

Special Board of Selectmen's
March 15, 2012

Present: First Selectman Gayle Weinstein; Selectman David Muller; Selectman Dennis Tracey; Town Administrator Tom Landry; Administrative Assistant Judy DeVito; Residents and members of the press.

This meeting was recorded and videotaped. Copies are available in the Selectmen's office. The meetings are available online on the Town website.

Ms. Weinstein called the meeting to order at 8:30pm

Pledge of Allegiance-

Discussion/decision regarding Technology lease agreement approval request from the Board of Education- Dr. Keating said the reason they bring this before the Selectmen is so that they can take advantage of the tax exempt rates that the Town can get. They went out to bid a week or so ago and JPMorgan Chase was the lowest bidder at less than 1% for the four year lease. This was in the budget last year as a new lease for this year and it is a continuation of their program.

This is equipment that has been purchased or will be purchased. What they do is they purchase the equipment, pay for it and at the end of the project they go for the financing and reimburse themselves.

Ms. Weinstein said Attorney Sullivan reviewed all the documents and had a question about the arbitrage certificate. She didn't know whether the Town was properly identified as a small issuer. Dr. Keating said to keep it bank qualified, is what she might be referring to. You have to be below 10 million dollars in debt when you're issuing on an annual basis and she believes that we are not going to be issuing debt in the amount 10 million dollars this year. Ms. Weinstein said no, she didn't think so. Ms. Weinstein said she will get confirmation of that prior to signing the agreement.

Mr. Muller moved to authorize the First Selectman to sign the lease documents with JPMorgan for the purchase of school technology equipment. The Board of Education will be responsible for the lease payments. He further moved that they approve the Resolution and Declaration of Official Intent. Mr. Tracey seconded and the motion passed unanimously.

Discussion/decision regarding recommendation by the Building Committee to award a contract for the Middle School Doors & Windows project to A. Secondino & Son. Allen Swerdlowe went through some of the history of the project. He said to achieve the time line they have had some constraints. The biggest one is the environmental protection agency who needed multiply months to review their documents. They have an environmental consultant, Eagle Consulting that drew up the documents for abatement of PCB's. The documents were approved in early February which left the committee with very little time to get the project on the way. After everything was done they were left only a 2 ½ week bidding process. In order to give sufficient lead time to get the windows

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for the project, they needed to have a bid in by March 5th and they have to award that bid by March 19th.

Mr. Swerdlowe said they had four people walk through the job and three bidders. The three bidders were CWI windows, Cherry Hill windows and Secondino and Son. Even though the numbers were high they were all within the same range. The high bidder was 2,483,000 and the low bidder was at 2,143,000. They were initially given estimates 1.5 million for the project. They asked their consultants to take a closer look at the numbers. After looking at the numbers, the bid on the contaminated earth that had to be removed and disposed of properly was bid incorrectly. In terms of adjustment Secondino and Sons came back and said if in fact the soil is contaminated at 50,000 parts per million or less they will remove \$34,650 from the bid.

Since there were two areas they can also credit back to the bid an additional \$50,000 because they are not doing that work. One of the reasons this is so expensive is that they are working between school schedules and want to make sure that they can get the job done. Secondino said if they could work a second shift they could probably save another \$30,000. Ms. Weinstein said the school would have to make the decision on a second shift. Another option would be to take the soil removal out and do that at another time. After the adjustments a total of \$87,000 would be deducted from the bid.

Ms. Weinstein said they had a total amount of dollars to do both schools. This bid came in a lot higher than they had anticipated and if they go on and do the Middle School project they are going to have to come back and appropriate more money to finish the High School project. Any money that they save on this project means that there is more money for the High School project. Mr. Swerdlowe said if we left the soil in and took all our other credits we would be down to an adjusted price of \$2,047,794 and that is if they did double shifts. There is also a state grant of \$355,000 for this portion of the work which will expire on June 23rd 2013.

When the bids came in, their abatement consultant was at the table and he said that he felt the bids were approximately \$150,000 to high. Based on a representation that he could probably get \$150,000 back on the project by working with the abatement subcontractor, and after vigorous debates about the project, the committee voted 3 to 2 to recommend that we go forward with the project. Once they found out that they were not getting \$150,000 back from the abatement contractor, one of the committee members called and said he would like to rescind his vote. Mr. Swerdlowe said when you look at the numbers there was never \$150,000 to give back.

Ms. Weinstein said that her biggest concern is Eagle Environmental had said that they don't know whether these bids are anywhere between zero and \$200,000 more than they should be. Ms. Swerdlowe said he did not know where Eagle Environment got those numbers.

Mr. Swerdlowe said he has no problems with Secondino but he has problems with some of the consultants. He spoke to three references for Secondino and they were all every

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good. One gave a rating of 8+ on a scale of 1 to 10. The other gave a rating of 9 and another 10.

Mr. Muller asked if we were under time pressure in terms of approving the contract. Mr. Swerdlowe said the contract has to be approved now. If we don't issue a letter of intent to the window manufacturer now, we will not get the windows in time for the project to begin. Mr. Muller said there were too many unknowns at this point for him to make an educated decision. He had not seen any information on this until he got to the meeting and with the uncertainty that is going back and forth, he can't in good conscious award a multimillion dollar contract without greater clarity as to what the numbers are.

Mr. Tracey said he completely agreed with Mr. Muller. He didn't see anything about this until today. He hears that 3 out of 5 people are against it on the committee; He hears there are questions about the bidding, that the number came in \$500,000 over what we expected and we don't think that we got a full pool of bidders. He has no analysis as to whether the bidding was adequate or not. He said he can't vote for this. Mr. Landry said they had until the middle of next week to make a decision. Mr. Tracey said he could not vote on it tonight or he would vote against it if we did. He would read the memo that was given to him and send his questions to Mr. Swerdlowe. He needs a written analysis of what the issues were and how we get over them.

Mr. Wolf said he was one of the two initial committee members that voted against going forward with the project. David Coprio was the other, and Jack Davidoff was the one who changed his mind after he found out that there would not be a significant reduction in the abatement cost.

Mr. Wolf said he and Mr. Coprio took the position that they did because they felt that it was a tainted bid. He felt that the architects did not properly solicit interest in the construction community and they had ample time to do this. As a result they ended up with one general contractor figuring the project and two window installers figuring the project. In his mind they had one general contractor bidding on a 2 million dollar project.

Two abatement contractors bid on it and neither of them visited the site. They were looking to go with the Effco window if possible, and they instructed the architect to put it in as an alternate. He believes the architect went out into the market place and let it be known that Effco was the preferred choice therefore none of the other windows manufacturers bid the project.

Mr. Wolf and Mr. Coprio felt that the project was not bid properly for whatever reason. They did not feel comfortable that the Town spend 2+ million dollars to go forward with this project this summer because they felt that they could get better pricing and more competitive bidding if they delay the installation.

Ms. Weinstein said we would call a Special Meeting next week with the Building Committee. Selectmen should send Mr. Swerdlowe all the questions and she would like to schedule a conference call with Kaestle Boos to get some answers for the Board.

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Discussion/decision regarding redistricting- Registrars- Susan Moran said in 2010 there was a new census and the census prompted a redistricting in the State of Connecticut for Congressional Districts, State Senate Districts and State Representative Districts. Weston only had changes in the State Senate Districts. There are 5999 residents living in district 26 and 4,180 residents living in district 28.

The State issued Town maps which the Registrars gave to Ken Whitman, the Town Assessor, and asked him to marry the State Town Map with their lot maps. The State Statutes mandate that they present it to their governing body and that the Board of Selectmen sign off on it.

Mr. Tracey moved that the Board of Selectmen verify the Town Redistricting Map and Street list as presented by the registrars. Mr. Muller seconded and the motion passed unanimously.

Discussion/decision regarding the appointment Hillary Koyner to fill the vacancy (John Kirchner) as an alternate on the Board of Assessment Appeals for a term to expire December 13, 2014. Ms. Koyner said she grew up in Manlius outside of Syracuse and went to college at Brandeis University and got her Master's in Public Health at Yale University. She's lived in Weston since 2005 and has three kids at Hurlbutt Elementary School.

She wants to be on the Board because she is happy to serve her community. She has no real estate background, it is just a personal interest. Ms. Weinstein said as an alternate, she will have an opportunity to learn.

Mr. Muller moved to appoint Hillary Koyner to fill a vacancy of John Kirschner as an alternate on the Board of Assessment Appeals for a term to expire December 13, 2014. Mr. Tracey seconded and the motion passed unanimously.

Discussion/decision regarding a supplemental appropriation for electronic posting of the Town Code- Sharon Shattuck- Ms. Weinstein said that we discussed this item a month ago and Sharon went back to General Code and worked with them to come up with a price that would include them reworking our code from 2004 through the present as well as the incorporation of the Town Charter. The cost of \$5,000 would also include six code books and once we do this, we will review it and get it online.

Mr. Muller moved to approve a supplemental appropriation of \$5,000 for electronic posting of the Town Code. Mr. Tracey seconded and the motion passed unanimously.

Discussion/decision regarding the proposals for the Lachat property- Carol Baldwin gave an update on where they are as of today in terms of fundraising. They have a total in cash, checks, pledges and the Connecticut Trust for Historic Preservation planning grant of \$125,000+. She is getting a few checks in a week. They have gotten more than 100 different donors. They are applying for another grant from the 1772 foundation which

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looks promising. That grant is for \$15,000 and she feels confident about that in June. They are also talking to a local bank that has a community grant.

Ms. Weinstein asked when the pledges would become checks. Carol said a couple of pledgers were uncomfortable writing a check to the Town of Weston and they are waiting for the 501c3 to clear which could be in a month or three weeks.

Mr. Muller asked how we get a better handle on how much of the \$85,000 in the endowment fund would be available for use. Ms. Weinstein said that she would be comfortable looking at a number closer to \$50,000. Mr. Tracey said the Board would have to agree among themselves, make a resolution, and then apply to the Nature Conservancy for distribution. Mr. Tracey said our agreement says that we are entitled to the entire \$85,000 so the Nature Conservancy does not have discretion on this it is really the Town's decision whether we want to use the entire \$85,000 which is earmarked for maintenance primarily.

Mr. Muller said that we have seen tremendous progress. Carol will ask the architect if they can segment the project to different phases. Phase 1 would be structural and external, protective measures. Mr. Tracey asked if they voted in favor of it who would oversee the construction project. Ms. Weinstein said it would have to be a Town project. She said Carol and the Lachat committee if that is what will be formed will be intimately involved. Mr. Tracey said he would like to understand how that will happen before it gets started.

Ms. Weinstein said that they had gotten some interesting proposals and they had promised that they would have discussions through the end of the month so we will start the discussion today and carry it over to our next meeting. A lot of the proposals centered around some sort of community farm. We heard that people might be interested in using the sledding hill again for some sort of outdoor recreational activity and we have gotten some interesting proposals for a dog park. Mr. Tracey added that there were a number of cultural possibilities including art and culture and education so it was a great mix.

Carol Baldwin said that when they sent out their fund raising appeal they had a little survey section on it and not everyone filled it out but they got 21 votes for a farm stand, 15 votes for community rental plots, 6 votes for summer camp programs and eight votes for art classes. There were also a couple of write-in things.

Mr. Eldon, Godfrey Road said a dog park is not good fertilizer and you have to watch where you step. He asked when the property was going to be mowed. Ms. Weinstein said she would check on it.

Georgiana Silk, Godfrey Road said she went for a walk with Liz Ward across the meadow and she pointed out that there are little vine things growing that you can trip on and they are taking hold in the field. She said that they were sending in proposals and have no parameters based on what the Mr. Lachat had in the agreement. Ms. Weinstein said that we will probably talk at our next meet about forming a committee and what we

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want the mission of the committee to be. Before forming the committee they really wanted to hear ideas to get some sense so the Board could look at it and form a collective vision which would help them form the kind of committee that they would want.

Larry Ligget, Godfrey Road East said that he would love to set-up a blacksmith shop and teach all the little kids in Weston how to do blacksmithing. He asked if all the decisions have to be made by the end of the month. Ms. Weinstein no, this is going to be an evolving project. Mr. Tracey said he thought that we should start small and build and see what works and what people like to do and be able to experiment. Mr. Muller said he wants a small footprint and he wants to make sure that we are not doing anything that would preclude a change down the road or a new idea.

Susan Baron, Old Hyde Road said she hope that everything we do will be green.

Margaret Wirtenberg, Wilson Road said she has following this for years and she is glad the Town saved it to begin with. She had heard farming said many times and we have Norfield Grange and that is where farming really starts. There should be a way of working together with the grange on this and get their contribution.

Hillary Koyner, Godfrey Road said that Nick Mancini was an organic gardener who is teaching her how to live of the land. She will get a phone number for Ms. Weinstein to get in touch with him.

Ms. Weinstein said she appreciated all the ideas and we will talk about this again at the next meeting.

Discussion regarding the Board of Ethics opinion on the Finkel matter. Ms.

Weinstein said that in order to have some closure on this issue, she wanted to make it known that the Board of Ethics did rule, and that the Board of Ethics do not believe that Mr. Finkel has any conflict of interest serving on the Board of Finance. Mr. Tracey said he would like to express his gratitude to the Board of Ethics for working so hard to get to the right answer. He said the opinion was extremely well thought out, carefully analyzed decision and they worked hard on it and he appreciates it. Both Ms. Weinstein and Mr. Muller also expressed their thanks.

Request for property tax refunds

Stanley B. Scheinman	\$1,285.92
David R. Hilary C. Felton	\$261.29
Barbara D. Hennings-Huep	\$217.01
Macri Properties	\$405.98
Mercedes –Benz Financial Services	<u>\$235.90</u>
Total	\$2,406.10

Mr. Tracey moved to approve property tax refunds in the amount \$2,406.10 as listed on the March 15, 2012 Special Board of Selectmen's agenda. Mr. Muller seconded and the motion passed unanimously.

Open Items

Updates

Grants- Gayle Weinstein- No new news

Emergency Preparedness- The volunteer coalition now has over 100 people who signed up to be block captains. They are still looking for more block captains and the information is on the website. CERT training took place last week and Ms. Weinstein is a community emergency response team member. Most of the people in the class were try to be SART volunteer and not CERT volunteers. SART are the State Animal Response Team so they learned a lot about animals. Weston is now a certified CERT community.

Mr. Muller said he attended training in Westport on how to set-up and manage emergency shelters.

Lachat- Discussed previously

Regionalization- Ms. Weinstein said nothing to report publicly except that conversations do continue particularly among the police departments in the area. This was something that was made particularly clear to her from the Board of Finance as well. They want us to continue looking at options for sharing among communities and regionalization.

Legislative update- Britta Lerner went to Hartford with Ms. Weinstein who testified at a public hearing. The purpose of the hearing was to try to eliminate some of the trouble damages and personal liability for Zoning Enforcement Officers. One of the issues is that Zoning Enforcement Officers are hesitant to issue citations because they could personally be held liable. Ms. Weinstein testified on behalf of the SWRPA and the MPO and Ms. Lerner read testimony submitted by the eight Town Planners. They were successful in getting the Planning and Development committee to make our proposed change. It now will have to pass the House and the Senate.

Ms. Weinstein said they were looking to change the percentages that the employee and the employer pay on the MERS plan. Mr. Landry presented testimony on behalf of CCM and she presented testimony on behalf of the Town of Weston. Representative Shaban, Senators Boucher and McKinney also joined them and presented testimony as well as did First Selectman Natalie Ketcham from Redding. They haven't heard anything yet.

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**Discussion/approval of the Special Board of Selectmen's minutes of February 13,
and February 14, 2012 and the Board of Selectmen's minutes of February 16, 2012**

Mr. Muller moved to approve the Special Board of Selectmen's minutes of February 13,
and February 14, 2012 and the Board of Selectmen's minutes of February 16, 2012. Mr.
Tracey seconded and the motion passed unanimously.

At 10:25pm Mr. Tracey made a motion to adjourn the meeting. Mr. Muller seconded and
the motion passed unanimously.

Respectfully submitted

Judy M. DeVito
Administrative Assistant
Approved 4/5/12