

Board of Selectmen's Meeting  
March 20, 2014

**Present: First Selectman Gayle Weinstein; Selectman Dennis Tracey; Town Administrator Tom Landry; Administrative Assistant Judy DeVito; Department heads; residents and members of the press. Mr. Muller was absent**

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

**Ms. Weinstein called the meeting to order at 7:30pm**

**Pledge of Allegiance-** Ms. Weinstein led the meeting with the Pledge of Allegiance.

**Discussion/decision regarding grievance AFSME Local 1303-41 re: Kevin Lane**  
Lisa McKinnon stated that the grievance relates to the way the discipline has been given. Specifically, she stated that the grievant objects to (1) the combining of three disciplinary actions in one letter and (2) disciplinary action from December 2009 should not be in file because it is over 18 months old.

Ms. Weinstein said that she would have issued a suspension. She stated that nothing is more important than safety. In this situation, a crew member who during a storm should know that his responsibility is to be near his phone, in fact it's one of his primary duties and responsibilities listed in his job description, and when he doesn't show up, it puts pressure on the rest of the crew. She said she is not concerned about the overtime but she's concerned about the safety of the residents. She also looks at this as protecting the other DPW workers.

Ms. Weinstein stated she would have no problem taking out the December 2009 incident from the disciplinary letter but issuing a written warning at the very least, still stands. Mr. Tracey said he fully agreed. He stated that the employee abandoned his post at a time when he is most needed and to come to a public forum and file a grievance against the Town when you have put your colleagues in danger is very surprising. Mr. Tracey stated that he does not accept the grievant's arguments, and he thinks that this is a very lenient and progressive discipline process. Grievant was warned each time he failed to show up during a storm without calling DPW or being available to receive a call, and yet he did it a second and third time. .

There was discussion concerning whether the plowing incident was one issue, and the compactor incident was a separate issue, and therefore, should be treated separately with regard to discipline. Mr. Tracey asked if they wrote it up as two separate memos, would that satisfy the Union. Ms. McKinnon said they might have less of an issue. Mr. Tracey asked if they are prepared to withdraw the grievance if they divide it into two memos. Ms. McKinnon said they would caucus about it and let the Selectmen know.

**Discussion/decision regarding grievance AFSME Local 1303-41 re: George McGarry-** Ms. McKinnon said that this grievance was filed because they believe someone retired and was being denied the opportunity to purchase life insurance. This

has to do with two issues. First a past practice. In the past, when people retired they were given the option of purchasing life insurance at the group rate. At first he was told he couldn't and then he was told he could get a separate policy but it wouldn't be a group policy. There were two people who retired in 2001 and one in 2005 and they still have life insurance that they purchased at the group rate.

The second problem refers to the change of carriers. The article says that the Town should provide 60 days' notice to the Union and consult with the Union prior to implementing any change. The Union was never notified that there was to be a change in the carrier or the insurance plan and subsequent that the new insurance carrier was no longer going to allow retirees onto the plan.

Mr. Landry said that the life insurance policy went to a new company in 2003 and then in 2006 it went to Genworth. He believes in 2008 Genworth was bought by Sun Financial. In 2011 the company said they have a new policy that, absent contractual obligation, at the time they took over the coverage, you cannot qualify for the group price unless you're an employee. In 2006 or 2008 they said that but the Town got them to grandfather everyone in and they said we will take new people if you have a contractual obligation to extend coverage to those people.

Mr. Tracey asked if the contract has any requirement to extend life insurance to retirees at the group price. Ms. McKinnon said no, but it is a past practice, no one ever came to them to supersede the past practice. Mr. Landry said that if you look at the Union recognition clause in this contract it applies to employees not retirees. Past practice is binding to you on bargaining unit employees. Retirees, by definition of the contract, are not bargaining unit employees. Ms. McKinnon said if they agreed to make a change with the carrier that that should have been brought to the Union's attention. Mr. Landry said that the insurance carrier imposed the change on them.

Ms. Weinstein said that our attorney was unable to attend the meeting tonight and she would like to have a little more information and sit down with the attorney and figure out something that's fair to the Town and fair to George as well. Ms. McKinnon said they are willing to extend the timeline on this grievance.

**Discussion/decision regarding the nomination of Barbara Reynolds as the Moderator and Robert Uzenoff as the Parliamentarian for the ATBM on April 23<sup>rd</sup>, 2014.** Mr. Tracey moved to nominate Barbara Reynolds as the Moderator and Robert Uzenoff as the Parliamentarian for the ATBM on April 23, 2014. Ms. Weinstein seconded and the motion carried

**Discussion/decision regarding the appointment of Denise Maxcey to fill the vacancy (Debbie Rehr) on the Board of Assessment Appeals for a term to expire December 31, 2017-** Denise said she been a resident for almost 12 years and has been in Real Estate for over 25 years. She has extensive background in appraisal review and broker price opinion review. Currently she is a practicing realtor for Halstead property in Westport. Mr. Tracey moved to appoint Denise Maxcey to fill a vacancy on the Board of

Assessment Appeals for a term to expire December 31, 2017. Ms. Weinstein seconded and the motion carried.

**Discussion/decision regarding amending the FY2014/2015 Operating Budget to include additional hours for the Senior Center-** Ms. Weinstein said she didn't know how she feels about bringing forward an amended operating budget but she would have no problem making a recommendation or endorsing something which the Board of Finance does have the option of doing, which is increasing the budget. We did get a letter from Dr. Palmer assuring us that we would have the 13 parking spots on Fridays. They are working with the Board of Education to determine whether they can find an asphalt area that is suitable for play and they are having conversations to determine whether it's possible to expand the senior center. The Board of Education wants to have a formal vote before we discuss any of that and if it does come to fruition, then they will bring that back to the Board as a supplemental appropriation to cover any additional proposed costs.

Helen de Keijzer said that having the 13 parking spaces available changed the possibility of them being open on Friday and having that presence every day of the week would be an asset for the Town. They need an MOU that is for a longer period of time and not for just one year.

Ms. Weinstein said they are asking to increase Wendy's hours by 3 hours and they feel they need a third part-timer. They are looking at a third person on a part time basis because the second person there is up to the point in her hours where the next hour is very expensive because of the benefits. She also thinks that there is increased flexibility if there is a third person present and she is asking for 10 hours for that person.

Mr. Tracey moved that the Board of Selectmen endorse and recommends to the Board of Finance an increase in the Seniors Services budget of \$15,158 to cover expanded hours at the Weston Senior Center. Ms. Weinstein seconded and the motion carried.

**Discussion/decision regarding accepting a gift from Weston Little League of a small scorekeeper's shed and field lights on Bisceglie field #1.** This item was tabled until the next Board of Selectmen's meeting.

**Discussion/decision regarding ballot questions for the upcoming**

**ATBM/Referendum.** Ms. Weinstein said we have the same situation as last year where we have to determine the ballot questions prior to the Board of Finance setting the numbers.

Mr. Tracey moved to approve the ballot questions for the upcoming ATBM/Referendum as follows:

Question 1: Shall the Town Operation budget for Fiscal Year 2014-2015 as determined by the Annual Town Budget Meeting be approved

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Question 2: Shall the Board of Education Operating Budget for Fiscal Year 2014-2015 as determined by the Annual Town Budget Meeting be approved

Question 3: Shall the Capital Budget for Fiscal Year 2014-2015 as determined by the Annual Town Budget Meeting be approved. Ms. Weinstein seconded and the motion carried.

**Discussion/decision regarding Lachat property grant application.** Mr. Landry said that the grant we are receiving is a \$17,500 which is a dollar for dollar match of the money that was raised by the Lachat committee. They are getting raised beds, soil for the beds, a hoop house and a pump for the hoop house. They total about \$35,000. We have to certify a resolution and we have to affirm that we have a nondiscrimination policy.

Ms. Weinstein moved to approve a resolution between the Town of Weston and the Department of Agriculture for a grant for the Lachat property. Mr. Tracey seconded and the motion carried.

## **Open Items**

### **Updates**

**First Selectman updates-** At the Global Facilities Committee meeting this morning they discussed that it would make sense to try to bring the Land Use and Human Services Department back to Town Hall and build a new Police Station for the Police Department. The next step would be schematic design. Allen Swerdlowe from the Building Committee was there and he would like to have a conversation with Bryan Humes before we move on to the schematic phase. In that building they will build a Communication Center and an Emergency Operation Center. She spoke to Congressman Himes's office and there are grants available to help build these kinds of centers so hopefully we can help offset some of the cost for that. Mr. Tracey said he was okay moving to the next step.

The bylaws for the COG are with the attorneys. They are sorting out the details. New Canaan, Wilton, Greenwich and Darien are all set in starting their process.

Ms. Weinstein and Mr. Landry went to Hartford and testified in favor of the MERS bill. The bill is so that the employees would increase their contribute share by 1%. She and Tom asked for a second tier so that it wouldn't necessarily impact current employees. The Bill did pass out of committee but passed un-amended so in its current form it would impact current employees.

**Any other business to come properly before the meeting. None**

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**Discussion/approval of the Board of Selectmen's meeting minutes of February 24, 2014, Special Board of Selectmen's meeting minutes of March 7, 2014 and Executive Session minutes of January 16, 2014.** Mr. Tracey moved to approve the minutes of the Board of Selectmen's meeting of February 24, 2014 and Executive Session minutes of January 16, 2014. Ms. Weinstein seconded and the motion carried.

At 8:51pm Mr. Tracey moved to adjourn the meeting. Ms. Weinstein seconded and the motion carried.

Respectfully submitted

Judy M. DeVito  
Administrative Assistant