

BOARD OF SELECTMEN

BRANFORD, CONNECTICUT



JAMES B. COSGROVE
First Selectman

JOSEPH E. HIGGINS, JR.
JOHN J. AHERN

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MINUTES OF SELECTMEN'S MEETING May 17, 2017 – approved by the BOS 06-17-17 Fire Department Headquarters – 6:00 p.m.

The meeting was called to order at 6:03 p.m. Present were First Selectman James B. Cosgrove; Second Selectman Joseph E. Higgins, Jr. and Third Selectman John J. Ahern. Also present were: Michael Cretella, Town Attorney; James Perito, Attorney; Dan Gregory, Superintendent, WPCF; Brian Devlin, WPCF; Alex Palluzzi, Director, Parks and Recreation; Ben Goetsch; Jacey Wyatt; Diane Stricker and Steve Mazzacane.

Motion made by Selectman Higgins to approve the Board of Selectmen minutes of April 19, 2017. Seconded by Selectman Ahern. Vote unanimous.

Motion made by Selectman Higgins to enter into executive session at 6:04 p.m. to discuss pending tax appeals. Seconded by Selectman Ahern. Vote unanimous.

Present were First Selectman James B. Cosgrove; Second Selectman Joseph E. Higgins, Jr.; Third Selectman John J. Ahern and Town Attorney Michael Cretella and Attorney James Perito. For the record the attorneys were called in individually to present their respective tax appeal cases.

Motion made by Selectman Higgins to return to regular session at 6:12 p.m. Seconded by Selectman Ahern. Vote unanimous.

For the record no votes were taken while in executive session.

Motion made by Selectman Ahern to approve a settlement agreement as proposed by Attorney Perito in the Brandt v. Town of Branford - 114 Seaview Avenue tax appeal. Seconded by Selectman Higgins. Vote unanimous.

Motion made by Selectman Ahern to approve a settlement agreement as proposed by Attorney Perito in the 10 Tyler Avenue tax appeal. Seconded by Selectman Higgins. Vote unanimous.

Motion made by Selectman Ahern to approve a settlement agreement as proposed by Attorney Cretella in the Thimble Island Brewing Company v. Town of Branford tax appeal. Seconded by Selectman Higgins. Vote unanimous.

Motion made by Selectman Ahern to enter executive session at 6:13 to discuss the possibility of a land acquisition. Seconded by Selectman Higgins. Vote unanimous.

Present were First Selectman James B. Cosgrove; Second Selectman Joseph E. Higgins, Jr. and Third Selectman John J. Ahern.

Motion made by Selectman Higgins to return to regular meeting at 6:21 p.m. Seconded by Selectman Ahern.

For the record no votes were taken while in executive session.

Motion made by Selectman Ahern to purchase property located at 26 and 28 Church Street as part of the Branford Senior Center and Community House renovation and expansion project. The proposed price is \$273,000 for both parcels. Seconded by Selectman Higgins. Vote unanimous.

Dan Gregory, Superintendent, WPCF provided a report as required by Section 75-2-C(2) of the *Code of the Town of Branford* for emergency work to repair a collapsed sewer line on Alps Road. The cost of the emergency work totaled \$107,748.21. Motion made by Selectman Ahern to accept the report. Seconded by Selectman Higgins. Vote unanimous.

Motion made by Selectman Ahern to approve a request from Dan Gregory, Superintendent, WPCF to waive bid for the re-lining of 12" ACP pipe that is badly deteriorated as a continuation of the Alps Road sewer collapse project and award the contract to Green Mountain Pipeline Services for an amount not to exceed \$45,000. Seconded by Selectman Higgins. Vote unanimous.

Ben Goetsch addressed the board concerning the request to approve an Oyster Seed Bed Co-Management Agreement between the Branford Shellfish Commission and Midstate Shellfish to conduct shellfishing activities on 26.3 acres located in the Branford River as described on a map entitled "Upper Branford River Oyster Seed Bed Management Area" – Schedule A attached to the agreement. Mr. Goetsch stated that this area is a designated natural sea bed of the Town of Branford since 1885 and as such should not be designated to any individual for their exclusive use it is meant to be left open to all licensed harvesters of the state. The Board decided not to take any action on this item.

Motion made by Selectman Ahern to approve an Oyster Seed Bed Co-Management Agreement between the Branford Shellfish Commission and Midstate Shellfish to conduct shellfishing activities on 24.94 acres located in the Branford River as described on a map entitled “Special Co-Management area” – Schedule A attached to the agreement. Seconded by Selectman Higgins. Vote unanimous.

Motion made by Selectman Ahern to approve a Shellfish lease agreement between the Branford Shellfish Commission and Nicholas Pastore for bed #551. Seconded by Selectman Higgins. Vote unanimous.

Motion made by Selectman Ahern to approve the following resolution:

Resolved, that James B. Cosgrove, First Selectman, is empowered to execute and deliver in the name and on behalf of the Town of Branford a personal service/grant agreement with the Department of Energy and Environmental Protection of the State of Connecticut for a streetscape tree planting project along Main Street in Branford, and is authorized to affix the corporate seal.

Seconded by Selectman Higgins. Vote unanimous.

Motion made by Selectman Ahern to assign the management and maintenance of the former Branford Hills School property to the Branford Board of Recreation. Seconded by Selectman Higgins. Vote unanimous.

Appointments:

Zoning Board of Appeals - alternate
Donald Schilder to fill a vacancy term to expire October 31, 2018. Motion made by Selectman Higgins to approve the appointment. Seconded by Selectman Ahern. Vote unanimous.

Green Use:

Motion made by Selectman Higgins to approve a request from the Branford Town Band for use of Bayview Park on June 14, 2017 to hold a concert from 7:00 p.m. to 8:00 p.m. Seconded by Selectman Ahern. Vote unanimous.

Correspondence - None

Other – First Selectman Cosgrove mentioned that workshops are scheduled concerning the TOD Study on May 22, 2017 and June 22, 2017.

Jacey Wyatt addressed the Board with a suggestion that the town consider purchasing the property located at 26 Cherry Hill Road that has been the subject of several Planning and Zoning applications for a housing development. She suggested that it be turned into a recreational park.

Ben Goetsch addressed the Board concerning the Shellfish Commission and the State of Connecticut Department of Agriculture. Mr. Goetsch thanked the First Selectman for attending the previous Shellfish Commission meetings. It was hoped that representatives of the Department of Agriculture would attend the Shellfish Committee meeting to answer questions and concerns regarding their actions in Branford's jurisdictional waters.

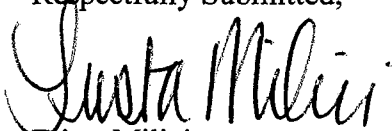
The Department of Agriculture purchased 930 acres of formerly private franchised shellfish beds in 2014.

When the Department of Agriculture first presented the purchase of the 930 acres the Office of Policy and Management denied the request. At the time they were proposing to purchase the beds for \$800,000 and OPM did not think that the Department of Agriculture had the authority to purchase.

In 2014, with a change in the law, that allowed the Department of Administrative Services to make purchase of these beds on behalf of on behalf of departments that do not have statutory authority to purchase. This loop hole allowed for the purchase but did not address the issue of jurisdiction. He believes that the Town of Branford still retains jurisdiction over these beds. He is requesting that the Board look into this issue to determine jurisdiction and the town's rights regarding this issue.

Motion made by Selectman Ahern at 7:00 p.m. Seconded by Selectman Higgins. Vote unanimous.

Respectfully Submitted,



Trista Milici
Clerk