

Board of Selectmen's Meeting**June 19, 2008**

Present: First Selectman Woody Bliss; Selectman W. Glenn Major; Selectwoman Gayle Weinstein; Town Administrator Tom Landry; Administrative Assistant Judy DeVito and Residents.

This meeting was recorded and video taped and the tapes are available in the Selectmen's office and the Building Department, respectively, for further reference.

Mr. Bliss called the meeting to order at 7:44pm

Pledge of Allegiance:

Accept the resignation of Sonja Ahuja from the Commission for the Arts effective June 30, 2008. Ms. Weinstein made a motion to accept the resignation of Sonja Ahuja from the Commission for the Arts effective June 30, 2008. Mr. Major seconded and the motion passed unanimously.

Discussion/decision regarding the reappointment of Christine Lomuscio to the Commission for the Arts for a term to expire June 30, 2010. Mr. Major made a motion to reappoint Christine Lomuscio to the Commission for the Arts for a term to expire June 30, 2010. Ms. Weinstein seconded and the motion passed unanimously.

Discussion/decision regarding the reappointment of Donna May Robinson to the Commission for the Arts for a term to expire June 30, 2010. Ms. Weinstein made a motion to appoint Donna May Robinson to the Commission for the Arts for a term to expire June 30, 2010. Mr. Major seconded and the motion passed unanimously

Discussion/decision regarding the Town of Weston and Nature Conservancy development of Lachat- Steve Patton- Mr. Major said he is looking for direction from the Board of Selectmen as to where to take this. Mr. Major said they had formed a committee after the Town's people had decided that they did not want what had been voted on. The committee held public meetings and took public input and went back and forth with the Nature Conservancy and ultimately the Nature Conservancy came back with a proposal that they were prepared to proceed with and that is what he wanted to present.

The Conservancy is prepared to install the parking area at the entrance into the Devil's den preserve from the Lachat property. There are two additions to that which are, although the work does not need to be instituted, the parking lot work would be done immediately, although the rest of the work does not need to be done immediately. They do want Town approval for the conversion of the existing home to be converted into the offices and for the renovation of the barn to create the meeting room and bathroom facilities that was discussed through the public meetings. The Nature Conservancy is not opposed to that being done at this time and they are prepared to proceed with that with the understanding that the cost of that be shared equally. The plans done for the house need to be reviewed to be sure they are still accurate for the house.

Steve Patton said that there was no time schedule at this point and was open to what the Town wants to do. He said he thought it was important that the house renovation and parking lot be done simultaneously. It was important for them to have some presence there a good part of the time. There is an endowment fund in place that will pay for most of the capital cost.

Mr. Bliss said his major concern at this point is maintenance, because the house has been empty for a couple of years and it needed attention before and needs attention now. Mr. Major said through the public meeting, they had talked about the possibility of a portion of the property being used as a community garden. Mr. Patton had gone back to the council and was told that a community garden was not in keeping with the deed restrictions, that both the Town and the Conservancy placed on it, so that is not a viable option.

Ms. Weinstein asked if they were going to keep the exterior the same when they renovate the house. Mr. Patton said there would be a little modification to the footprint in the back of the house in order to accommodate a code compliant staircase on the second floor. Mr. Major said the next step would be that the Conservancy puts together a three person panel the Town puts together a three person panel. Those six people would put together a cohesive plan that would then come back to the Town.

Mr. Major said the money in the trust fund can only be used for maintenance, not for capital. If we look back the Nature Conservancy was very liberal in the Town's repayment plan and assuming that their position has not changed, we may be able to time it to the bonding issue or at least defer some of the payments and worked out a fair payment schedule.

Ms. Weinstein said she felt that it was wise that they reconvene the committee.

Mr. Bliss opened the discussion to the public in attendance at the BoS meeting.

Ms. Christine Lomuscio asked how many cars would the parking space area be for. Mr. Bliss said that was not established as yet, but the new committee would be looking at that. Those meetings would also be public so the public could participate in them.

Mr. Don Eldon asked if we could in fact sell this property, and he wanted to know where the economics comes in on this. Mr. Patton said they had originally planned to do a lot more educational outreach in the prior structure. Mr. Major said the Town owns a half interest in the property and the Conservancy owns a half interest, and there are mutual deed restrictions. If either one of the parties wanted to sell their half interest they would take it subject to the restrictions that are placed on the property. The deed restrictions specifically make the property available to the people and insure that it can never be developed.

Ms. Carolyn Mulcahey asked if the deed restrictions were in perpetuity. Mr. Major said yes. Ms. Mulcahey asked about the committee. Mr. Major said that the committee would

have to be recreated and some of the people that were on the committee no longer live in Town. He said the BoS will have to advertise the openings and then interview people before our side of the committee gets established. Ms. Mulcahey asked when the meetings occur if they could be on a set schedule.

Mark Harper said that he was glad to see that both sides were getting together and moving forward for Leon Lachat and the Towns dreams to see this happening.

Mr. Major said before we advertise for people to build a committee that we should have a committee charge in place and he has not written one. He said he would put this on the next agenda. Mr. Major will do a mission statement so when it is advertised they will know what they are applying for.

Discussion/decision regarding ordinance on alternative energy - Martin Strasmore

Kassandra Strasmore and Diedre Doran from the Select Committee on Global Warming Committee (GWC) said they sponsored earlier this year was a tour of four green homes in Weston. Ms. Strasmore said they applied and received a grant from the New England Grass Roots Environmental fund for \$2,142 to help the Anti Idling Program. They wanted to introduce a change in the behavior patterns of families picking up their kids.

She said they hosted a National Conference to talk about what they could do to create change in their own Towns. This past year 118 families in the Town of Weston signed up for clean renewable energy and because of this, Sterling Planet gave a check to the Town for \$1,500. The GWC is planning to sign up another 100 families this year by the end of 2008 so that in the spring of 2009 Weston will receive a check for \$3000.

Last night they had a small conference at the library dealing with specific questions from families. The focus was how they could help themselves and their homes to create a better environment and save money. The committee has really been focused on education of the town residents to reduce our carbon footprint and save our families and town money.

Discussion/decision regarding an ordinance on property tax on fuel efficient automobiles getting 40 miles or more to the gallon. - Martin Strasmore

Diedre Doran said that the GWC recommends that the Town of Weston adopt a proactive stance regarding passenger vehicle use and home improvement that will reduce the creation of greenhouse gases. The State of Connecticut has eliminated sales tax on passenger vehicles that achieve more than 40 miles per gallon as set by CAFE standards. There are only two automobiles on this list, Honda Civic Hybrid and the Toyota Prius.

The committee wants to offer support to Weston citizens by offering tax abatements, as promoted by CT state legislation. They have written an initial draft of a resolution and met with Mr. Bliss and Town Attorney Ken Bernhard to discuss the drafting of an ordinance. The State of Connecticut has enacted a provision that creates opportunities for Towns to offer tax abatement for fuel efficient vehicles. The Town of Orange has already enacted tax incentives.

Mr. Major asked how many automobiles were in Town. There are 69 such automobiles. Ms. Doran said that they wanted Weston to be a leader in authorizing the adoption of the state statute. They discussed with Mr. Bliss and the Town Attorney Ken Bernhard the creation of an ordinance to provide guidance to our Town's residents.

Ms. Weinstein asked Mr. Bliss if he was going to recuse himself from the vote since he owned one of cars that were mentioned. Mr. Bliss said yes. He said if you owned one of the cars, you would still have to apply each year for an exemption.

Discussion/decision regarding the Agreement for Paramedic Services between Norwalk Hospital, the Town of Wilton and the Town of Weston. Mr. Bliss said there were a few minor changes that had to do with insurance that Attorney Bernhard made, but by and large it was the same. Mr. Major made a motion to authorize the First Selectmen to enter into the Agreement for Paramedic Services dated June 17, 2008 as submitted. Ms. Weinstein seconded and the motion passed unanimously.

Discussion about the proposed conclusions and recommendations from the Legal Review Committee- Legal Review Committee-Dennis Tracey
Mr. Major recused himself.

Dennis Tracey, Chairman of the Select Committee for Legal Review thanked his committee for all of their hard work. He said that they have reviewed extensive documentation of the work that the Town Attorney has done. They have reviewed case materials, contracts, bills, billing statements and underlying documentation. They have reviewed information from comparable Towns and similar Town Attorney relationships to compare them to our Town Attorney. They interviewed over 20 witnesses including some more than once. They received input from residents of the Town initially in writing and then followed it up with a public hearing and got a lot of input from the public. Based on all of the work that they have done they have some findings and recommendations that they will present.

In terms of the overall quality of the Town Attorney representation, the Committee thinks it has been first rate. The Town has been well served by Attorney Bernhard, and his firm, Cohen and Wolf throughout their tenure. They have heard that they have a very good reputation in the community and are very responsive to Town representatives when they need legal advice. They are flexible, they are practical, and the committee have seen many instances where they have not only done the job right, but have also found ways to make the job less expensive for the Town by getting other towns and State Agencies involved to do the work for the Town.

They have found a lot to be proud of there. They think the fees are within the range of other town attorneys for comparable towns. The retainer agreement is similar to many other towns, the amount is within reason and the hourly rates are right within the range of what they have seen other towns being charged.

Mr. Tracey said that although the Town has been well served, it does make sense from time to time review the relationship and make sure that it continues to be effective for the Town and also a good value for the Town. The Committee recommends that periodically the Board of Selectmen do review the relationship, the fees, the fee arrangement and possibly obtain bids from other attorneys to make sure that we continue to be within the market, possibly every three years.

Mr. Tracey said that there are many towns that do have in house attorneys, but most of them are much larger than Weston. The Committee has concluded unanimously, based on what they have seen that it would not be in the Town's best interest to have an in house attorney. It would increase the cost of our legal representation, it would involve some duplication and unlike Cohen and Wolf which has a variety of lawyers that can be used for different services with different expertise, a single in house attorney could never duplicate that range of services.

The Committee has identified some possible ways to improve the relationship between the town and its attorney and to improve the legal representation. The principal recommendations that they have is that they think that the Town Attorney's roll can be supplemented more by being more of a risk manager, to address issues earlier on in the process rather than being brought in later when there is a real problem and it is too late to get a good outcome. They have heard through their interviews, a number of instances where our Town attorney was not involved early enough in the process to avoid a problem. They were not involved in bidding process to review the bid package before it went out to make sure that it conformed to what he and the Town believes is in our best interest.

There are instances where he did not review contracts before they were signed. Every contract over a certain threshold amount should be reviewed and signed off by the Town Attorney. This way we have early advice, early risk management and accountability because there will not be a situation where the Town Attorney was not consulted and he will be accountable for the legal aspects of the decision.

The Committee thinks there could be more coordination of the legal representation of the Boards and Commissions. There could be greater review and control over the billings by the Town Attorney particularly the billings to the Commissions and Boards.

David Fleming said that the recommendations should be looked at as a formal process that would be implemented and adhered to.

1. Every three years we review the Town Attorney. A committee should be appointed to conduct the review.
2. All engagements of outside attorneys should be reviewed by the town attorney first and then submitted to the Selectmen for review and approval.
3. All invoices submitted for payment to the Town Administrator has to be approved by the chairman of board
4. If litigation is starting to fester, a committee must come to the BoS where it exceeds the annual appropriation of the various committee. The Town

Administrator should keep the Town Attorney and the outside counsel apprised of where we are in the budget and the process.

5. A status report should be done at least quarterly. Town Attorney should come in and do a personal presentation to the Board of Selectmen as to what legal proceedings are taking place.
6. All new contracts and agreements requiring expenditures from the Town of \$10,000 or greater should be reviewed and signed off by the Town Attorney.
7. The Town Attorney should review as he can minutes of the various Boards and Commissions just to see if there is a legal aspect starting to fester.
8. Periodically the Town attorney would recommend advice to a Town Board or Commission or even the Selectmen and the committee recommends that if the Board or Commission decide not to go with the Town's advice it could be overridden by vote of the Board of Selectmen.
9. Town should maintain permanent records of all legal proceedings so that they have a duplicate set of files. The Town Administrator should be in charge of maintaining that.

Dennis Tracey asked the Board how they wanted the finding and recommendations presented to them. The Selectmen said a written report that would be available to the public.

The Board of Selectmen thanked the Committee.

Discussion/decision regarding proposed indemnification for CL&P on Cartbridge pole and wire relocation. Mr. Bliss said that there is a CL& P pole that must be moved approximately 25 feet. There is an easement that is a part of it, but not the whole thing. The Town needs to indemnify with regard to a bank foreclosure because the resident will not do that with her bank. Mr. Major said we did not need her to subordinate the easement.

Mr. Major made a motion to authorize the First Selectman to execute the indemnification agreement concerning mortgages recorded as set forth on the proposed indemnification agreement. Ms. Weinstein seconded and the motion passed unanimously.

Discussion/decision regarding proposed agreement with several employees regarding MERS prepayment. Mr. Bliss said since we last met about this, two of the employees have given us recommended repayment agreements and two of them have not responded to the request for the repayment. One of the employee's recommendations would repay it in 37.7 years and the other in 5.7 years. Mr. Bliss said that a reasonable repayment schedule would be paying back on at least 2.25% of salary.

Mr. Bliss said that we have to be consistent in how we are doing this. He picked 2.25% because that is the current contribution and it would double the contribution. Ms. Weinstein said she felt that they would have to look at where they are right now in terms of paycheck to paycheck and see what that is, to be sure they can afford it.

Mr. Major asked where the Town contribution come from. Mr. Landry said the money has already been earmarked. Ms. Weinstein said that she felt that we should check with the employees to make sure they were comfortable with it.

Mr. Harper said that it has been 18 years that he had not been enrolled properly. He had not seen the proposal and he wanted to look at it, review it and then come back with his remarks. He said in the policy and practices book, he was discriminated against because it was in there that he was not allowed to belong to the program when in 1990 he was.

After discussion it was decided that the employees would have a week to respond to the agreement and until July 31st to sign the agreement. Once agreed the deduction would start with the August 11th payroll. The Board of Selectmen intends to approve this at their next meeting.

Approval of the minutes of the April, 24, 2008, May 8, 2008, June 3, 2008 meetings and June 3, 2008 public hearing. Ms. Weinstein made a motion to approve the Board of Selectmen's meeting minutes of the April 24, 2008 as presented. Mr. Major seconded and the motion passed unanimously.

Ms. Weinstein made a motion to approve the Board of Selectmen's meeting minutes of the May 8, 2008 as presented. Mr. Major seconded and the motion passed unanimously.

Ms. Weinstein made a motion to approve the Board of Selectmen's meeting minutes of the June 3, 2008 as presented. Mr. Major seconded and the motion passed unanimously.

Ms. Weinstein made a motion to approve the minutes of the public hearing June 3, 2008 on ordinance regulating land use fees. Mr. Major seconded and the motion passed unanimously.

Any other business to properly come before the meeting- Mr. Major made a motion to add to the agenda discussion/decision regarding the reappointment of Dave Coprio to the Building committee for a term to expire June 30, 2010 and to the School Building Committee for a term to expire April 1, 2009. Ms Weinstein seconded and the motion passed unanimously.

Mr. Major made a motion to reappoint Dave Coprio to the Building committee for a term to expire June 30, 2010 and to the School Building Committee for a term to expire April 1, 2009. Ms Weinstein seconded and the motion passed unanimously.

At 9:45pm Mr. Major made a motion to enter into executive session. Ms. Weinstein seconded and the motion passed unanimously.

Executive Session- Contract Negotiation ATTENDANCE and DISCUSSION: The meeting was convened at 9:47 pm in the First Selectmen's Office by Chairman Bliss, with Mr. Major and Ms. Weinstein present. Also present was Town Administrator Landry.

The purpose of the executive session was to discuss a settlement offer in the Harold Mindell wrongful termination claim. The suit resulted from the school construction project.

The Board discussed the information provided. No votes were taken.

The Board voted unanimously (Ms. Weinstein, motion; Mr. Major second) to end executive session and reconvene in open session. The time was 9:54pm.

The Board reconvened in open session in the Town Hall Meeting Room at 9:55 pm.

MINDELL SUIT. The Board voted unanimously (Mr. Major motion, Ms. Weinstein second) to authorize the First Selectman to settle the Mindell claim under the terms as provided in a settlement agreement dated June 18, 2008, as provided by the Town's CIRMA appointed attorney David Monastersky. The approval was conditioned on concurrence by the Board of Finance Chairman's agreement that the settlement amount (\$30,000 of Town funds, \$30,000 CIRMA funds) was within the threshold set by the Board of Finance for settlements that can be reached without its concurrence (\$50,000).

NATIONAL GRANGE/PIPE&POWER: By unanimous vote (Mr. Major motion, Ms. Weinstein second) the Board agreed to accept payment from National Grange in the amount of \$140,000 to settle the Town's claims in this matter.

ADJOURN: At 9:57 pm, the Board voted unanimously (Ms. Weinstein motion, Mr. Major second) to adjourn.

Respectfully submitted
Judy M. DeVito
Administrative Assistant
Approved 9/04/08