

February 2, 2012
Board of Selectmen's Meeting

Present: First Selectman Gayle Weinstein; Selectman David Muller; Selectman Dennis Tracey; Town Administrator Tom Landry; Administrative Assistant Judy DeVito

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 7:35pm

Ms. Weinstein welcomed State Senator Toni Boucher to the meeting

Pledge of Allegiance- Toni Boucher led the meeting with the Pledge of Allegiance

Discussion regarding changing our Regional Planning Structure- Senator Boucher

Ms. Weinstein did a presentation on Regional Planning Structures which is attached to the minutes.

Senator Boucher said a couple of concerns that were expressed are that possibly those designees from Planning and Zoning in this new structure may not have as much of a say or an actual vote and that is a sticky wicket for some. Their advice and participation might continue to go forward but the decision making would be in the hands of the CEO's.

She said the piece that's troubling to folks is what more might happen if the State come in and do something. There was a 2010 law that was enacted that allowed all three types of RPO's to propose something called regional economic development districts. There is also a law that required the Secretary of OPM to notify municipalities about regional planning boundary revisions proposed before January 1, 2012 and specifies the process that he must follow to notify them. Neither of these have happened to date.

Senator Boucher said as far as whether it is advantageous or not advantageous to move from the current structure to a COG, the only thing that she noticed that could be of any concern would be if there is a perceived dilution of the voting capability of a Planning and Zoning representative instead of the CEO's. 85% of the funding is from the Federal Government for transportation purposes and that is decided by the MPO's and CEO's as well. Ms. Weinstein said essentially what happens with the RPA, is if they do a study and they want grant money, it still needs to be approved by the municipalities.

Ms. Weinstein asked if they changed the Regional Planning Structures into taxing authorities would their RPA have any protection or would they have a different status than the COG's or the CEO's. Mr. Tracey said it not protection, we know that certain legislators are very focused on creating regional revenue sharing. The question is, is a conversion to a COG the first step down a slippery slope? He said one part of the question is, given the structure of an RPA where CEO's are on the bottom of a heap, is the decision making process such that the State would have a more difficult time imposing a regional asset sharing district on a region that is an RPA?

Senator Boucher said she did not think that structure would prevent the State from doing exactly what he said. She did not think that it would be significantly different if it was a COG, RPA, MPO or CEO organization. She said she thinks that every one of these organizations would find themselves in the same situation. They would not allow one region to be held harmless from a movement in that regard. They would do it unilaterally across the board and would supersede that structure.

Mr. Tracey said in other States when regional tax sharing has been imposed, it has been imposed on a voluntary basis by region. The regions would be able to vote on whether they want to have this regional sharing. If we have eight CEO's in a room isn't it easier to vote for that? In an RPA, it may get overruled. It isn't as easy to vote for that when you have 22 volunteer representatives in a room? Senator Boucher said it depends on who they will empower to make that decision. To predict what the general assembly is going to do with this is very difficult and risky at best.

Ms. Weinstein said the question that is still out there is, does it really matter what your regional structure is, with regard to what the State may end up imposing? Ms. Boucher said it is very particular to your Town on how you want your representation to be, going forward. There are advantages of efficiency and staff deployment with having a COG structure. There is also an advantage to having more participation on the parts of your Planning and Zoning which are the real experts locally. The concern would be how you assure that group of their continued participation in a way where they feel that they are valid.

Mr. Tracey asked about the legal procedures from withdrawing from a regional planning organization. Senator Boucher said she wasn't very familiar with it but it can be done. You are absolved of your funding participation within that region. Ms. Weinstein said the way it stands right now with an RPA is you can resign but we still make your transportation decisions for you. You can separate out from the RPA but you can't divorce yourself from the MPO.

Mr. Tracey said that according to the law, you can withdraw at any time from an RPA on six months notice and there is no ongoing requirements to contribute to the RPA so if there were any regional tax sharing that were imposed on us involuntarily in an RPA structure we could withdraw at any time on six months notice. In a COG structure you can withdraw at any time including without six months notice but you are committed under state law to continue to fund any existing projects. In effect, if there is a regional tax sharing regime imposed on Weston we cannot get out of it because once it is imposed we are obligated to continue to fund it forever even if we withdraw from the COG. Senator Boucher said that it was her understanding that this has to do with funding projects. If you are a part of that original project designation, it doesn't that sound fair to remove yourself. Senator Boucher said once a project has commenced and the cost and expenses incurred, it would seem appropriate that everyone continues to participate in that.

February 2, 2012
Board of Selectmen's Meeting

Mr. Horner asked if the Town was going to have a chance to participate in this decision making process. Ms. Weinstein said that there will be many discussions. There will also be public hearings on the discussion. She can't say that they will have a Town Meeting, as the Selectmen haven't voted. Mr. Tracey is for a Town Meeting, she is against it because it would require an ordinance and she doesn't feel that we should change our processes. She said we will continue to have conversations until the community is comfortable with this. Mr. Muller said realistically it is not something that we have a clock ticking that we have to act by a certain date.

Mr. Tracey said that he feels strongly that this should be a decision that is subjected to Town Meeting. Under the existing Charter, the Board of Selectmen is required to submit to Town Meeting anything that it deems of sufficient importance and a decision like this to him is fundamentally important to this town. He thinks it would be breach of their duty not to bring it to a Town Meeting.

Mr. Muller his concern is that we are going to have some people that are very opposed because of misinformation and 20 of them show up and that decides it. He is concerned about the mechanism of the Town Meeting when it is not a lightening rod issue. If five other Towns vote to become a COG we become a COG. We then have the option of going along with it or dropping out and going on our own.

Senator Boucher said she feels pretty confident in saying the issue of regionalization and new taxing authority are a threat will hang over us whether you're a COG or you're RPA or an MPO. However, making that change should be a deliberative process. It is an important decision and it is more on how you want to be represented and how you want to function.

Joe Limone, Planning and Zoning Commissioner, said the last time he appeared before the Board they were not as a group of Commissioners in favor of a COG. He appreciates that they did capture their concerns very well on the presentation. He does not want the Board to think that the Commission isn't willing to think about reevaluating the situation of their opinion. They are open to further discussion and look forward to the discussion going forward. He said that he thought that Selectman Tracey made some very good comments and very good questions. As far as a Town Meeting, he doesn't think that we should have one but what Mr. Muller said was very important which is if there are four or five other Towns that vote, we have to go along or drop out and he thinks that is an important point.

Accept the resignation of Deirdre Doran from the Library Board effective immediately. Mr. Muller moved to accept the resignation of Deirdre Doran from the Library Board effective immediately. Mr. Tracey seconded and the motion passed unanimously.

Open Item

Updates

February 2, 2012
Board of Selectmen's Meeting

Grants- Gayle Weinstein

Emergency Preparedness- Joe Miceli who is our Acting Emergency Management Director has informed us that we did get the CERT grant which will fund training materials as well as back packs for the participants include vest and other equipment that's necessary to be a CERT volunteer. The class is scheduled for March 3rd and 4th.

The Volunteer Coalition has put out information and is organizing our volunteer efforts. Information is available on the Weston website.

Request for property tax refunds

Wells Fargo	\$6,676.60
Theresa Gulson	\$5,221.32
Mercedes Benz	\$526.08
Charles W. Shaeffer	<u>\$24.14</u>
Total	\$12,448.14

Mr. Muller moved to refund property taxes of \$12,448.14 as listed on the February 2nd, 2012 Board of Selectmen's agenda. Mr. Tracey seconded and the motion passed unanimously.

Discussion/approval of the minutes of the Board of Selectmen's meeting of January 5, 2012 and January 19th 2012. Mr. Tracey moved to approve the minutes of the January 5 and January 19, 2012 Board of Selectmen's meeting minutes. Mr. Muller seconded and the motion passed unanimously.

Any other business to come properly before the meeting- None

At 8:38pm Mr. Muller moved to enter into executive session. Mr. Tracey seconded and the motion passed unanimously.

Executive Session- Legal update- Pat Sullivan

ATTENDANCE: The meeting was convened at 8:40 pm in the First Selectman's Office by Chairwoman Weinstein, with Selectmen Muller and Tracey present. Also in attendance were Town Administrator Landry and Town Counsel Sullivan.

DISCUSSION: The meeting was called so that Ms. Sullivan could provide the Board with a status report on all pending court claims.

No votes were taken.

ADJOURN EXECUTIVE SESSION: At 9:22 pm, a motion (David Muller, Dennis Tracey second) to adjourn executive session and resume in open session passed unanimously.

February 2, 2012
Board of Selectmen's Meeting

ADJOURN: At 9:23 pm, a motion to adjourn (Dennis Tracey, David Muller second)
passed by unanimous vote.

Respectfully submitted

Judy M. DeVito
Administrative Assistant
Approved 2/16/12