**TOWN OF WASHINGTON**

**Board of Selectmen**

**Minutes**

**September 20, 2018**

***Minutes are subject to the approval of the Board of Selectmen.***

**Present:** Selectmen David Werkhoven and Jay Hubelbank.

Public: Stephanie Johnson, Lindsey Gruson, Richelle Hodza.

**Call to Order:** Selectman Dave Werkhoven called the meeting to order at 5:28p.m.

**Approval of Minutes:**

* **Motion:** To approve the minutes of the September 6, 2018 meeting of the Board of Selectmen as amended: First Selectman’s Report, River Road Easement should read “if the language in the current variance is changed to become a legal easement it can be approved by the Board of Selectmen. If the new owners of the property wish to buy the strip of land, it would need to be approved at a Town Meeting.” By Jay Hubelbank, seconded by Dave Werkhoven and unanimously approved.

**Communications:**

* **Charles Raskob Robinson** has sent a note “congratulating” the Selectmen and all involved for improvements to Washington and, in particular, on the Romford Road Bridge.

**First Selectman’s Report:** In Mark Lyon’s absence, Dave Werkhoven reported the following:

* **Board of Finance Meeting:** Parks and Recreation is slightly over budget for summer programs, however this is not considered to be a problem in the overall budget.
* **School Resource Officer** has been hired for Region #12.
* **New Highway Department employee** will start October 1, 2018.

**OLD BUSINESS:**

* **Transfer Station Update:** Selectman Jay Hubelbank has met with Liz Gugel and Jerry Crandall at the Transfer Station. They will be provided with tools such as a leaf blower, weed wacker and nail magnet. Jay has also been in touch with an engineer who will be looking into upgrading the power supply to accommodate converters for compactors.
* **WiFi in the Depot:** Jay Hubelbank reported that he is continuing to work with John Gueniat and EdAdvance to determine a “line of site” to the cell tower on Blackville Road in order to provide WiFi in the Depot for businesses and visitors. The coverage area would extend from the Depot to the Bee Brook Fire House.
* **Region #12 AGSTEM Bids** are due the second week of October with the hope that work can begin in early November. The cost of asbestos removal and demolition completed prior to the opening of school came in under what was budgeted. If all goes as planned, the new facility will open in September 2019.

**NEW BUSINESS:**

* **Conversations on the Green** has requested the fee for use of the Main Hall be waived for the lecture being presented on October 14, 2018. Proceeds from this lecture series goes to support the work of Greenwoods Counseling Service, New Milford Hospital and the Susan B. Anthony Project. **Motion:** To approve the request of Conversations on the Green (presented by Lindsey Gruson) to waive the fee for Use of the Main Hall. A deposit of $1500.00, insurance coverage and payment of custodial fees will be required. By Jay Hubelbank, seconded by Dave Werkhoven and unanimously approved.
* **Discussion of Land Use Hearing Officer appointment with Richelle Hodza, Land Use Enforcement Officer:** Richelle attended this evening’s meeting to explain the need for a Land Use Hearing Officer. When she (as the Town’s Enforcement Officer) issues a citation for being in violation, the recipient of the citation has the right to appeal. The Town has been without a Hearing Officer for several years. Commission minutes indicate that because there is no one in this position, the person who receives the violation does not have the opportunity for due process. The appointment of a Hearing Officer is made by the First Selectman. Richelle has recently issued notices of violation and, therefore, the need to have this position filled is imperative. First Selectman, Mark Lyon, will return next week and the importance of this appointment will be brought to his attention.

**Visitors:**

* **Stephanie Johnson** attended this evening’s meeting to discuss the clear-cutting that has been done on the property of Mr. Jay Kassis at 16 West Mountain Road without a permit. She presented the following letter outlining her complaint:

September 20, 2018

To the Town Selectman:

This summer Mr. Jay Kassis extensively clear-cut the wetlands at his property at 16 West Mountain Road without a permit and in clear violation of town regulations. He did this while claiming to be a "farm". Federal regulations do allow existing farms to alter wetlands. However, the exemption in the

Washington Inland Wetland and Watercourse Regulations for farm-owners clearly states wetlands shall not be reclaimed and only applies to the expansion of agricultural crop land (see section 4.01a of town regulations). The owner of this property has no animals or farm equipment and had no existing agricultural cropland. There was and is nothing about this property that is remotely farm-like. It is very obvious that the home-owner has cut himself a view at the expense of the wetlands.

Mr. Kassis was found in violation and fined $750, essentially determining that he should have never cut the trees. Despite this - the commission has now given Mr. Kassis permission to continue his "farm' project and further violate the wetlands - against the advice of the Wetlands Enforcement officer of the Town of Washington.

Mr. Kassis has done all this while serving as a Wetlands Commission member.

As a committee member, he knew the regulations and knew he would not be given a permit to clear-cut wetlands. So instead, he flagrantly and knowingly violated town rules to get what he wanted. Now the trees are gone, and he has been given permission to do what he would NEVER have been allowed to do if he had followed protocol.

Mr. Kassis has thus shown an arrogant disrespect for both the wetlands and the regulations he is supposed to uphold. Furthermore, he has also threatened me after I complained at a Wetlands meeting — telling my father-in-law that he was "building a case against me" unless I stopped being a "pest". It is completely unacceptable that Mr. Kassis has been allowed to circumvent the rules without significant penalty. It is even more unacceptable that he continues to sit on the Commission, passing judgement on other members of the community, while he himself has shown such a blatant disregard for basic civility, town regulations and the integrity of the Wetlands he is supposed to protect.

The Commission's failure to follow the Wetlands Enforcement officer's advice for remediation and their gutless response to this violation reeks of favoritism. If a commission member can commit such an egregious violation with only a minimal fine and continue to sit on the committee with no real penalty, why should any member of the community follow the committee's regulations? What is the point of the Commission if they won't stand up to those that break the rules and make them remedy their violations? What is the point of having a Wetlands Enforcement Officer if the commission does not follow her advice? What kind of precedent is this setting for future violators in the town?

I would encourage the Board of Selectman to look further into this matter. First, this has obviously created a huge loophole in the Wetlands regulations, whereby a person can simply commit any violation and ask for forgiveness later under the smokescreen of "farming". By allowing a commission member to do this, the committee has now set this dangerous precedent: any wealthy person can claim to be a "farm" — do whatever they want to the Wetlands — and pay only $750 in restitution. This should be remedied within the town regulations and with the Wetlands Committee. Second, the Board of Selectman should be responsible for upholding the integrity of all Town committees. A person who knowingly and unethically broke the regulations of the committee he was supposed to be serving is unfit for that office. He should not sit in judgement on other community members when he has proven that he has no respect for the Wetlands, the committee he sits upon or the town he is supposed to serve.

Thank you,



Stephanie Johnson

30 West Mountain Road

Washington, CT 06793

Following discussion with Mrs. Johnson and Enforcement Officer, Richelle Hodza, the Selectmen agreed to look into the matter.

**Adjournment:**

* **Motion:** To adjourn the meeting at 6:12p.m. as there was no further business for discussion. By Dave Werkhoven, seconded by Jay Hubelbank and unanimously approved.

Respectfully submitted,

Mary Anne Greene

Selectmen’s Secretary