

Board of Selectmen's meeting

March 19, 2009

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

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 7:31pm.

Pledge of Allegiance – Don Gary lead the meeting with the Pledge of Allegiance

Accept the resignation of Joseph Pachman from the Ivy Moore Cottage Committee effective immediately – Ms. Weinstein made a motion to accept the resignation of Joseph Pachman from the Ivy Moore Cottage Committee effective immediately. Mr. Major seconded. Mr. Major asked if the testing at the cottage had been addressed. Mr. Landry said yes. The motion passed unanimously.

Discussion/decision regarding the reappointment of William O. Kimberly as an alternate to the Historic District Commission for a term to expire December 31, 2013- Ms. Weinstein made a motion to reappoint William Kimberly as an alternate to the Historic District Commission for a term to expire December 31, 2013. Mr. Major seconded. Mr. Major wanted to remind the selectmen that they had some serious reservations about the Historic District Commission and its membership. He said by making the reappointment that they are not addressing the concern that they all have. The motion passed unanimously.

Discussion/decision regarding the reappointment of Richard Wolf to the Building Committee for a term to expire April 1, 2011- Ms. Weinstein made a motion to reappoint Richard Wolf to the Building Committee for a term to expire April 1, 2011. Mr. Major seconded and the motion passed unanimously.

Discussion/decision regarding Fairfield County Greenscape Initiative. –Lisa Shufro
Lisa Shufro said that Greenscape grew out of a summit that the League of Women Voters had in November for all organizations working on environmental issues. They are calling that the Fairfield County Water Quality Initiative. Currently the organizations involved are from Westport.

They are looking at getting the Town of Weston involved as co-sponsors of something they are calling the Greenscape Challenge. They would like to challenge residents of Westport and Weston and any other Towns that would like to join on, to use fewer chemical fertilizers and pesticides on their lawns and to go as organic as they can. They are putting together a brochure that will have a pledge that says they will try to use fewer

chemical fertilizers and pesticides in their lawn care program. The rest of the brochure has information on how you can do it.

Currently the co-sponsors of the challenge are Earthplace, The League of Women Voters of Westport, the Westport Garden Club, the Partrick Open Space Alliance and the Westport Conservation Commission. They will be at the Green Earth Fair on Saturday April 25 at EarthPlace, with brochures and pledges to launch. She read a list of items that they asked for us to do if we agree to be a sponsor. Ms. Weinstein asked if the Town of Westport was a co-sponsor. She said not so far just the Conservation Commission from Westport.

Mr. Major asked what they wanted us to sign on to. They want the Town of Weston to co-sponsor the Greenscape challenge. Ms. Weinstein said she is with them in spirit, but would like to see what they are handing out and also know what our financial obligation is. Mr. Major said there was a big difference to him in supporting the effort and co-sponsoring the effort.

Mr. Major made a motion to authorize the Fairfield County Water Quality Initiative to include in there literature the Town of Weston as a supporter in connection with its Greenscape challenge. Ms. Weinstein seconded and the motion passed unanimously.

Update from the Alternative Energy Committee- Don Gary

Don Gary said about one year ago they put together a sub group from the Building Committee which was the Alternative Energy Committee. They first started looking at photovoltaic, but decided as a committee to take an overall look at the entire campus including the buildings on the Town Hall property.

The Connecticut Clean Energy Fund has received a great number of requests for photovoltaic and allocated their 2008 and early 2009 funding for that. They have come up with a good combination of discipline with regard to clean energy and that is a Fuel Cell.

A Fuel Cell takes natural gas and breaks it into hydrogen and other airborne chemicals. It takes the hydrogen and splits out the electrons and creates an electric current. The byproduct of the electric current is hot water. The advantage is that you do not only get electric energy, but you get hot water. The Fuel Cell is considered a class one alternative fuel within the State of Connecticut.

The only two Fuel Cell manufactures in the world are in Connecticut. In Danbury, the company is UTC which currently puts out only one type of fuel cell which is 400 kilowatt. It produces 400 kilowatts of electricity an hour and creates 1.7 million BTU's an hour to create hot water. That is approximately 3.2 million kilowatts a year. There is no carbon dioxide, because it is absorbed in the water. The natural gas is not burned it is just chemically separated.

Ms. Weinstein asked if Mr. Gary knew what the needs were in all of the buildings. He said that Mr. Landry has gathered the information from the Town buildings and Dan

Clarke gathered the information from the school buildings. They took a macro look at the High School and the Middle School because of their physical proximity, and because of the fact that they are the two greatest users of energy in the whole campus. He said the issue is can we use the hot water and that is the real test.

Ms. Weinstein asked what happens in the summer when the energy is not needed. Mr. Gary said the balance is wasted. In the summer time we will be creating more electricity than we use so we will be net meter, running the meter back so when September starts we will draw on that and the meter will not be back to zero until January or February. You will be building up a reserve that you can tap into.

Mr. Gary said if you take the High School and the Middle School and you take the kilowatt hours that were used in 2008, they come to 3.4 million kilowatt hours and the fuel cell will generate 3.2 million kilowatt hours, so those two schools should account for a very effective use of the fuel cell.

In the summer time, the utilities are concerned about something called peak demand. At that point of time, when they are worried about peak demand, we are putting a negative demand into the system, so it is looked upon very favorable by the utilities. If you are also involved in geothermal heating and cooling, which uses more electricity than conventional heating and cooling throughout the course of a year, but it does not use any oil or gas so you have a net savings.

CL&P and United Illuminating has given anyone who will put a geothermal heating and cooling system in up to \$3,000 as a bonus, because in the summertime the cooling system uses only 40% of the electricity of the standard air conditioning, so it reduces their peak demand.

Ms. Weinstein asked if we still needed to replace the boilers in the Middle School. Mr. Gary said you would not have to do to the same extent as you do now. Mr. Major asked what did a fuel cell cost to install. Mr. Gary said we were not there yet. In the stimulus package there is a 30% investment tax credit for fuel cells and all of the work that go into putting a fuel cell together. A fuel cell cost about \$1.3 million. It may take about \$1 million to interface it with our systems, which is just a guess but that brings it to \$2.3 million. There is a potential investment tax credit of about \$700,000 which we as a Town cannot use. UTC would like to have the investment tax credit, so they would need to own the equipment and in order to do that they would have to give us a turnkey price.

Mr. Gary said if we got rid of the 3 million kilowatts we would save \$500,000 per year. The advantage of using gas for a fuel cell is that they do not charge you a delivery charge which is about 2 ½ to 3 cents out of the 12 cents, so you are getting gas at a reduce rate. The gas consumption is far less. Mr. Gary said the rules of thumb are that the efficiency on the electrical side of it is between 40 and 45 percent and the efficiency on the heat side. If you could use all of the energy, you would be at approximately 90 percent efficiency. When CL&P delivers electricity to you it is about 32 percent efficiency. The rule that the CCEF uses is that they want to see that you are using at least 60 percent

efficiency overall, but if you get too high, which is not a problem, since we will not be using it in the summertime, then they will not give you funding you have such a wonderful return you do not need any money from them.

Mr. Major asked how large a fuel cell was. Mr. Gary said a 400 kilowatt fuel cell is 30' feet long, 12' wide and 9' high. It would have to be placed outside of the building and makes as much noise as an outside air conditioner. You would want to put it somewhere where it is most efficient.

Mr. Bliss asked Mr. Gary what they needed from the Selectmen, and how long it would be before they see a pro forma. Mr. Gary said that right now they do not need anything, but within the next 30 days, they will come to the Selectmen and ask them for either a UTC study or fuel cell study to get the real data. Once that is done, then he can answer the pro forma questions. Mr. Gary said they had people from the CCAT come down and do an analysis of the buildings and are making them available to both the UTC and Fuel Cell, Inc. They will get back to us with a proposal, which will probably be within 30 days.

Mr. Gary said the problem he sees beyond that is according to the salesman for both Fuel Cell Inc. and UTC their entire 2009 orders have been sold out. They said that they get cancellations and we might be able to step to the front of the line.

Presentation regarding the Census- Mariastella Fischer - Mariastella Fischer said that she was here to promote the 2010 Census. They want to inform everyone about the census and the importance of everyone being counted.

She wanted the Town to complete a partnership agreement and check a list of items that the Town is willing to participate in. They will doing temporary work in the area and are looking for space for a "Be Counted" site. A "Be Counted" site means a place that would designated as an area where people can drop off census forms.

By the end of 2010, they will have to present all the data to the President. He needs to know so he can figure out how to distribute the 300 billion dollars in federal funds. She went through the schedule that they will be following.

The Census Bureau does not work with immigration or the IRS and do not work any other federal agencies. Everyone who works for the census has to swear an oath where they abide by the title 13 law which protects the confidentiality of each person.

Mr. Major made a motion to authorize the First Selectman in conjunction with the Town Administrator to complete the form provided and submit it to the U.S. Census Bureau. Ms. Weinstein seconded and the motion passed unanimously.

Discussion/decision regarding CL&P tree trimming. Mr. Bliss said that CL&P will begin the second year of tree trimming in Weston. Last year they did the south end of Town and this year they will do the north end of Town. They will leave a door hanger on

the resident’s door. There is a form that needs to be filled out and gotten back to them, and then they will proceed to trim the trees. Some of the trees are on the Town property and some on the homeowner’s property. Mr. Major wanted the homeowners to know that they can say no to trimming the tree and ask them to do something different.

Discussion/decision regarding setting a date for a Public Hearing for Emergency and Disaster Planning and Response Ordinance- Mr. Bliss said we want to set a date for public hearing on the ordinance. Mr. Major said he would like to see the ordinance sent to the Fire Marshal, Police Chief, EMS and Public Works Director and have written responses to the ordinance. He said it would be useful to have that information so that it was available for the public hearing.

Mr. Major said we will set the date after we get responses from the different department heads.

Request for property tax refunds:

Grand Slam Tennis	\$1042.57
Connor H. Stoddard	\$257.64
Mercedes Benz Financial	\$1,105.97
VW Credit Leasing LTD	\$566.55
Toyota Financial Services	\$537.20
Honda Financial Services	\$370.24
Christopher Laico	\$165.39
Daimler Chrysler Financial	\$116.33
Volkswagen Credit	<u>\$96.33</u>
Total	\$4,258.22

Mr. Major made a motion to authorize the First Selectman to sign off on tax refunds as set forth in our agenda totally \$4,258.22. Ms. Weinstein seconded and the motion passed unanimously.

Open Items

Municipal Amnesty (SB1200) - Keep Pending

Recycling - Tom Landry will set up a meeting with the haulers- Tom Landry said he met with the second hauler who was less excited about getting into a position where if his customers do not have something in a preordained bag that he leaves it there, but still expressed a willingness to work with us.

Mr. Major said from the discussions it is still going to cost everyone in Town more money. He said that he felt we needed to wait until we get the new hauling system in place and know what our new tipping fees are, etc. Mr. Landry said in speaking with the haulers the biggest thing in flux appears to be what the market for recyclables is. The idea is to get things into the recycling stream and out of your rubbish bag.

Mr. Major would like to keep this on the open items list with a post July 1st date to bring it back up and see where we are.

Food Pantry Lease- Awaiting PBA reply- Matt Brodacki said that Peter Ottomano is looking at the lease and they have to have a meeting after that.

Emergency and Disaster Planning Ordinance- Will hold a public hearing after we get info back from the different departments.

FAA- There is going to be a meeting of all the Town's leaders in April. The trial date is May 11th in Washington DC. They are trying to organize a green bus. Dick Blumenthal wants all the First Selectmen and Mayors down in Washington D.C., because he thinks it will help the case.

Reimbursement from FEMA for Cartbridge – Mr. Landry said he sent everything into FEMA and the Selectmen have copies of the letter. FEMA has just acknowledged receipt. Mr. Major asked how this fit into our general fund. Mr. Landry said we prepaid the money from two places. There was a supplemental appropriation for a portion of the expense. We also used funds from the Capital account that was established for the Valley Forge Bridge. When we got the first reimbursement we replenished the money which we had borrowed to the extent that we could. He said we may need another \$50,000 or \$75,000 to close the account out.

Mr. Major said he raises this because this then becomes funds after July 1st that we can use without affecting our percentage that we were trying to maintain in the general fund.

Reimbursement from State for school projects- We have pending law suits.

Ms. Weinstein asked if that we add the Booster Barn to the open items list. Mr. Bliss said that the Booster Barn was on hold because the design that Kaestle Boos gave to us cannot be built for the budget. He said it probably should not be built under the stands.

Mr. Landry said that there was a bill for about \$45,000 from Kaestle Boos for design work which he has not paid. He said \$24,000 was clearly noted as Booster Barn work and the other \$20,000 does not say. Mr. Bliss said the original \$24,000 was supposed to be design and then they came up with a second design, so the whole bill is for design. Ms. Weinstein said that was the problem with putting it with the building committee that the control is lost.

Mr. Landry said that the stands are an issue. The building inspector cannot give them a certificate of occupancy for the grandstands, because there is some state code that says if you have bleachers of some many people there have to be so many bathrooms within so many feet. Some bathrooms in the school are to far away to qualify. He has asked for a waiver, but he cannot give them a certificate of occupancy on the stands until they get it. Mr. Landry said that he thought porta-potties did qualify.

The Booster Barn has not gone out to bid. The school said that they were too busy so the Building Committee asked Mr. Bliss if they could use Mr. Carl Goedecke and he said no. They asked Mr. Landry to manage the project and he said yes, but they would have to wait until after the budget process. He said that the Board of Health had questions that they want answered and Mr. Gleason has been very helpful and trying to get the answers. Then they will know if they have to make any changes to the specifications. Then it can go out to bid and we will know for sure that it cost more than the money we have. He said the projected money left is \$240,000 and it was projected to cost \$320,000.

Mr. Major asked that LaChat be put on the open item list. He said he would like to schedule an executive meeting with Steve Patton, because they need to discuss the contractual obligations of the parties.

Mr. Major asked that we start the April 2nd meeting at 8:00pm instead of 7:30pm.

Discussion/approval of the Board of Selectmen special meetings for February 5, 2008 and February 12, 2009- Mr. Major made a motion to accept the minutes of the February 5, 2008 Board of Selectmen's meeting as submitted. Ms. Weinstein seconded and the motion passed unanimously.

Mr. Major made a motion to accept the February 12, 2009 Board of Selectmen's meeting minutes. Ms. Weinstein seconded and the motion passed unanimously.

Any other business to come properly before the meeting-

Mr. Major made a motion to add a discussion/decision on the approval of the Grand List. Ms. Weinstein seconded and the motion passed unanimously.

Mr. Major made a motion to accept the reval as submitted and authorize the First Selectman to send a letter to the state acknowledging the acceptance. Ms. Weinstein seconded and the motion passed unanimously.

Ms. Weinstein made a motion to add to the agenda discussion/decision regarding paper ballots or machine votes. Mr. Major seconded and the motion passed unanimously.

Mr. Bliss said there seem to be some people who favor machine votes regardless of what happens. Section 7-7 of the State Statutes and section 8 of the Weston Town Charter spell out the process, but there are a lot of different things that can happen. Mr. Bliss read from the State Statutes and the charter.

Mr. Major said if we can establish that we will do a paper vote at the Town Budget Meeting that would satisfy those people who want the anonymity. Mr. Bliss said the issue is which items you do the paper vote on. Mr. Major said we can go through the selectman budget with a single yes or no for the total Selectmen's budget. Mr. Bliss said we need to work this with a flow chart or other method so that the options will be much easier to understand.

At 9:35pm Mr. Major made a motion to enter into executive session. Ms. Weinstein seconded and the motion passed unanimously.

Executive Session- Contract Negotiations

ATTENDANCE and DISCUSSION: The meeting was convened at 9:39 PM in the First Selectman'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 receive a proposed contract for renting of the soccer field to an outside group for intermittent nights over a ten week period. After review of contract provisions, the Board took no vote, but elected to place the item on its next agenda for full public discussion and Board consideration.

ADJOURN EXECUTIVE SESSION: The Board voted unanimously (Ms. Weinstein, motion; Mr. Major second) to end executive session and reconvene in open session. The time was 10:22pm.

ADJOURN: At 10:23 pm, the Board voted unanimously (Ms. Weinstein motion, Mr. Major second) to adjourn the meeting.

Respectfully submitted

Judy M. DeVito
Administrative Assistant
Approved 4/2/09