

Board of Selectmen's Meeting
February 16, 2012

Present: First Selectman Gayle Weinstein; Selectman David Muller; Selectman Dennis Tracey; Town Administrator Tom Landry; Administrative Assistant Judy DeVito; Finance Director Rick Darling; Members of the Board of Education; 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 7:30pm

Pledge of Allegiance

Discussion/decision regarding a supplemental appropriation of \$66,000 for the Fire Department to purchase SCBA cylinders- John Pokorny

Fire Chief John Pokorny showed the Board a self-contained breathing apparatus. The cylinder has a 15 year expiration date and that date is coming up. Once they hit the 15 year mark they can no longer be tested or filled so he is obligated to replace them. They were all purchased at the same time.

Ms. Weinstein said that the fire department had put this in as a Capital budget item but her concern was the amount of time it takes to get the equipment. She thinks it is better that we get a supplemental appropriation and get the tanks ordered because she does not want a fire fighter to go into a burning house with a tank that is not working.

Chief Pokorny said at the time they do the tank replacement he needs to do a major overhaul on all of the harnesses which just replaces rubber parts and rebalances them. This should be done every couple years. All 43 harnesses will be serviced. Ms. Weinstein said the initial request was for \$66,000 and they are going to add the \$2,365 to cover the harnesses and so the correct number is \$68,365.

Mr. Muller moved to approve a supplemental appropriation in an amount up to \$68,365 for the Fire Department to purchase SCBA cylinders and for repairs to breathing apparatus equipment pending Board of Finance approval. Mr. Tracey seconded and the motion passed unanimously.

Discussion/decision regarding electronic posting of the Town code- Dennis Tracey

Dennis Tracey said the website is very useful to see what the governing laws of the Town are, except they are not on there. The form that the code book is in is not very available to anyone including the Board because it is not organized and it is not codified the way a law should be.

Although it is technically the responsibility of the Town Clerk, Sharon Shattuck has agreed to do this for the Town and in the course of doing the research she discovered that we had started doing the process in 2003 with General Code who will finish it for an additional price. Sharon said General Code has already done all the way through 2003 and are looking for 2004 through 2011. She has reviewed everything that's left and there

is not that much. General Code would like to do the Charter and Planning and Zoning regulations, and everything would be together in one place as opposed to the way we have it now. The price they are giving us now is just to do the code. We have already paid \$2,250 and the estimate in 2003 was \$10,375. It will cost the same thing so an additional \$7,000 for them to finish it which is a little less.

The editorial analysis that they have has already been reviewed once by the Town Attorney but that needs to be done again since it was done in 2003. If the Town decides to do this, Sharon will meet with General Code on February 26th to look at what we have left, so he can have a better idea of what the cost will be to finish it. If everything went well it will take between four and six months maybe a little longer if there are glitches. They will provide the four printed books that we are required to have by law. They will do updates for a year. Any new ordinance will be placed in the back of the book and then we will have it put into the right place.

Mr. Tracey said as the first step, they review our existing ordinances and identify any conflict or anomalies that exist in our current ordinances that we may not be aware of. Mr. Tracey asked what is going to be the process for making sure that appropriate responses are made on behalf of the Town. Ms. Weinstein said that Mr. Landry, herself and Town Attorney would have to review it. Tracy Kulikowski is going to look at all the land use ordinances and Sharon will keep track of it.

Sharon will follow through with this and will be the project manager. Ms. Weinstein will come back to the Board for a supplemental appropriation.

Discussion/decision regarding the appointment of Susan Moch as the moderator and Robert Uzenoff as the alternate moderator for the Annual Town Budget Meeting.

Mr. Tracey moved to appoint Susan Moch as the moderator and Robert Uzenoff as the alternate moderator for the Annual Town Budget Meeting. Mr. Muller seconded. Mr. Troxell said the Board of Selectmen does not appoint a moderator they nominate candidates for moderator who is elected by the Town Meeting at the meeting. Mr. Tracey modified the motion and moved to nominate Susan Moch as the moderator and Robert Uzenoff as the alternate moderator for the Annual Town Budget Meeting. Mr. Muller seconded and the motion passed unanimously.

Discussion regarding the Regional Planning Structure- Ms. Weinstein said with the change of leadership in the MPO in our region, they have two new CEO's one of which hasn't gathered all the information to make the decision about how she feels about it and another one who is unsure about how he feels about it. It didn't look like they had the majority vote when they took the sense of the meeting prior to the election, 7 out of 8 CEO's in favor of that. She feels that they should give the new CEO's time to get to speed, have them sort out what is best for their Town before we start the discussion again here. Ms. Weinstein said she had sent a letter to Planning and Zoning stating the same thing so we are just going to put this on hold until the other Town's figure out what they want to do.

Mr. Tracey said that was a wise approach and we should use this as an opportunity to move forward on our thinking on voluntary regionalization initiatives that we can do in the meantime while this is on hold. Ms. Weinstein said she didn't disagree but we don't have that staff.

Mr. Muller said when this was discussed we were not looking to lead the charge but they were very mindful of the fact that the minute four other Towns did move forward the fifth Town puts all eight over and converts the structure so it was as much a defensive analysis as it was a way to look at doing what 13 other regional planning organizations have done in the State. He said we need to stay with the pack and be mindful that if others move we have to be prepared to make some decision because we could be dragged into a decision without that proper education.

Ms. Weinstein said a year ago all eight Towns were moving toward bringing this to their Board of Selectman, their Town Meetings, and going through the process. At this point, it is just Westport. She said if there are only two Towns out of eight that are actively moving forward we are spinning our wheels. At this point she thinks it's best to put it on hold.

Discussion/decision regarding accepting the Humvees per Weston's Gift Policy-

Chief Troxell and Beth Gralnick Commissioner joined the meeting. Chief Troxell said that he really believes that we need these vehicles in Town not only to respond to emergencies properly but also going forward, ways to save the Town money with this program. There are programs similar to this that could be used for the Highway department. They are just scratching the surface with this program. In the next year or two he can show them how these vehicles are going to benefit the Town and if it doesn't work out they are can to send them back.

Ms. Weinstein said the purpose of the gift policy is to make sure that there is a need for this and to make sure there are no associated costs that we are obligating the Town to. It also gives them some oversight as far as the legalities involved to make sure the use is a legal use for them.

Ms. Weinstein asked for some more detail as to how the vehicles would be utilized. Chief Troxell said that they have a search and rescue team that they have been putting together since he became chief and have acquired an ATV a UTV which can carry a stretcher. We have about 2000 square acres of land that is open space that we need to get access to. Recently there was a huge fire that was threatening homes and police, fire and EMS need to get there quickly and efficiently which they have not been able to do but now they have the correct vehicles to get them into those areas quickly.

Chief Troxell said Georgetown Auto body is willing to paint the vehicles for free and Fleet Auto supply is willing to outfit the vehicles with lights and reflective material. Marcus communication is willing to outfit the vehicles with police radios. The vehicles are not regular patrol vehicles and they need to be visible if they are out in use.

Mr. Muller said he is concerned about the process that took place. He wanted to know why this didn't go through the same process as the Tahoe and Silverado. Ms. Gralnick said as far as the police commission is concerned the Humvees because there were no cost to them viewed them as equipment and by State Statute the police commission has the right to management administration and equipment purchase. She said the process was flawed but they had a time constraint. The vehicles were on a first come first serve basis. They felt that they did not have time for that. They believe and still do that it was in police commissioner's powers to make the decision.

Mr. Muller said he finds it hard for anyone to say a vehicle is not a vehicle and it can be viewed as something else. In the 1033 program it says that the transfer of these vehicles is to be used by such agencies and law enforcement activities with emphasis on counter drug and counter terrorism activities. He said we are taking vehicles which the department of defense believes that they are being used in counter drug and counter terrorism and we are using them for a different purpose.

Chief Troxell said counter drug and counter terrorism is inherently the job of the police department simply by being uniform in a marked police vehicle. That is why they are going to mark it as police vehicles. It has to be controlled by the police department but they can work with other agencies in Town like the fire department and EMS to do other things as well. This was discussed with the people at Fort Drum and if there is an agency that comes in that needs an armored vehicle to respond to those things that agency gets first preference.

Chief Troxell said when they couldn't get the Silverado they thought this would be something they could do. There was time constraints so he emailed the commissioners and six out of seven responded in favor. They got there and decided to bring two vehicles back.

Mr. Muller said he did not disagree with what Chief Troxell said but the choice of a vehicle was a matter of discussion and replacing one vehicle that was removed, with an associated cost, with two vehicles that came for free still should have gone through the process. These are gifts from the department of defense which has an implied cost.

Mr. Muller asked about associated costs. Chief Troxell said that there are a couple of guys in the Highway department that are familiar with these vehicles and can work on them. There are spare parts through the program available at no cost. Mr. Muller said the Town is liable for is the incremental insurance cost of two vehicles and maintenance. He said that he interprets that as this is subject to the gift policy and the amounts are in the range of what they discussed.

Mr. Tracey thanked the Chief for thinking outside the box. He was concerned about the process that the police commission did, because he does not like to see actions that are not compliant with Freedom of Information and other things. He was surprised about the lack of coordination between the Police Commission and the First Selectman. He heard

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them say that was in the past and they are going to coordinate in the future. He would appreciate that and hopefully we can all work together on issues like this in the future.

Ms. Weinstein said in the future we all know exactly what should happen, with the process we all learned a valuable lesson about how important it is to communicate. Chief Troxell said he completely agreed.

Mr. Muller asked about the number vehicles acquired. Chief Troxell said he feels strongly that we need two and would not have brought back two if we did not. Mr. Tracey moved that we accept the acquisition of two Humvees under the Town of Weston's gift policy. The Town will insure these vehicles under the Town's fleet insurance policy while the vehicles are in the possession of the Police Department. Any costs to maintain, repair or get the vehicles "road ready" will be incurred by the police department budget, with no additional funding provided from the Town. Mr. Muller seconded and the motion passed unanimously.

Discussion/decision regarding next steps for Lachat property. Ms. Weinstein said she had a meeting with Shelly Kassen who is the second Selectwoman in Westport. She is the person who took the reins and ran with Wakeman Farm concept. An outside organization (GVI) came to them and they leased the property for \$1.00 and established the farm. They had issues with GVI, and the Town took it in house and it has been very successful. The one caveat is that it is run through an enterprise fund where the Town contributes no money to that budget. All money spent on the farm needs to be raised.

Ms. Weinstein said we need to decide if we want to set up a committee to vet the process or if we want to vet the process ourselves as the Board of Selectmen. Mr. Muller said that this is an issue that a lot of people in Town look to and he feels that it probably belongs coming to the Board of Selectmen. Ms. Weinstein said when we decide on the use of the property then they can set the committee and move forward. Mr. Tracey said he completely agreed. We will look at this at the March 15th meeting.

Discussion/decision regarding the Board of Selectmen's review and transmittal of the Board of Education's budget to the Board of Finance. Ms. Weinstein said she received the information from the Board of Education regarding participation of the clubs. Mr. Muller said the thing that impresses him the most, is there is a clear recognition of the change of the demographics. He supports the recommendation as made to the Board of Selectmen. Mr. Tracey agreed.

Ms. Weinstein said she felt the budget was transparent and Dr. Palmer did an excellent job at explaining the rationale for what the increases are, especially in the technology and curriculum area which were the two areas that she actually saw increases even worth talking about.

Mr. Muller said this is third year we have talked about potential revenues coming from bringing Special Ed students in district as a revenue source. He said he didn't want to hear each year we are thinking of getting incremental revenue from Special Ed students

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coming in district unless we really have a plan. Ms. Uzenoff said that they have been talking about this since 2002. They would rather be proactive than reactive, and if we can plan a good program we need to set it into place before you decide to upend programs both here and afar. It's a concept they have embraced and are constantly looking at.

Mr. Muller moved to transmit a recommended Board of Education Operating Budget to the Board of Finance in the amount of \$45, 587,192. Mr. Tracey seconded and the motion passed unanimously.

Discussion/decision regarding the Board of Selectmen's review and transmittal of the First Selectmen's budget to the Board of Finance. Mr. Tracey was concerned about litigation cost. Ms. Weinstein said she met with Pat Sullivan about where we are with litigation cases. She said the number of litigation cases that they are working with have decreases dramatically over the last number of years.

Mr. Tracey said that this has been an area where they have missed budget for many years in a row. He said we have come down in known number of cases and we may stay within budget this year.

Mr. Muller had a question about the hours that the Fire Marshal had asked for and he said he got the information from Mr. Landry on the incremental cost associated with stepping over 20 hours. Mr. Muller said that he wants to be clear that we are not being short sighted saying we are not going above 20 hours because of the incremental cost and realize that we are not going to have everything that we are supposed to get out of the Fire Marshal because the hours aren't there.

Mr. Weinstein said with conversations that she has had with John and Tracey he is stretched thin and she is concerned about some of the projects that we will have this summer. If the Board wanted to increase the overtime very specifically towards those projects, that is something we could do.

Mr. Muller said he would like to move \$1,500 from line 203 in account 141(Board of Finance) to line 102 in 240 (Fire Marshal) which will bring line 102 to \$5,900.

Mr. Muller said that he felt that this was a very responsible budget. Mr. Tracey said he agreed.

Mr. Tracey moved to transmit a recommended Board of Selectmen's Operating Budget to the Board of Finance totaling \$11,424,552. Mr. Muller seconded and the motion passed unanimously.

Mr. Muller said the issue about the paving of the lot that is in the Capital Budget was meant to be a gravel lot. Mr. Landry said that we will have to ask the Board of Education to refine that number and get it to the Board of Finance. Ms. Weinstein said we could approve the number as is and have the schools refine that number and she will bring the new number to the Board of Finance.

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Mr. Muller moved to forward the recommended Capital Budget to the Board of Finance in the amount of \$1,416,783. Mr. Tracey seconded and the motion passed unanimously

Mr. Tracey moved to forward the Debt Service Budget to the Board of Finance in the amount of \$6,649,705. Mr. Muller seconded and the motion passed unanimously.

Discussion/decision regarding voting on the School and Town operating budgets by a referendum vote.

Ms. Weinstein said that we put in the budget schedule a referendum vote, but we never made a decision on it. There will be a vote at the Town Meeting as we usually do and at the end of the meeting, take the number that is approved at the meeting and sent it to the public for a referendum vote for the Town and School Operating Budgets.

Mr. Muller moved that the Board of Selectmen bring the Town and School Operating Budgets once approved at the ATBM for a referendum vote on April 12, 2012 with the following two questions.

Question #1- Shall the Town Operating Budget for Fiscal Year 2013 as determined by the Annual Town Budget Meeting be approved?

Question #2- Shall the Board of Education Operating Budget for Fiscal Year 2013 as determined by the Annual Town Budget Meeting be approved?

Mr. Tracey seconded and the motion passed unanimously.

Open Item

Updates

Grants- Gayle Weinstein- No New news

Emergency Preparedness- She had a meeting this week with the volunteer coalition who has clearly defined what the roll of the neighborhood block captains will be. They are actively looking for people to fill those rolls so we can be prepared if there is an emergency. The CERT class will take place March 3rd and 4th from 8:00am to 6:00pm

Discussion/approval of the minutes of the Board of Selectmen's meeting of February 2, 2012. Mr. Muller moved to approve the February 2, 2012 Board of Selectmen's meeting minutes as presented. Mr. Tracey seconded and the motion passed unanimously.

Any other business to come properly before the meeting- None

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At 9:20pm Mr. Muller moved to enter into executive session to discuss a global settlement proposal in regard to the Federal law suit filed by former employee Libby Rende, and the related case filed by AFSCME before the State Labor Relations Board. Mr. Tracey seconded and the motion passed unanimously.

Executive Session- Litigation. The Boards will discuss and consider a global settlement proposal in regard to the Federal law suit filed by former employee Libby Rende, and the related case filed by AFSCME before the State Labor Relations Board.

EXECUTIVE SESSION

ATTENDANCE: The meeting was convened at 9:20 pm in the First Selectman's Office by Chairman Weinstein, with Selectmen Muller and Tracey present. Also in attendance was Town Administrator Landry.

DISCUSSION: The purpose of the meeting was to discuss a global settlement proposal for the two filed cases regarding former employee Libby Rende (State Labor Relations Board, and Federal law suit).

No votes were taken.

ADJOURN EXECUTIVE SESSION: At 9:28 pm, a motion (David Muller, Dennis Tracey second) to adjourn executive session and resume in open session passed unanimously.

CASE SETTLEMENT: At 9:29 pm , the Board approved the following motion (Dennis Tracey, David Muller second) by unanimous vote: I move that we authorize the First Selectman to sign the documents related to the Town of Weston's global settlement agreement with Oriana (Libby) Rende. Further, I move that we approve a supplemental appropriation of \$35,000 as payment for the Town of Weston's global settlement agreement with Oriana Rende.

ADJOURN: At 9:30 pm, a motion to adjourn (Dennis Tracey, David Muller second) passed by unanimous vote.

Respectfully submitted

Judy M. DeVito
Administrative Assistant