

**Board of Selectmen's meeting
November 20, 2008**

Present: First Selectman Woody Bliss; Selectman W. Glenn Major; Selectwoman Gayle Weinstein; Town Administrator Tom Landry; Finance Director Rick Darling; Administrative Assistant Judy DeVito.

This meeting was recorded and video taped and the tapes are available in the Selectmen's office.

Mr. Bliss called the meeting to order at 7:33pm

Pledge of Allegiance- Rick Darling lead the meeting with the Pledge of Allegiance.

Discussion/decision regarding the appointment of Sam Weyrauch as a student commissioner to the Children and Youth Commission for a term to expire June 30, 2010

Sam Weyrauch said that he is a junior in Weston High School and has lived in Weston his whole life. He plays baseball, tennis, indoor track and is the sports editor for the school newspaper. He plays the alto saxophone and is a member of the key club. He felt it would be interesting to find out more about the school programs and what is happening. He said it was a good chance to represent the kids.

Ms. Weinstein made a motion to appoint Sam Weyrauch as a student Commissioner to the Children and Youth Commission for a term to expire June 30, 2010. Mr. Major seconded and the motion passed unanimously.

Discussion/decision regarding the appointment of David Wilk to the Global Warming Committee for a term to expire June 30, 2010. David Wilk said that he studied Environmental Biology in graduate school and is interested and involved in environmental issues for about 35 years. He lives in Weston and this is the place he feels most involved. He said he got interested in water issues so he started a website that is called "Turn to Tap" and he advocates in favor of not drinking bottled water.

Ms. Weinstein made a motion to appoint David Wilk to the Global Warming Committee for a term to expire June 30, 2010. Mr. Major seconded and the motion passed unanimously.

Discussion/decision regarding interviews of Jack W. Beal; Nicholas S. Bell; Robert Machson; Carolyn Armbrust Mulcahey and Dennis Tracey for the Lachat Ad Hoc Advisory Committee. Mark Harper was interviewed at a previous Selectmen's meeting.

Mr. Beal asked about the name of the committee. Mr. Major explained that this is a six person committee made up of three people from the Town of Weston and three people

from the Nature Conservancy that together will put together the plan of development for the site. That then has to come back through the Town for the various approvals.

Jack W. Beal: Mr. Beal said that he has been a Weston resident for 25 years and has served previously on this particular committee. He said his point of view has changed a little. He will not presume to speak for Mr. Lachat. He said that his position will be to follow the documentation and he will do his very best to represent the Town.

He said he is an educator, a university professor, a scientist and his primary focus will be on educational opportunities. Ms. Weinstein asked if his property was next to the Lachat property. He said they have to cut through what is known as the Richardson property.

Nicholas Bell: Mr. Bell said he grew up in Weston since 1965. He said he moved back to Weston after graduate school and would like to give back to the community. He has in the past served on the Conservation Commission and The Deer Management Committee.

Mr. Bell said his background is with residential and commercial construction. He was also a historic restoration consultant for an eighteen century consultant company when he came out of graduate school. They restored and recreated an eighteen century village in Killingworth. He would bring some expertise in regards to buildings and what is appropriate for restoration of the buildings or remodeling. The only preconceived notion he has is that the footprint of whatever goes there is minimal in its own way, but obviously serves the community.

Robert Machson: Mr. Machson said that he has attended meetings concerning the Lachat property for four or five years. He has read all of the building documents and the agreement we have with the Nature Conservancy. He said he brings to this group his expertise in reading documents, which he is well known for in his industry. He visits the property all the time, which is a treasure in Weston, which should be used to the best of its vantage. He said if he were to get on the committee, his goal is to get something done expeditiously that is fair and modest, that provides recreational use, some safety, some facilities and whatever else the town can afford.

Carolyn Armbrust Mulcahey: Ms. Mulcahey said that she lives across the street from part of the Lachat property. She has been a resident since 1999 and has been familiarizing herself with the property and the agreements since about 2003. She has researched all the documents and read through them. She was very active in getting input from the community even before she was appointed to the Lachat Advisory Committee.

She has personal knowledge of zoning and building from her own personal construction experiences. She also has personal familiarity with conservation and wetland issues and has personal experience in doing a building in Norwalk that had wetlands on the property. She has been serving on the Zoning Board of Appeals for four years and that gave her direct involvement and knowledge of the Planning and Zoning issues.

She is an accredited business appraiser, which is a position she holds as an independent consultant. Even though she is a neighbor to the Lachat property, she tries to maintain a degree of independence and non bias. She has been involved in contract negotiations and mergers and acquisition since 1995. She said thought she thinks it is important to abide by the agreement, things have changed somewhat with the Nature Conservancy. Their mission is no longer educational. She thinks that we do need to abide by the agreement, but there is perhaps flexibility in how they execute the agreement now compared to where we were headed before.

Mr. Tracey had not yet arrived, so the interviews will be continued when he arrives.

Discussion/Decision regarding the Agreement between the Town of Weston and the Weston Fire Department regarding the Lyons Plain Fire House- Mr. Bliss deferred this item, because the Selectmen needed to have an executive session in regard to the contract.

Discussion/decision regarding a resolution to advance not more than \$700,000 from the general fund to pay the school and recreation facilities construction project cost which the State of Connecticut is withholding grant funds due the Town in the approximate amount of \$837,000 and that the Town's unreserved general fund be reimburse such advance from the proceeds of the State grant funds.

Mr. Darling, Finance Director said that this was brought to the Board of Finance in October. He said the reason for this is because of the way the State works its grant reimbursement program. Once you get within 5% of the total eligible expenditures, they would withhold 5% of the grant money. As of now they are showing on the books about \$837,000 due the Town of Weston. Whether we would get all of that or not he is not sure. In looking at our current sources of income, and what we have spent on all the projects, and what we are projected to spend going forward on the auditorium we have a shortfall.

Mr. Darling said they are asking the board to forward from the general fund a temporary advance of funds of \$700,000, which the Board of Finance has already approved. They had considered going for short term borrowing, but after calling a couple of banks and talking to our financial advisor, there is a lot of uncertainty in the market. He brought the information back to the Board of Finance, and they thought that for this amount of money the cost of borrowing would be too great.

Mr. Major asked if the number of \$81 million include both the transfer and the supplemental appropriation. Mr. Darling said yes. Mr. Major wanted the record to reflect that we are still within the original appropriation.

Mr. Major asked with the expectation that it gets reimbursed to the general fund when the state completes their audit of the projects, how long the audit would take. Mr. Darling said that once the paperwork is finalized with the state there are steps that you have to go through. He said recently they submitted an estimated completion date. They have to submit final cost data to the state and that should be done in the next couple months. Once the state have all the information and they are satisfied they have six months to

complete the audit. If they do not think they can get to it in six months, we have the option to hire our own firm. Mr. Darling said they are thinking within eight or nine months we would get repaid.

Mr. Major asked where we would be with our fund balance after we take the \$700,000 out. Mr. Landry said just over 10%. He said he did not know, if the money due from the state was considered fund balance.

Mr. Major made a motion that the Board of Selectmen approve a temporary advance of available funds from the unreserved general fund in an amount not to exceed \$700,000 to pay the project cost, and that the Town's unreserved general fund be reimbursed for such advance from the proceeds of the state grant funds, which are anticipated to be received by August 2009. Ms. Weinstein seconded and the motion passed unanimously

Discussion/decision regarding a supplemental appropriation of \$66,602 for Hurlbutt Elementary School Project No. 157-036 EA/CV - Tom Landry

Mr. Landry said that he sent Ken Bernhard the information and he spoke to the State. There was space that had not been counted in the basement area, so when they counted that space, it changed the reimbursement rate. One should factor the new rate based upon what we thought the rate was, times whatever the project cost was. That is how they got to the \$66,602 figure.

Mr. Major asked if the Board of Finance approved this at there last meeting. Mr. Landry said no, when the Board of Selectmen tabled it, they decided o wait and see what Mr. Bernhard had to say.

Mr. Major made a motion to approve a supplemental appropriation of \$66,602 for the Hurlbutt Elementary Project No. 157-036 EA/CV as called out in our agenda subject to Board of Finance review and approval. Ms. Weinstein seconded and the motion passed unanimously.

Discussion/decision regarding an ordinance for an Emergency and Disaster Planning and Response. - Woody Bliss

Mr. Bliss said this comes as a recommendation from Department of Emergency Management and Homeland Security and they are asking each of the Towns and Cities in the State to have an ordinance in order that it is very clear cut in the case of emergency exactly who is in charge and what the responsibilities relative to that are.

Mr. Bliss said what we have is a format that came from the state, where you would have to make it specifically for the Town of Weston. We need to review it and understand it and have a public hearing and then we vote on it.

Mr. Major said this was not written for the Town of Weston, and he would like to defer it to the next meeting so the Selectmen can talk about it.

Discussion/approval of the minutes of the Board of Selectmen's meeting of November 6, 2008

Mr. Major made a motion to approve the Board of Selectmen's minutes for the meeting of November 6, 2008 as submitted. Ms. Weinstein seconded and the motion passed unanimously.

Any other business to come properly before the meeting

Mr. Major made a motion to add to the agenda discuss/decision regarding the schedule for the Selectmen's meetings for 2009. Ms. Weinstein seconded and the motion passed unanimously.

After some discussion the attached schedule was approved. Ms. Weinstein made a motion to make this the official schedule of the Board of Selectmen for the next year. Mr. Major seconded and the motion passed unanimously.

Since Mr. Tracey had arrived, the interviews for the Lachat Ad Hoc Advisory Committee were continued.

Dennis Tracey: Mr. Tracey said his background is the Managing Partner US offices for Hogan and Hartson International Law Firm. He has 15 offices and close to a thousand lawyers that report to him. He used to dealing with a lot of problems. He has handled municipal law issues in the past. He is used to dealing with organizations and knows how to push meetings along, if necessary. He really enjoyed his experience on the Legal Review Committee. He tries to be objective in everything he does.

The Board said they appreciated everything he had done with the Legal Review Committee

Discussion/decision regarding appointment to the Lachat Ad Hoc Advisory Committee. Mr. Major said there were a set of skills that we need. He felt it was important to have a neighborhood representative. He said what with the conversion of the barn and the house we need to have someone with building skills and, particularly, the skills that Nick Bell has would be phenomenal. Nick also brings experience to the table having served for many years on the Conservation Commission. If we stick to the general location of the parking lot, and the access to the preserve we are going to have a significant wetland crossing. There are significant conservation issues that we need to address.

Mr. Major said Jack Beal is extremely level headed. Through the course of the Town and other meetings, Mr. Beal was always able to step out of being a neighbor. He brings things back down to an appropriate level without losing site of being a neighbor.

Mr. Major said he did not know who the Nature Conservancy was bringing on, but wanted to make sure that in our group there is a leader. He said Dennis Tracey can cut through any of the politics that might develop in the committee and get things done.

Mr. Major said everyone that was interviewed has a significant contribution that can be made to the committee. Regardless of who is put on the committee, he would ask the members that were put on to try and involve the people that had expressed an interest in the committee.

Ms. Weinstein said that her one concern was that Dennis Tracey had not reviewed the documents, but that Dennis did a fantastic job at jelling together the legal review committee. Jack Beal represents the educational component, that is something that Leon Lachat wanted. She also liked his engineering and science background, because that indicates to her that he might have some sensibility as well. She liked the fact that he is a neighbor, but he is not directly adjacent. Mr. Bliss agreed with comments made by Mr. Major and Ms. Weinstein.

Mr. Major made a motion to appoint Jack Beal, Nicolas Bell and Dennis Tracey to serve as the representatives on the Town of Weston on the Committee for the development of the Lachat property in conjunction with the Nature Conservancy. Ms. Weinstein seconded and the motion passed unanimously.

Open Items-

Code Red Contract- Mr. Bliss said the original game plan was that Wilton, Weston and Westport would all go in together. Because of the way the pricing structure was we stood to gain a lot. Wilton has not decided and Westport said that they would not save much anyway. Westport went ahead and signed a separate contract. We have approved \$4,500. To contract alone, which is what we are faced with now, is \$7,500 less a 10% discount which makes it \$6,750.

Mr. Bliss is meeting with Mark Cooper, the new Health District Director, to try to get them to come in for \$2,250 and allow them to use our list. If they will do that, we are back to the \$4,500.

Route 136 Ban on Trucks- This is going nowhere. Westport is opposed to changing the ban, so Fairfield does not have the support it needs. It will not be done unless all the Towns along the route agree. This item will be taken off the list.

Joint Meeting with BOE, BOF and BOS- Scheduled for December 2nd. This item will be taken off the list.

ATT Contract on Tower- Mr. Landry said he has a signed lease by AT&T. They have asked that it not be presented to the Board of Selectmen yet. Their engineering analysis shows as the equipment is configured on the tower, its failure rate was too close to what they would approve. If the cables that are there by the other companies are reconfigured, they will go ahead with the agreement. The issue has a lot to do with wind resistance.

They are trying to get in touch with someone at Sprint. He said it is getting the engineering straight that is holding it up.

Lachat Interviews- Completed at this meeting. This item will be taken off the list.

Cemetery Committee decision- Still short people. Ms. Weinstein said that we had talked about holding a public meeting about the cemetery to gage public interest. She was wondering if we should hold a public meeting in light of the fact that we have not filled the seats necessary for a cemetery committee. Mr. Major said that the problem would be that he is not sure that the Board is equipped to answer any of the questions that may generated from that meeting and that was why he was holding off on doing it. He said if Pam Bochinski was present, because of the historical nature of her involvement that she might be able to answer some of those questions. They will schedule a public meeting in January.

Recycling- Mr. Bliss said he is trying to get more information.

Hurlbutt- 1997 Project \$66,602- Resolved at this meeting. This item will be taken off the list.

Budget Schedule- No one has said that the schedule is a problem. This item will be taken off the list.

Food Pantry Lease- Mr. Bliss said he should have this by the next meeting

Lyons Plain Fire House Contract- That is on tonight's agenda.

Ms. Weinstein wanted the wetlands issue between the High School and the Middle School added. She said if that will cost money in the next budget year, then we need to know about that. Mr. Landry said yes and he expects it to be part of the Capital Budget.

Mr. Major said we need to add the Emergency Disaster Ordinance.

Executive Session- Fletcher-Thompson Mediation Agreement and Town Labor Negotiation. At 8:59pm Mr. Major made a motion to enter into executive session. Mr. Bliss seconded and the motion passed unanimously.

ATTENDANCE: Chairman Bliss convened the meeting at 9:01pm in the First Selectmen's Office with Selectmen Weinstein and Major in attendance. Town Administrator Landry was also in attendance.

DISCUSSION: Mr. Bliss reviewed draft contract terms with the Weston Volunteer Fire Department related to the construction of the Lyons Plain Road firestation. Several contract items were reviewed. Mr. Bliss will ask Counsel to draft language to implement

the suggested changes, which will then be presented to the Department for review. It is anticipated the agreement will be formally executed at the Board's December 4 meeting.

FLETCHER-THOMPSON MEDIATION. Members reviewed the proposed contract for mediation services with Conflict Solutions in the Town's dispute with Fletcher Thomson regarding school project design.

ADJOURN EXECUTIVE SESSION: At 10:02 pm, a motion (Ms. Weinstein, Mr. Major second) to adjourn executive session and reconvene in open session passed by unanimous vote.

MEDIATION SERVICES AGREEMENT: By unanimous vote, the Board approved a motion (Mr. Major, Ms. Weinstein second) authorizing the First Selectman to enter into a services agreement with Conflict Solutions.

ADJOURN: At 10:04 pm, a motion to adjourn the meeting (Mr. Major, Ms. Weinstein second) passed by unanimous vote.

Respectfully submitted

Judy M. DeVito
Administrative Assistant
Approved 01/08/09