

**Board of Selectmen's meeting
October 16, 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.

Pledge of Allegiance- Mark Harper lead the meeting in the Pledge of Allegiance

Discussion/decision regarding interviews for the Cemetery Committee- Pamela Bochinski, Debbie Dannenbaum, Mark Harper and Richard Wolf.

Debbie Dannenbaum said she had an undergraduate degree in economics and finance. She has worked in commercial real estate lending for 10 years and has a degree in Real Estate Investment Analysis. She said she has a good sense of looking at financial situations and determining if something makes economic sense. She knows how to evaluate properties.

She is interesting in the cemetery committee because she is interested in historic and maintaining the historic character of the Town. Mr. Major asked Ms. Dannenbaum if she realized that Jarvis Military Academy which her property abuts, was one of the properties that is being considered. She said yes, but she had spoken to members on the previous cemetery committee who said that it was not on the top five.

Mr. Major said with the new committee and new charge that they want this committee to go back and look at those properties. Mr. Major said from his prospective that was probably the number one location. She said that the former First Selectman said that the likelihood that property would even be considered was not very high. Mr. Major said he felt that she was going in with some preconceived notions. She said from what she had checked out there were many properties that were under consideration and that there was idea of even purchasing property. She said she would look at all the options fairly.

Mark Harper said that he is a local Weston resident and has been involved in a lot of land acquisitions and bringing deals to the town. He said he knows every square inch of Weston and have an open opinion of all the properties and has no preconceived notions of where it is going to go. He wants to work with the rest of the team and bring this to a final conclusion.

Richard Wolf said he would like to serve on the committee because he thinks that the business that we started is still incomplete. He joined the last committee because he agreed with the idea of trying to create a Town cemetery and he would like to continue with that study and hopefully come up with a solution.

Ms. Weinstein asked Richard about his comment about disbanding the Committee if we did not choose the Lachat property. She asked since the Selectmen did not choose that property why did he want to continue on the committee. He said he thinks the work is incomplete, and the Board of Selectmen has to set out some real guidelines and parameters for the committee, in order for it

to be successful. He said in his mind it appeared as if the selectmen were personally going to take an interest in directing the focus of the committee. He said with that in mind he thought he would like to be a part of it.

Ms. Weinstein said that they did change the mission statement a little. Mr. Wolf said the selectmen have to provide direction for the committee in order to come up with a successful result. Mr. Major asked if he thought that the mission statement gives them that direction or did he feel that there was still more direction needed. Mr. Wolf said that when they start working on it they may find that they need a little more direction.

Mr. Major said that since this is a five member committee and we only have four candidates that the ad needs to be run again for the Cemetery Committee and the Lachat Committee.

Discussion/decision regarding interviews for the Lachat Ad Hoc Advisory Committee- Jack Beal; Mark Harper-The ad will be placed in the Weston Forum again since this is supposed to be a three member committee.

Discussion/decision regarding update on the Food Pantry- Teri Gaberman and Betsy Peyreigne. – Betsy Peyreigne said that they got Historic District approval last night. The unit is being delivered tomorrow. The Police Benevolent Association (PBA) is willing to put the Food Pantry under their liability. The PBA is a 501c5. Mr. Major asked if contribution made were tax deductible. Betsy said for the PBA no, but they have the reserve account set up at Town and the checks that go there are tax deductible.

Ms. Peyreigne said that the PBA has also put up the \$4,500 to purchase the unfinished unit. The PBA is willing to gift the unit to the town if the Town would then lease it back to them because they need to either own it or lease it for the liability policy. Ms. Weinstein said it was her understanding that they can lease it for a \$1.00. Mr. Major said he had no problem with it, but we need to have Town counsel prepare the right documents.

On Monday, October 20th, they will be going to Planning & Zoning. Mr. Bliss said that they need to change the 501c3 to a 501c5. Mr. Major suggested that the Selectmen authorize the First Selectman to execute those documents that the Town attorney deems appropriate so that it does not hold up the Food Pantry.

Mr. Major made a motion to modify their prior approval of the Food Pantry to allow the PBA to be the umbrella organization that the Food Pantry will exist under, and further moved that they authorize the First Selectman to execute those documents that the Town Attorney reviews and approves in relation to taking ownership of the building in leasing it back to the PBA for \$1.00 a year. Ms. Weinstein seconded and the motion passed unanimously. Carl Filsinger said that this was a unanimous vote when the PBA voted.

Discussion/decision regarding Town of Weston Policy on Memorial or Honorary Gifts for the Landscape Memorials – Claudia Hahn

Mr. Bliss said that this is setting a policy going forward for the Beautification Committee and for the Town in terms of memorial and honorary gifts for landscape items. Landscape items are

generally trees, bushes, benches and plaques. Mr. Bliss said one of the challenges is placement on the Town Hall, Town Library and Jarvis properties. We do not have a lot of space left for landscape memorials. The Beautification Committee wants some guidelines so that they can share them with people at the time they came forward to do a memorial.

Mr. Major said his concern was that this did not tie into the gift policy that the Town adopted. The paragraph that said that the Beautification Committee would make a recommendation to the First Selectman for final approval, depending on what the gift is that would not meet our gift policy.

Mr. Bliss said frequently on these kinds of items, we are on a fairly short time schedule to make a decision. Mr. Major said he was thinking about something like, who will in turn make a recommendation to the Board of Selectmen in accordance with the existing gifting policy. He said he just wanted it to be consistent with the gift policy. Mr. Bliss said that was fine.

Mr. Major made a motion to approve the recommendations of the Town Beautification Committee for policy in accepting honorary and memorial gifts with the changes as notes in the second to last paragraph. Ms. Weinstein seconded and the motion passed unanimously.

At 7:54pm Mr. Major made a motion to recess the meeting. Ms. Weinstein seconded and the motion passed unanimously.

Meeting was recessed to have a Special Town Meeting for an appropriation not to exceed \$900,000 for the rebuilding of the Lyons Plain Fire House.

At 8:26pm Mr. Bliss reconvened the Board of Selectmen's meeting.

Discussion/decision regarding hunting in Weston- Mark Harper. Mr. Harper said that Weston was in a really good position to make a big difference in the deer population. He said that he has been to dozens of meetings over the last few years regarding the over population of deer in Fairfield County, its affect on the foliage, its effect with Lyme Disease, etc.

He is proposing that the Selectmen open a few pieces of Town owned property to hunting. He said there is no access to these pieces of property, and through his survey they are harboring a large number of deer, unlike what we are not seeing in some of the other places in Town. Devils Den has had a very successful controlled hunt there for many years, and it has been very effective in reducing population. He said with deer, the doe is the matriarch of the family and when they give birth their female off spring stay in the same vicinity. He said because of this we are finding these pockets where the deer density is higher than it is in some of the other locations. The locations that have been hunted are Devils Den and Trout Brook Valley, which is all under the control of the State.

Mr. Harper said that he would start with the Landfill. He said he contacted the state and there is no special permitting that we need to do. He has already found hunters who are Weston police officers or other officers. The way it would work is, he would give them a permission slip, and they would follow all the state regulations pertaining to hunting. The State asked him to keep

track of how many animals are taken off the property, and what they are (e.g. doe, yearlings and bucks) He would submit a report to the State.

Mr. Major asked how many acres was in the Landfill. Mr. Harper said more than 50. Mr. Harper said he would set it up so that the hunters would be back in forest lands and have designated locations to hunt. He said he would control how many hunters were there on a specific date and time. The State has told him because of the size of the property they can do the three seasons, bow and arrow, shot gun rifle and a black powder season. Mr. Major said if we are effective enough using bow and arrow to reduce the population to what he thought was reasonable, then he would say we do not need any rifle hunting. Mr. Harper said yes.

Mr. Major asked how Mr. Harper would determine was an acceptable level. He said he had counted 27 deer in that area in one day. He felt an acceptable level would be to cut it in half. They would be targeting the doe.

Ms. Weinstein asked how Mr. Harper picked the hunters. Mr. Harper said we have police officers, who work for the Town of Weston, that are interested and also some State conservation officers that might be interested in helping as well. There is a permit that has to be filled out and the hunters on the land have to abide by the season and all state laws.

Mr. Major said the biggest issue that we are going to have is the public relations aspect of it and not the real underlying issue. He said as much information that Mr. Harper can make available to the newspaper as far as the other Towns in the area that are doing it, how long they have been doing it, the size of the property that they are doing it on. Mr. Major said he is concerned about the abutting neighbors and they understand what the risk or lack of risk is. He said he wanted people to have facts. Mr. Harper said they will take all safety precautions and it will be done during the week.

Ms. Weinstein asked if in Mr. Harper's opinion there was any other way to possibly control the deer population. Mr. Harper said that he has been on the Fairfield County committee for years, and there is no contraceptive that is currently approved by the Federal Government or State to use in birth control on animals. He said if there were he would use it. Hunting has been the most successful way that has been shown to work in reducing the number of deer in a particular area. Ms. Weinstein said she had an emotional problem killing an animal for no reason other than the fact that it is bothering me. Mr. Bliss said that it is a public safety issue. Mr. Major said the damage that they are doing to the environment is huge. Ms. Weinstein said to please make sure that it is a good distance away from the homes.

Mr. Major said to summarize there will be maybe three locations that Mr. Harper will pick in advance where the hunter will be, that they are not out wandering the property so that the neighbors will be notified in advance and it will be done during the school day. Mr. Bliss asked that he report back to the Selectmen at the end of the season.

Mr. Major made a motion to authorize the First Selectman to execute hunting permits for a controlled hunt the parameters of which to be established with the First Selectman and our

Animal Control Officer to be conducted at the Town Transfer Station this fall. Ms. Weinstein seconded and the motion passed unanimously.

Discussion/decision regarding a resolution to authorize the Town of Weston and the Weston Board of Education to enter into a 3 year tax-exempt lease agreement with Fairfield County Bank for the purchase of technology equipment in the amount of \$400,000 at a rate of 4.35%, subject to the approval of the Board of Finance.

Mr. Bliss said that the Board of Education asks that this be taken off the agenda. Mr. Major asked if they were just asking for a different way to finance monies that they already had intended to borrow. He wanted to be sure it was not new money. Mr. Bliss said yes they were not asking for new money.

Discussion/decision regarding Culvert Replacement- Gayle Weinstein

Ms. Weinstein said she tried to create a Town Policy along with John Conte, Tracy Kulikowski and Pat Sullivan on culvert replacement. She felt that we should have a policy that basically states that they are responsible to repair and maintain culverts, but we are under no legal obligation to replace existing culverts and the fact that the Town Engineer and the Director of Public Works will be the people responsible for making the determination as to what culverts get fixed.

Mr. Major said he felt that some reference to upstream and down stream property should be called out as a consideration. Mr. Bliss said the second bullet did not need to be there. He felt that bullet number seven should be first. He said bullet number three should include police chief involvement. Bullet four should be moved toward the end. Mr. Major said he would take out the last sentence of the sixth bullet. Mr. Bliss said the significant road hazards the definition of that is as determined by Town Engineer and the Police Chief should be added. In the third bullet we will change the word responsible to considered and the policy will be called Town Policy on Culvert replacement on Town Roads.

Mr. Bliss said that we should make the changes and bring it back to the next Selectmen's meeting.

Mr. Zannetti from Deepwood Road said that he differed with the Selectmen that this was not a crisis situation. He lives in a three story house and since 2006 he has not been able to live on the first floor because of the flooding situation that has occurred.

He asked when the policy was put together was there any consideration with respect to the safety of the people who live in the Town. In the last two years they have had significant flooding, where the fire department has not been able to get through the flood to go to his house to turn off the electricity. Ms. Weinstein said that this policy is saying that these determinations need to be made by those who are more qualified than us to make the determination, the Town Engineer, Public Works Director and Police Chief.

Mr. Zannetti said they should add the safety issue of Town residents to the criteria list. He would also like to ask the Selectmen to consider the possibility of seeing how many homes are affected

by the repair or replacement of culvert and put that into the criteria and say if there are more than two or three houses affected then it is a win-win situation for the Town and for the residence.

Mr. Conte said the Town of Westport has problems changing some of their culverts because some of the culverts fall under DEP regulations. He said DEP has a policy where they do not want to increase culverts because they are concerned about down stream effects.

Mr. Major said that we had talked about whether a neighbor could go in and make the repairs and how that would be done and that the Town would consider having a property owner fund the replacement provided that the replacement was performed by the Town.

Marty Fischer asked how this differs to what is currently in place other than the fact that it is written on paper. Mr. Major said we never had a policy and that this was groundbreaking. Ms. Fischer said they have four floods that have affected them and it was just the luck of the draw that Hanna did not rain an hour longer or they would have been flooded again. She said that is why they keep coming to the Selectmen's meeting and that is why they have been vocal.

Mr. Major said he did not feel that the Town should be responsible for private property. Mr. Zannetti said that they are not asking the Town to be responsible for private property they are asking the Town to maintain and upgrade the info structure to keep pace with the development that has taken place over the last 20 years. He said that they were going to request a meeting with both Ms. Weinstein and Mr. Major to discuss this individually and ask their indulgence to grant a meeting. Mr. Major said it should be done as a public meeting.

Discussion/decision regarding the Budget Review Schedule 2009-2010- This was tabled to the next Selectmen's meeting.

Update on Solid Waste and Recycling- Woody Bliss

This was tabled to the next Board of Selectmen's meeting.

Request for property tax refunds:

VW Credit Leasing LTD	\$498.21
Chase Auto Finance Corp.	\$403.68
CAB East LLC	\$277.42
Stephen L. Dwyre	\$48.51
Arleen Block Fishman	<u>\$28.88</u>
Total	\$1,256.70

Mr. Major made a motion to approve the property tax refunds as set forth in our agenda for a total of \$1,256.70. Ms. Weinstein seconded and the motion passed unanimously.

Discussion/approval of the Board of Selectmen's meeting minutes of the August 7, 2008.
Tabled to the next Selectmen's meeting.

Any other business to come properly before the meeting.

Ms. Weinstein made a motion to add to the agenda discussion/decision regarding the Sterling Planet contract. Mr. Major seconded and the motion passed unanimously.

Ms. Strasmore said that this is the contract that Sterling Planet is offering now. She said it will be more because we did not sign last year and we did not pay for last year so now we are jumping up to 6%. Ms. Weinstein asked why we were paying for last year if our percentage had jumped up. Ms. Strasmore said we need to get our selves up to 13% of the bill. The mandate is 20% by 2010.

Mr. Major said Mr. Strasmore offered to utilize monies that the committee has that they have not expended, and they did not have an issue with those funds being allocated to meet the requirements for the Sterling planet agreement so that we would not have to allocate any additional new dollars. It would be dollars that were already there and budgeted so it would be zero for us.

Ms. Strasmore said that there are 70 Towns in that State that have signed up for this and what we are going to lose is 3 kilowatts of free solar energy which is worth \$30,000. She said if we want this contract with this warranty it needs to be signed by October 24th.

Mr. Bliss made a motion to authorize the First Selectman to sign the agreement as presented by Sterling Planet. The agreement covers the period January 2008 through December 31st. Ms. Weinstein seconded. The vote was Mr. Bliss yes, Mr. Major no and Ms. Weinstein abstained.

Ms. Weinstein made a motion to add a discussion of the item that is going to be on the ballot regarding the Constitutional Convention. Mr. Bliss seconded and the motion passed unanimously.

Ms. Weinstein said that at the DTC meeting they talked about the Constitutional Convention and how seemingly innocuous the question will be on the ballot. She said they are concerned that this may actually pass. The DTC passed a resolution to oppose this. She said rather than making this a partisan issue she thought the three of the selectmen could get together and write a letter to the Forum urging the people in Weston to vote no on this.

Ms. Weinstein said that the League of Women Voters have also taken a stand on this and is also opposed to this. Mr. Bliss said at the CCM Legislative Committee meeting and they also voted unanimously against this. He said it is a terrible idea, because it gives small and special interest groups the ability to spend a relatively small amount of money putting something in for referendum and other groups have got to spend a lot of money to oppose it. On the surface it sounds like the proper function of government, the reality of it is that it is not the proper function. The legislature is supposed to do that, and then the voters approve or disapprove the changes to the constitution.

Mr. Major said that as an attorney the problem is, the courts can overturn legislation, the courts cannot overturn the constitution. Mr. Major said he was not in favor of it. Mr. Bliss asked Ms. Weinstein if her motion was that the Board of Selectmen vote to oppose this and publicize the fact that they are opposed. Mr. Major requested that our reason for opposition be couched in a positive sense, not to try to prevent particular groups from coming in and doing anything, but

that there are more effective means of modifying the constitution should the constitution need to be modified.

Ms. Weinstein said they should take a look at what the League of Women Voters put out and they can work with that. Mr. Major said it was very important that each of them for different reasons are opposed to voting yes and anything that they put out has to be generic enough so that no one of their particular position is advocate. Mr. Bliss asked if he had any problem if they used the rational of the League of Women Voters. Mr. Major said he needed to read it he would decide then. The motion was approved unanimously.

Executive Session- If needed

At 10:08 Mr. Major made a motion to enter into executive session. Ms. Weinstein seconded and the motion passed unanimously.

The Board convened in executive session in the First Selectman's office at 10:08 pm with all members in attendance (Bliss, Major, and Weinstein).

C&H ELECTRIC SUIT. The Board discussed whether it should pursue mediation in the C&H Electric lawsuit (high school project electrician). The Board voted unanimously to end executive session and return to open session at 10:18pm. (Mr. Major motion, Ms. Weinstein second).

Open Session Minutes. The Board voted unanimously(Mr. Major, motion, Ms. Weinstein second) to authorize the First Selectman to engage Conflict Solutions at a contract rate not to exceed \$3,950 per day, to serve as mediator in the C&H Electric lawsuit.

ADJOURN: At 10:21 pm, the Board voted unanimously (Ms. Weinstein motion, Mr. Major second) to adjourn.

Respectfully submitted

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