



**WESTBROOK CITY COUNCIL
COMMITTEE OF THE WHOLE MEETING MINUTES
MONDAY JANUARY 27, 2020
WESTBROOK HIGH SCHOOL ROOM 114**



CALL TO ORDER

Meeting called to order at 6:08pm by Committee of the Whole Chair David C. Morse.

City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Gary Rairdon (Ward 4, President)

City Councilors Absent: Anna A. Turcotte (Ward 3, Vice President); Elliot Storey (Ward 5)

Other City Officials Present: Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Eric Dudley (Director of Engineering & Public Services); Stephen Fields (Assistant City Administrator/Director of Human Resources); Michael T. Foley (Mayor); Angela Holmes (City Clerk); Katherine Kelley (Wastewater Manager); Arty Ledoux (Public Services Director of Operations); Leah Rachin (Legal Counsel)

APPEAL OF SEWER COMMISSION DECISION – NOTICE OF VIOLATION ON HAWKES STREET

Committee Chair Morse gave the floor to Mr. Bryant to provide an overview of the appeal. Mr. Bryant stated that Robert Moseley of 138 Hawkes Street has appealed the decision of the Sewer Commission to uphold a Notice of Violation issued by the Public Services Department. Ms. Burns represented the Sewer Commission during the initial appeal of the Notice of Violation, which is why the City has retained conflict counsel through Ms. Rachin to represent City Council during the appeal of the Sewer Commission's decision.

Mr. Bryant gave the floor to Ms. Rachin, who explained the process for this de novo hearing. The appellant (Mr. Moseley) has the right to present his evidence to City Council. Ms. Kelley, who issued the Notice of Violation, will then present the City's evidence. Mr. Moseley will have the opportunity to present a rebuttal. After the rebuttal, the Committee should close the hearing and deliberate. The Committee will publicly deliberate but take no action. Based upon the deliberations, Ms. Rachin will draft Findings. During the City Council meeting (immediately following the Committee of the Whole), Council will vote upon the Findings. City Council's options will be to either affirm the decision of the Sewer Commission, or to reverse the decision of the Sewer Commission (which would require a two-thirds vote).

Councilor Chau noted for the record that on October 7, 2019 Mr. Moseley emailed him about his decision to appeal to the Sewer Commission. Councilor Chau met with Mr. Dudley to learn about the appeal process and took no further action once he understood that the Sewer Commission was the body to whom Mr. Moseley had appealed. Councilor Chau stated that he feels he has no more information than the rest of City Council and could fairly and impartially deliberate on this matter without prejudice.

Ms. Rachin asked Mr. Moseley if he had any objections to Councilor Chau's participation in the appeal. Mr. Moseley indicated that he had no objection.

Committee Chair Morse gave the floor to Mr. Moseley for his initial presentation. Mr. Moseley presented his case and handed out photographs of the sewer line and street.

The following individuals presented questions to Mr. Moseley: Ms. Rachin, Councilor Rwaganje

Committee Chair Morse gave the floor to Ms. Kelley for her presentation. Ms. Kelley displayed several photos of sewer lines and the street.

Committee Chair Morse opened the floor for comments and questions. The following individuals spoke: Ms. Rachin, President Rairdon, Committee Chair Morse, Ms. Kelley, Mr. Moseley, Councilor Shaughnessy, Councilor Chau, Mr. Dudley, Ms. Burns

Committee Chair Morse gave the floor to Mr. Moseley to present his rebuttal. Mr. Moseley spoke.

Upon conclusion, Ms. Rachin reiterated that deliberations would take place in this Committee of the Whole meeting, but that no final vote would be taken by this body. She would draft Findings based upon the deliberations, and City Council would vote upon those Findings during the City Council meeting scheduled to take place immediately following the Committee of the Whole.

Motion to close the hearing.

Moved by Councilor Chau, seconded by President Rairdon.

Motion carried by a show of hands. None opposed.

Committee Chair Morse opened the floor for deliberations. The following individuals spoke: President Rairdon, Committee Chair Morse, Councilor Shaughnessy, Councilor Rwaganje, Councilor Chau

Motion to direct legal counsel to draft Findings consistent with the Committee's deliberations.

Moved by President Rairdon, seconded by Councilor Chau.

Motion carried by a show of hands. None opposed.

ADJOURNMENT

Motion to adjourn at 7:18pm.

Moved by Councilor Chau, seconded by President Rairdon.

Motion carried by a show of hands. None opposed.