will hold the National Day of Prayer on May 4 at the gazebo.

Councilor Philhower addressed the public comment from the gentleman who asked why the budget isn't just approved, rather than sent to referendum. The Councilor noted that primarily the big cities like Hartford do that, and that they are not that fiscally sound. The referendum process keeps the town in check and fiscally sound.

He also noted that the Town Council did not decline to sit in on BOE administrative talks, as they were not invited to do so. They fought the contract because they did not have the opportunity to speak to it. Councilor Engel stated that to say money was wasted going into binding arbitration was a negligent thing to say because their argument should be taken up with the BOE, as the BOE, not the Town Council, determines how that money is spent. Their approved contract exceeded local communities of the same size of over a million dollars, which is top heavy with pay on administration. That is a budget negotiation conducted by the BOE, and all the Town Council could do was try and arbitrate it.

Vice Chair Hintz addressed the comment made that it is the Council's duty to send the budget to the tax payer, but he stated it is not, and they have every right to amend it.

Adjournment

A motion was made by Vice Chairperson Hintz and seconded by Councilor Reich to adjourn the meeting at 8:12 p.m. All voted in favor.

Respectfully submitted,

Eliza LoPresti
Recording Secretary