

Board of Selectmen's Meeting

March 3, 2011

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

This meeting was recorded and videotaped. Tapes are available in the Selectmen's office.

Ms. Weinstein called the meeting to order at 7:30pm

Pledge of Allegiance- Michael O'Brien led the meeting with the Pledge of Allegiance

Accept the resignation of Eileen Kohl Kaufman from Weston's Sustainability Committee effective immediately. Mr. Gilbert made a motion to accept the resignation of Eileen Kohl Kaufman from Weston's Sustainability Committee effective immediately.

Discussion/decision regarding the appointment of Ellen McCormick to fill the vacancy (Eileen Kohl Kaufman) on the Weston Sustainability Committee for a term to expire June 30, 2012. Ellen said she grew up in the country and is very interested in the environment. She is an organic gardener and has seen a lot of the damage that's happening as a result of what is going on in our environment. It is nice to be on a committee that can educate the Town.

Mr. Muller made a motion to appoint Ellen McCormick to fill the vacancy of Eileen Kohl Kaufman on the Weston Sustainability Committee for a term to expire June 30, 2012. Mr. Gilbert seconded and the motion passed unanimously.

Discussion/decision regarding a request from Sunil and Uma Ippagunta to obtain permission to build and/or keep a stone wall located on Town property. Mr. Ippagunta said they received a permit in 2006 from the Board of Selectmen to put an access road from the end of their driveway to the paved portion of Martin Road. Mr. Ippagunta said that to put the driveway where the Town requested it, they had to add a retaining wall to prevent the water from Martin Road causing erosion. He also said that there is a huge tree there, and they are concerned about it falling on them, and that it was a real danger. The contractor did not know that he needed a permit to put in the wall. He would like permission for the wall to stay. If the Town disagrees and feels he does not need the retaining wall or if they feel it is safe for him to get in without a retaining wall, please say so and he will remove it.

Ms. Weinstein said that her preference would be for him to remove the wall. A permit was required and was not obtained. The permission that the Board of Selectmen gave was to build an accessway to the road and their driveway. The tree he is concerned about is on Town property and she looked at it and it does not look like it is in any danger of falling down. If the tree did fall it, is no where near the house, and the wall around it is not something that is protecting the tree from falling on the driveway. Mr. Ippagunta said that

if she can attest to that, then that was fine, but he holds the Town and each one of the Selectmen personally responsible for their decisions.

Ms. Kulikowski showed a map of the property with the wall. Part of the wall is on undisputed Town property. The map that was approved by the Selectmen in October of 2006 shows the accessway to Martin Road but it does not show a wall on it. In the minutes of October 19, 2006 there is no discussion as to a wall. The minutes do say approving the application would avoid cutting down trees and leveling a knoll that currently blocks direct rain water drainage from the cliff into the Saugatuck River.

Mr. Ippagunta said, "Assume that I am applying for a permit, make a judgment based on the necessity of this not based on the fact that the wall exist already." Mr. Gilbert said when we talk about Town land, we are talking about land owned by 10,000 people living in Weston. From his perspective, it is totally inappropriate for any homeowner to take Town land. It would also be inappropriate for any Board or Commission to approve that taking, which is what Mr. Ippagunta is asking for. Mr. Gilbert does not support Mr. Ippagunta's proposal.

Mr. Muller said that rules are there for a reason. It is to protect the Town from people doing things they should not and to protect neighbors. He said even though he has tremendous sympathy for the position that Mr. Ippagunta is in, unfortunately Mr. Ippagunta is saying I am going to make this little piece of property my own by fencing it in.

Mr. Ippagunta said that he is not asking that the Town give the property to him and he is not saying he is taking the property, he is saying he put the stone wall on the Town property because of where the Town wanted the driveway to be. The Town gave exactly the same approval to Mr. Gary to save a tree on Hemlock Ridge. He wanted to know on what grounds would you give a permit there and not here. Ms. Kulikowski said that the wall that Mr. Ippagunta is talking about was on the plans that were approved by the Board of Selectmen.

Ms. Weinstein said we have too many issues with people building on Town property and we cannot set a precedent of allowing one resident to build a stone wall on Town property, because what is to prevent someone else from doing the same thing? The consensus was to not honor Mr. Ippagunta's request.

Discussion/decision regarding a request in the amount of \$170,000 for the purpose of replacing a chiller unit at the Intermediate School- Board of Education. JoAnn Keating said they had a catastrophic failure of the main chiller at the Intermediate School. They have issues with the insurance company not wanting to cover the claim, and they have hired an engineer to help them. He is reviewing all of the data and is going to put together an argument for them. Since that will take some time, and they need to move forward with the replacement, the Board of Education would like to request the funds to do so. When the insurance claim is ultimately paid, that money would come back to the Town.

Ms. Weinstein said initially she was asked to put a supplemental appropriation on the agenda from the general fund of \$170,000. According to the Board of Education's financial report they are anticipating returning \$175,000 to the Town. Her preference would be that they utilize that money, with the caveat that if they have any damage to buildings from the winter storms, they can ask for a supplemental at that time. Dr. Reed said that one thing he would like to add to that caveat was Special Education. The Board of Selectmen agreed.

Discussion/decision regarding approval of an agreement between the Town of Weston and UBS Financial Services to perform Investment Advisory and Broker/Dealer services for the Town- Tom Gahan, UBS Financial Services, Rick Darling. Pat Sullivan, Town Attorney said that we still have one outstanding issue with the contract. She feels that UBS is asking us to make a representation that she is not comfortable with. They should be making the representation that they are entitled to hold our money and we should not be making the representation that we think that they can. Mr. Darling said that the body of the agreement has been approved and there is a side agreement where the language needs to be worked on and hashed out. Tom Gahan said the issue is relevant as to whether UBS is a qualified financial institution under Connecticut State Law to hold these assets. They clearly feel that they are and they have dozens of Connecticut Municipalities at UBS.

After much discussion it was decided that they would approve the agreement subject to Town Attorney's approval.

Mr. Muller made a motion to authorize the Town of Weston to enter into an agreement with UBS Financial Services to perform Investment Advisory and Broker/Dealer services for the Town of Weston's general fund subject to resolution of outstanding contractual issues to the satisfaction of Town Attorney, and, furthermore, authorize the First Selectman to execute an Agreement and related documents between the Town of Weston and UBS Financial Services. The amount of the general fund portfolio under the scope of this agreement shall not exceed 5 million dollars. Mr. Gilbert seconded and the motion passed unanimously.

Discussion/decision regarding a request from the Parks & Recreation Commission to approve the Weston Natural Turf Athletic Fields and Parks Use Rules.

Carlos Mello from the Parks & Recreation Commission said it has become apparent that we need to continue to delineate responsibilities, and ensure that everyone who uses the fields understands their responsibilities. This policy is patterned after the same policy that they wrote several years ago for the artificial turf fields and track.

It is a self policing policy but it also gives the Town some room to enforce. Mr. Ungar said before each season he holds a meeting with the representative from each of the organizations requesting use of the fields. This agreement would be something they would get prior to the meeting, bring to the meeting signed and it would be kept with their insurance policies in a folder.

Mr. Muller made a motion to approve the Weston Natural Turf Athletic Fields and Parks Use Rules as amended. Mr. Gilbert seconded and the motion passed unanimously.

A copy of the Weston Natural Turf Athletic Fields and Parks Use Rules are attached to the minutes.

Discussion/decision regarding the wording of Question 3 on the referendum ballot concerning a municipal cemetery. Ms. Weinstein said that they received clarification from the Secretary of the State that an informational sheet can be handed out with the ballots. The explanatory sheet is necessary so that people can understand what they are voting on.

After some discussion about the verbiage on the question Mr. Muller came up with “Shall the Town of Weston refer a proposal to construct a non-denominational municipal cemetery to the Planning and Zoning Commission and appropriate up to \$30,000 for the required documentation”. Ms. Weinstein agreed.

Mr. Gilbert said he would prefer two questions.

Question 1- Do the people that are voting believe that Weston should have a cemetery?
yes or no

Question 2- Are they willing to appropriate money to do it?

He would prefer to see the question separate and would like people to answer this question “Shall the Town of Weston use approximately 2 acres of the 85 acre Town owned Fromson Strassler property for a non-denominational cemetery”.

Mr. Muller said that we do not have the power to ask that question, until we have been told that Planning and Zoning believes that this is a good thing to do with that land. Mr. Gilbert said if you get a no answer to the question that they are proposing you do not know whether people support a cemetery.

Mr. Muller made a motion to approve the wording for question #3 at the ATBM as follows:

Question #3

Shall the Town of Weston refer a proposal to construct a non-denominational municipal cemetery to the Planning and Zoning Commission and appropriate up to \$30,000 for the required documentation.

Ms. Weinstein seconded and the motion passed Ms. Weinstein, Mr. Muller yes. Mr. Gilbert no. Motion carried.

Mr. Gilbert said that he hopes our Town approves having a non-denominational cemetery.

Discussion/decision regarding the house on the Lachat property. Ms. Weinstein said that she drove by the property and the house did not fare the winter very well. Gutters are

falling off and it looks like the supports to the house are also falling off. Given the state of the house, and given how long the legal issues are taking to resolve, we do not have the luxury of time anymore. At this point we have to decide if we want to spend the funds necessary to renovate the house or demolish the house at this point. She is proposing having a public hearing prior to making a decision.

Mr. Gilbert made a motion to schedule a public hearing for March 31st at 7:00pm in the Town Hall Meeting Room to determine if the house on the Lachat property should be renovated or demolished. Mr. Muller seconded and the motion passed unanimously.

Request for property tax refund

Raymond Rauth & Carolyn Arnold	\$3,713.17
Pamela Rist	\$1,326.64
Juanita Castillo	\$148.41
CAB East (Ford Credit PP Tax)	\$1,594.29
Mercedes Benz Financial	<u>\$106.28</u>
Total	\$6,888.79

There was an error on the agenda for the refund for Raymond Rauth & Carolyn Arnold for \$3,713.17.

Mr. Muller made a motion to approve property tax refunds in the amount of \$3,175.62 as amended. Mr. Gilbert seconded and the motion passed unanimously.

Open Items

Ongoing updates

Valley Forge Bridge- Tom Landry- The bridge rails should be done on Monday and then the guard rails will be in. The bridge should be open in another week.

Grants- Gayle Weinstein- No new news

Ticker File, Discuss as updated

Reimbursement from State for school projects- Tom Landry- Tracy Kulikowski has sent every thing she has onto O&G.

Any other business to come properly before the meeting. None

Discussion/approval of the Special Board of Selectmen’s meeting minutes of February 14, 2011, the Board of Selectmen’s minutes of February 17, 2011 and the Executive Session meeting minutes of February 17, 2011. Mr. Gilbert made a motion to approve the minutes of the Special Board of Selectmen’s meeting minutes of February 14, 2011, the Board of Selectmen’s minutes of February 17, 2011 and the Executive Session meeting minutes of February 17, 2011 as submitted. Mr. Muller seconded and the motion passed unanimously.

March 3, 2011

6

At 9:30pm Mr. Gilbert made a motion to adjourn the meeting. Mr. Muller seconded and the motion passed unanimously.

Respectfully submitted

Judy M. DeVito
Administrative Assistant
Approved 3/31/11