

**Board of Selectmen's meeting
August 7, 2008**

Present: First Selectman Woody Bliss; Selectman W. Glenn Major; Selectwoman Gayle Weinstein; Town Administrator Tom Landry; 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 7:54pm

Pledge of Allegiance - Mr. Bliss lead the meeting in the Pledge of Allegiance

Discussion/decision regarding the reappointment of Claudia Hahn and Lyette Segerdahl to the Beautification Committee for a term to expire June 30, 2012. Ms. Weinstein made a motion to reappoint Claudia Hahn and Lyette Segerdahl to the Beautification Committee for a term to expire June 30, 2012. Mr. Major seconded and the motion passed unanimously.

Discussion/decision regarding the reappointment of Martin Strasmore, Kassandra Strasmore, Alison Martin, David Weber and Diedre Doran to the Global Warming Committee for a term to expire June 30, 2010. Ms. Weinstein made a motion to reappoint Martin Strasmore, Kassandra Strasmore, Alison Martin, David Weber and Diedre Doran to the Global Warming Committee for a term to expire June 30, 2010. Mr. Major seconded. Alison Martin said that she could not be reappointed to the Committee. Ms. Weinstein amended her motion to reappoint Martin Strasmore, Kassandra Strasmore, David Weber and Diedre Doran to the Global Warming Committee for a term to expire June 30, 2010. Mr. Major seconded and the motion passed unanimously.

Discussion/decision regarding the reappointment of Eric Bell, Larry Cass, Robert Kaiko, Michael O'Brien and P.J. Sacchetta to the Insurance Advisory Committee for a term to expire June 30, 2010. Ms. Weinstein made a motion to reappoint Eric Bell, Larry Cass, Robert Kaiko, Michael O'Brien and P.J. Sacchetta to the Insurance Advisory Committee for a term to expire June 30, 2010. Mr. Major seconded and the motion passed unanimously.

Accept the resignation of Sharon Shattuck from the Historic District Commission effective August 7, 2008. Ms. Weinstein made a motion to accept the resignation of Sharon Shattuck from the Historic District Commission effective August 7, 2008. Mr. Major seconded and the motion passed unanimously.

Discussion/decision regarding purchase of code red reverse 911 emergency notification system- Mike Ferullo –Sgt. Ferullo said a couple of years ago FEMA started working on reverse 911 systems. This is a high speed outbound notification system where, in case of an emergency, we can target certain populations to make outbound calls from a computer interface.

Code Red is run by an emergency communications company in Florida. This allows us to make outbound notifications in case of emergency. For example, they could target certain areas for flooding. They can build blocks of residents with similar interests, so that if we wanted to notify certain groups we could do so.

The proposal for Code Red is could create a stand alone system for Weston or joining with Westport or joining with Westport and Wilton. Sgt. Ferullo said that they have also been approached by the Westport/Weston Health District and the Health District would like to be part of the system with us, so that they can use it as part of their mapping for our homebound or disabled residents in case of emergencies.

Sgt. Ferullo said he would like to ask for \$4,500 to start working on the contract with them. Ms. Weinstein asked about the difference between the school emergency system and this system. Sgt. Ferullo said that we do not have access to the school system. It is an email based system for parents only. If you do not sign up for that via email as a parent, you are not on their list. Code Red works through the phone system and develops a data base of every phone number in Weston. They create then target groups by geography or interest.

The school system does not tell you, if they do not make contract, Code Red comes back with a print out, and says we have reached this many people, and these are the phone numbers that we have not reached and we will retry them. They will retry them three times, if they do not get them then it comes back with a negative report. It also knows the difference between a human and a machine.

Ms. Weinstein asked if the Code Red system could also work for the school. Sgt. Ferullo said yes, they could make it work. Ms. Weinstein asked what kind of emergencies they would notify residents. Sgt. Ferullo said tornado watch, storm emergency, blizzards, road closures, bridges out, etc. The system will give 18,000 minutes a year which comes out to 36,000 30 second phone calls.

Ms. Weinstein asked if the Health District was interested in piggy backing our system or are they going to help subsidize it. Sgt. Ferullo said yes. He said it would be a shared system between Westport and Weston. We would have access to our database, Westport would have access to their database and the Health District would have access to both. We are waiting to hear how much they want to help subsidize it.

Mr. Bliss said he has been working with Gordon Joseloff in Westport and they are in agreement that combining our systems saves money and they favor it. Mr. Bliss suggested that they authorize the First Selectman to negotiate with the Health District and the Town of Westport up to \$4,500.

Ms. Weinstein said she was concerned about duplicating efforts and paying twice. Mr. Major said if the school chooses to we can create a block that is school children. Sgt. Ferullo said he would talk to Dr. Keating about it.

Mr. Major made a motion to authorize the First Selectman to spend up to the sum of \$4,500 per year to enter into a contract with Code Red to provide reverse 911 capabilities to the Town of Weston. Ms. Weinstein seconded and the motion passed unanimously.

Discussion/decision regarding recommended appointment of John Ojarovsky to the position of Communication Center Director – Tom Landry said about 1 ½ years ago they had established a new position of Communications Center Director. The position was filled and that employee was terminated in February. The position has been open since then. There was a committee made up of Chief Pokorny, Chief Troxell, Sgt. Ferullo and himself. They spent a lot of time trying to figure out the responsibilities for the next director and through that process have shifted the focus of the position.

It is a less technically oriented position in terms of radio frequencies and getting all of that to work. It is really more about managing the facility and focusing on the protocol for the various departments that the center serves. Typically when a call comes in it will involve two or three of the departments and the way the EMT director wants that information may be different requirements than what the fire chief wants or what the police chief wants. The committee felt the best way to improve the dispatch services provided by the dispatchers was to streamline the regulations that they are supposed to follow.

John Ojarovsky is currently a part-time dispatcher and EMT and knows the protocols. He said they also know him and whoever is down there has to have the faith and the trust of all that they serve and John meets that standard. He said they are very comfortable in recommending John to the Board. Mr. Landry said this is a department head level position and by charter department heads are appointed by the Board and not by him. Mr. Bliss has also met with Mr. Ojarovsky and concurs with the recommendation.

Mr. Major made a motion to appoint John Ojarovsky to the position of Communication Center Director in accordance with the job description provided. Ms. Weinstein seconded and the motion passed unanimously.

Discussion/decision regarding Deep Wood Road- John Conte, Ray Darling from Tectonic Engineering & Surveying Consultant PC- John Conte said that he received the final report from Tectonic concerning the analysis of the culverts on Deepwood Road. The three culverts are the culverts that accept the watershed area from Jennings Brook. The watershed is just over 900 acres. The study was done because it is such a large watershed and expanding the size of the drainage structure might have an adverse effect on the downstream residents.

Mark A. Lukasik, P.E. gave an overview of the report. A copy of the report is in the Selectmen's office. He said that the watershed is a watershed that is studied by FEMA and is in a flood plain area so that also needs to be considered. After hearing the report Mr. Major pointed out that no matter what we do we can not fix the problem completely.

Mr. Bliss said the two houses that get hit the hardest are the Fischer's house and Zannetti's house which are 1 and 2 on the report. Mr. Major asked if we do the culvert the way they are proposing do these two houses still flood. Mr. Lukasik said dwelling 1 cannot be fixed under any scenario. Mr. Major said he was trying to understand, when looking at \$100,000 number if it does not solve the problem then what is the point.

Mr. Lukasik said page 7, table 4 is a tabulation of the performance of the existing culvert and tabulated backwater effect as it relates to various critical elevations based on the field survey. Where there are asterisks next to the numbers it reflects an impact either to a basement or first floor elevation. Currently, almost without exception, the dwelling labeled as number 1 receives impact regardless of the storm analyzed. Dwelling labeled 2 becomes impacted in a two year event, dwelling 3 in a ten year event and dwelling 4 in a twenty-five year event.

With the best possible modification dwelling 1 still has impact in a one year storm. Dwelling 2 is then moved out to the fifteen year event, and dwellings 3 and 4 the problem is alleviated. Mr. Major asked if we did a \$50,000 fix how would this change. Mr. Lukasik said the marginal cost associated with an improvement, once you get into pre-cast concrete culverts, your dealing with heavy equipment, heavy excavation, cranes, and large excavators to pick and place sections. That mobilization, those equipment charges are going to be substantial. Labor costs are going to be very similar in either scenario.

Mr. Major asked what it would take to go from a 25 year storm to a 50 year storm, and what would be the difference in the modification that they need to do. If we built to a 25 year storm would dwellings 3 and 4 be impacted or would they be not impacted. Mr. Lukasik said that it really is an all or nothing scenario. Ms. Weinstein asked about them having FEMA designation and could we get help from FEMA. Mr. Bliss said sometimes, but not in this case. Mr. Major asked if the work was done, if it would change the FEMA designation. Mr. Lukasik said no, each homeowner would have to go through the process for themselves.

Mr. Zannetti asked if the Town could do the job themselves. Mr. Conte said no. Mr. Bliss said we have a rough estimate of about \$100,000 for the cost of doing this. Mr. Bliss said the board would have to decide if they wanted to go ahead with that and assuming they wanted to proceed then it would go out to bid. Mr. Conte said that the first thing that would have to be done is bringing in a license surveyor, they would have to establish where the Town right of way lines are, they would have to survey it and stake it and would have to provide them with a topographic survey.

Those would be the base maps that Mr. Conte's office will then pick up from there, taking into account the size structure that we need, and then coming up with the final design, plans and specifications, and then sent out to bid. There will also have to be Conservation and Planning and Zoning approval because you are in a flood zone.

Martin Strasmore asked if the Town had a legal obligation to do this. Mr. Bliss said that he did not believe that the Town had legal obligation.

Discussion/decision regarding culvert installation #4 Kettle Creek Road._ John Conte. Mr. Conte said that we have a culvert that is backing up into #4 Kettle Creek Road. The resident hired an engineer to take a look at the culvert and its capacity. He has made some recommendations to alleviate the flooding in this situation. There is an existing 24 inch culvert and it was backing up in some of the heavy storms. The resident also had an intermittent brook going through their property. About half of the channel is silted in and almost completely covered over which caused some of the problems.

Over the past six to eight months the property owner has alleviated the problem. They have reconstructed the channel and even constructed a small pond that handles some of the runoff before it enters into the existing 24 inch culvert. The engineer has recommended that we add an additional 24 inch culvert to handle a 50 year storm. Mr. Conte said he has prepared a set of plans showing the additional 24 inch culvert.

The plans have been sent out to a number of contractors in the area and we have four responses with proposals to construct the additional 24 inch culvert. The proposals ranged from \$18,950 to \$34,300. From the four estimates three were very close and the low bid was from Lametta and Sons Contracting. Mr. Conte said he is very leery about accepting a bid that low, so he contacted Mr. Lametta at the request of Mr. Bliss to try and go over the numbers with him. Mr. Lametta has now withdrawn the offer. The next lowest bidder is Dayton Brothers at \$31,905.

Mr. Major said that he felt that we were going to pay for something that the owner could have been predicted would be a problem when they bought the house. Mr. Conte said our street drainage design requires a 25 year design storm which is very conservative compared to other Towns in the State of Connecticut. Some other Towns and the State require a 10 year storm design.

Mr. Major said he felt that we were opening a can of worms, because anyone who has a drainage problem is going to start coming to the Town and want us to start taking care of it. Ms. Weinstein asked how often and how severe has been the flooding on the road and in the homeowners home. Mr. Conte said he did not know how many times it had backed up in the homeowner's residence. He said he had only seen it in 2007 and he has been here almost 18 years.

Mr. Major said he would like to see a written opinion from Town Counsel as to what our legal responsibility is. He said since the work needs to be done on Town property, he would like to know what the procedures would be to doing this as a joint venture with the property owners. Mr. Bliss said that he had talked to Town attorney and they said that we could do it cooperatively with the homeowner or if the homeowner wanted to do it they could do it under the guidance of the Town Engineer on Town property, so we have a lot of options. Mr. Bliss will get the written opinion from Town Counsel for the next Selectmen's meeting.

Michael Lintell said that they have done all that they can do, which was completed 60 days ago. The two storms that caused him problems were the April 2006 and 2007. He said that he has done everything that he can do as a homeowner.

Update on Booster Barn and Bleachers – Peter Figliola

Peter Figliola said that they wanted to apprise the Board of Selectmen as to what progress has been made on the project to date and where they are going in the future on the project. The Board of Education had engaged Kaestle Boos to prepare a study of the area behind the football field along side of the access road between the two fields, which is the preferred location of the Booster Barn.

Kaestle Boos has come back with a schematic. Mr. Figliola when through the schematic with the Selectmen and explained that they had picked a couple of different locations for the Booster Barn. The Board of Education has suggested and prefers the location behind the set of stands on the home field side for a couple different reasons.

The Board of Education has put out a bid for bleachers of 750 seats with a press box. This will allow the Town to host SWC events. They received 5 bids and have selected a winning bidder with I-beam construction as opposed to an angle brace construction. The winning bid for the bleachers was \$235,000.

The Board of Education has said they would prefer the pitch roof verses the flat on the Booster Barn. The Building Committee has asked for more time to flush out this drawing and make sure it is exactly the way they would like it to look.

Mr. Figliola said that the last drawing that the Selectmen saw was not ADA compliant and was not a workable facility. Kaestle Boos has designed a much bigger facility which is an ADA compliant structure. They are making progress and moving towards coming back with a final proposal. The Booster Barn has not been put out to bid and there preferred method is a prefabricated structure that they could drop into place versus having a stick building. They will finalize the cost estimates and then brief the Board of Finance at their meeting next week. They will then come back to us with a full blown presentation at the August 21st meeting.

Ms. Weinstein asked about a time frame. Mr. Figliola said if they get approval from the Board of Selectmen by the 21st and they go before the Board of Finance the goal is to have the bleachers in by mid October. They expect the Booster Barn to be put into place sometime in November and expect it to be ready for the first game in the spring season.

Mr. Major said they need to check to see if it needs to go to Planning and Zoning and from a financial prospective we are going to be bumping up to what the Board of Finance is going to be able to do for the entire year in appropriations without going to a Town Meeting. Mr. Bliss said if it goes to a Town meeting they would not be able to get the bleachers in on time. Mr. Major suggested that we do the bleachers by a supplemental appropriation and then do the Booster Barn by Town Meeting.

Discussion/decision regarding recommendation from the Beautification Committee on memorials on the Town Hall and Library Campus- The Beautification Committee has asked that we establish a policy of not doing any more memorials on campus and the Board of Selectmen will approve things for town officials, civic leaders, and like. This does not affect the Veterans.

Mr. Major asked what the process is for getting a memorial through. Mr. Bliss said currently they send a letter to the First Selectman with a specific request and it is then turned over to the Beautification Committee. The Beautification Committee reviews it and makes a recommendation.

The Selectmen decided that the Beautification Committee should come back with the parameters of what is appropriate and how a location is chosen.

Discussion/decision regarding the Mission Statement for the Lachat Committee- Glenn Major- Mr. Major said he went back to the original mission statement that was used and feels the mission statement needs to be modified to have two goals. First, we should review the cooperative agreement and modify it accordingly. Since the Nature Conservancy's goals have changed so dramatically, the agreement is no longer appropriate. What he has prepared is the mission statement as it relates to the property.

He said right now things are a 50/50 split, but if we stay within the context of what has been discussed the Town gets very little out of the 50/50 split and the Nature Conservancy get a tremendous benefit. Mr. Major said he would like to modify what he has given them and read through it and modify it for the next meeting adding a new number 1 which is to work with the Nature Conservancy.

Discussion/Decision regarding the Mission Statement for the Cemetery Committee.- Gayle Weinstein- Ms. Weinstein said she felt this should be done in conjunction with the Town Meeting that they thought they would have in September regarding the cemetery because we want to get a sense of where the Town wants to go.

She said she took the old mission statement and tried to focus it on a couple of key facts. First reconsider town owned sites in the Grever & Ward LLC report along with other Town owned properties. She said the recommended site should be able to handle a capacity for 50 years. She felt 100 years was too tight, and she did not want to obligate the town for a 100 year solution, if 50 years is enough.

Ms. Weinstein asked if the other selectmen felt that an ex officio member was still appropriate. She said she did not include the review of the business plan, because she wanted to know if the selectmen felt it was current enough or whether they felt the committee should take another look at it.

Mr. Bliss said that the Commission on Aging had appointed an ex officio member and he felt that should stay. Mr. Major said as far as the business plan that the committee should

be mindful that the business plan is there. Mr. Bliss said there should be an expiration date of June 30, 2010 for the committee.

Ms. Weinstein will make changes and bring it back to the next meeting.

Discussion/decision regarding Veterans' Tax Relief Ordinance- Mr. Major made a motion to approve the Veteran's Tax Relief Ordinance as amended. Ms. Weinstein seconded and the motion passed unanimously.

Discussion/decision regarding Fuel Efficient Vehicle Ordinance – Mr. Bliss shared two emails that he received. One from Lucy and Reg Bowden who opposed the ordinance. The other was from Eric Tyson who also opposed it.

Ms. Weinstein said that it would make more sense to take the tax dollars and allocate them either towards better transportation alternatives in the Town or to reducing energy cost or something in that range rather than to give certain homeowners the tax break when there are so many other people in our Town who are in need.

Mr. Major said that he felt that we give tax exemption to the elderly, tax free loans, tax exemption for the veteran's etc. He said we choose different groups to give tax exemptions to and the argument that we are selecting a particular group of people and playing favorites with that group is not a good argument.

Mr. Major said he would propose an incentive for people to purchase the cars. He feels anyone who already had a car does not need the incentive, and should not get the incentive. He suggested that anyone who purchases one of the vehicles on or after October 1, 2009, gets the benefit of it. He said this encourages people to buy them. We are not rewarding people who have already bought them, who bought them for whatever reason that they bought them for. Mr. Bliss said he would check with Charity Nichols to be sure we can do it administratively. This will be put on the agenda for the next Selectmen's meeting

Discussion/decision regarding proposed landfill cell tower lease agreement with AT&T. Mr. Landry said that he received a note from them saying that with what they were putting on there the tower could fail at 115% of its load. He said that this will be on the agenda for the next selectmen's meeting.

Discussion/decision regarding contract approval for High School Auditorium-Carlson Construction.- Mr. Landry said that Carlson Construction was well on their way. Mr. Major made a motion to authorize the First Selectman to execute the independent contractor agreement between the Town of Weston and Carlson Construction LLC in the amount of \$1,478,587. Ms. Weinstein seconded and the motion passed unanimously.

Discussion/decision regarding approval of insurance brokerage services contract with USI Connecticut.- Mr. Landry said this contract is with our broker who did our

health insurance. They also do property auto liability. USI Connecticut used to be Webster. The contract is for 6 months and not 12 because the Insurance Committee wants to investigate combining health insurance brokers used by the Town and the school. The school's coverage goes to the end of the year of the calendar year and the Town has traditionally been for a fiscal year.

Mr. Major made a motion to approve the insurance brokerage services contract with USI Connecticut for a term July 1, 2008 to December 31, 2008 for the sum of \$17,500 as submitted. Ms. Weinstein seconded and the motion passed unanimously

Discussion/decision regarding contract award for Town Hall Roof replacement.- Mr. Landry said what starts after page 12 were 3 pages of insertions that were not part of the AIA contract, but were inserted by Ken Bernhard. There were three changes that Ken had made in the document.

Mr. Major asked what the time frame was for getting the work done. Mr. Landry said they expect to be on site the middle of September and they think they will have slate by the end of September and it is a three month process.

Ms. Weinstein made a motion to authorize the First Selectman to enter into a contract with Silktown Roofing for the Town Hall Roof Replacement. Mr. Major seconded and the motion passed unanimously.

Discussion/approval of the minutes of the Board of Selectmen's meetings of Special Meeting May 27, 2008, June 19, 2008 and Executive Session June 19, 2008- Tabled to the next Selectmen's meeting.

Any other business to come properly before the meeting- Mr. Major made a motion to add changing the next Selectmen's meeting date to the agenda. Ms. Weinstein seconded and the motion passed unanimously.

Mr. Major made a motion to move our Selectmen's meeting to August 19, 2008 at 7:30pm in the Town Hall Meeting Room. Ms. Weinstein seconded and the motion passed unanimously.

At 10:15pm Ms. Weinstein made a motion to enter into executive session. Mr. Major seconded and the motion passed unanimously.

Executive Session- Litigation- Ken Bernhard, Police Chief Contract

Discussion/decision regarding Police Chief's Contract

ADJOURN: At 10:25, a motion (Weinstein motion, Major second) to adjourn executive session and reconvene in open session passed by unanimous vote.

POLICE CHIEF CONTRACT: At 10:27, the Board reconvened in open session in the Meeting Room. A motion (Major, Weinstein second) to approve the proposed employment contract with Chief Troxell as presented, retroactive to January 1, 2008, passed unanimously.

EXECUTIVE SESSION#2: At 10:30 pm, a motion (Major, Weinstein second) to enter executive session to discuss litigation (C&H Electric) passed by unanimous vote. Mr. Bliss announced that it was unlikely the Board would reconvene in open session except for the purpose of adjournment.

ATTENDANCE: The session was convened in the Meeting Room with members Bliss, Major, and Weinstein present. Also present were: School Building Committee members Don Gary and Joe Fitzpatrick; Counsel Monte Frank, Counsel Ken Bernhard by telephone, and Town Administrator Landry.

DISCUSSION: The group was informed of recent discussions between Attorney Frank and C&H Counsel, and discussed various options and appropriate responses in the litigation.

ADJOURN EXECUTIVE SESSION: At 11:02 pm, a motion (Weinstein, Major second) to adjourn executive session and reconvene in open session passed by unanimous vote.

ADJOURN: At 11:03 pm, a motion to adjourn the meeting (Major, Weinstein second) passed by unanimous vote.

Respectfully submitted

Judy M. DeVito
Administrative Assistant
Approved 11/06/08