

Board of Selectmen's Meeting

July 23, 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 7:30pm

Pledges of Allegiance- Ms. Weinstein lead the meeting in the Pledge of Allegiance.

Discussion/decision regarding the appointment of Dennis Toner to fill the vacancy (Lois Miller) on the Library Board for a term to expire December 31, 2009. Mr. Toner said that he has lived in Weston for nine years. He is looking forward to getting involved in the Town as much as possible and has always loved libraries and has attended some library board meetings.

Ms. Weinstein made a motion to appoint Dennis Toner to fill the vacancy of Lois Miller on the Library Board for a term to expire December 31, 2009. Mr. Major seconded and the motion passed unanimously.

Discussion/interviews for the Cemetery Committee-Patricia Steiner Heifetz; Benjamin B. Hume; Hal Hutchison; Harold Mathews; Les Wolf; Richard Wolf. Mr. Major made a motion to amend the agenda article 3 to read that discussion/interviews for cemetery committee, Patricia Steiner Heifetz, Benjamin B. Hume, Hal Hutchison, Harold Mathews, Richard Wolf and Teri Gaberman. Ms. Weinstein seconded and the motion passed unanimously.

Teri Gaberman- Has served on the PTO, Food Pantry, Veteran's Committee and many out of state committees. She has lived in Weston for 12 years and feels that it is necessary that the Town of Weston provide a final resting place for its resident that has lived here most of their life.

Mr. Major asked Ms. Gaberman if she was aware of what has gone on with the cemetery committee. She said that she was aware of all the areas that were looked at and is well versed on the former committee members. Ms. Weinstein said that Ms. Gaberman has done a wonderful job on serving on so many different and varied committees throughout the Town. She asked if she was sure if she had the time to commit to another committee. Ms. Gaberman said she did.

Patricia Steiner Heifetz- Ms. Heifetz said that she was here because of Hal Mathews and because he has spent 20 years trying to get a cemetery. She said she was not in favor

of a cemetery, but is in favor of a memorial park. Mr. Major asked her what she perceived she would bring to the committee. She said the knowledge of the Town and the people. Ms. Weinstein asked about Ms. Heifetz being in favor of a memorial park. She said that a cemetery is a place for dead human beings in long large boxes are placed under ground and in this day and age we do not have the space for that. Mr. Major asked if she would be opposed to having such a cemetery in her definition. She said that she was not predisposed to not having a cemetery.

Benjamin Hume- said that he grew up in Fairfield County most of his life. They have just bought Jim Hoe's house on Newtown Turnpike. As a new resident in Town he feels that it is important that there be a cemetery for people to be buried in own. He works for himself, the public defender in Stamford and also as a Probate law attorney.

Hal Hutchison – said that he has lived here since 1971. A few years ago he decided to look around for plots and his vision for Weston would be something like Willow Brook. A little helter-skelter, animal paths and head stones that is tasteful and nice. He has a business education and owns two local businesses. Ms. Weinstein asked what he did in his professional life. When he first moved here he was the assistant to the president in a marketing company. In 1977 he quit and was a head hunter for two more years and currently has a nurse's aid agency called Ms. Daisy's Home Care.

Hal Mathews- said that this year will be 50 years since he has been living here. He has had an interest in a Town Cemetery since 1989 when George Guidera decided he wanted to find out whether the Town needed a cemetery so he gathered together a group and they started to research what we have available. Ray Fitch, custodian for the Coley cemetery, at that time said there was no available space. They were occupied or committed to. They did a survey with the Weston Forum who came up with about 500 people who would be interested in having their remains left here.

Mr. Mathews said that he has not served on the cemetery committee for quite a few years, but he has tried to be of service to those on the committee. Mr. Mathews said that he agreed with Ms. Heifetz, but he thinks people should have an option. He has served on the Building Committee, the Emergency Management Team, Cemetery Committee and the Arts Commission.

Les Wolf- His educational background is a CPA, MBA and spent most of his business career with ITT in financial management. He was on the Board of Finance for 20 years and has been the chair. He is on the Board of Education and was the chair for 3 years with a two year term left to go. He has been an EMT, Treasurer, and crew chief for 22 years. He said that the cemetery is mandatory and is consistent with the Selectmen's policies over the years. He would like to be on the committee, because the cemetery needs to happen.

Richard Wolf- Mr. Wolf said that he had previously been on the cemetery committee. He said he believes that a town cemetery is appropriate. He is a licensed architect and had been in the construction business in New York City for thirty-five years. He has been a

member of the Building Committee, School Building Committee, Zoning Board of Appeals, Lachat Committee and the Cemetery Committee. Since they last met, he has had a little bit more of a professional involvement with cemeteries in that his office is doing a project right now at Greenwood cemetery in Brooklyn. This has given him some additional technical insight as to how a cemetery is operated and how it can be constructed.

He said he brings to the committee his technical background and hopes that because of his involvement with Greenwood that he may be able to get some additional insight and information. He said last time the committee floundered.

Mr. Major said that at one point he had come before the Selectmen and given them an ultimatum that if we did not endorse a particular sight that he was not interested in serving on the committee. Mr. Major said from a personal prospective that left him cold particularly in light of the fact that the site they identified was not a possibility, because of deed restrictions and everybody knew that that was the case.

Mr. Major said that he felt that Mr. Wolf had a tremendous amount of skill and interaction with what we would need to put together, and he would be a very valuable asset to the committee. He has some reservations, because of what transpired the last time when we could not use the Lachat property, and Mr. Wolf was very clear that either we pick that piece or he was not going to serve on the committee.

Mr. Wolf said that the cemetery committee did take that position and sometimes we say things that we should not say. He said last time they floundered, because they really did not receive any assistance from the Board of Selectmen as far as direction goes. He said he would hope if they go further this time they work hand in hand. Mr. Major said that they had given a tremendous amount of direction, and had gone as far as to identify a site and the selectmen did not think that they needed to give direction, because they thought that you were pursuing a particular site.

Discussion/decision regarding the Board of Selectmen considering acquiring Stonecliff Lane as a public highway- John Conte

Mr. Bliss said that we had received their request and turned it over to the Town Engineer. The Town Engineer, John Conte said that it is up to the applicant to meet the Weston's road standards specifications for construction. All specifications must be met before the Town will consider accepting a roadway. Mr. Conte said that there were several deficiencies. A copy of his report is attached to the minutes.

Mr. Potash said the Town actually owns the road. When the seven houses were being built on Stonecliff Road a quit claim deed transferred the property to the Town. He said the deed said for future public use, what was intended by the road was the road would continue through what is now the Audubon Society, to attach to a different road. In the Town minutes, when it was accepted, they had every intention of making it a public road and in fact accepted it. The fire department approved the 18 foot even though it is 2 feet

substandard. He said that Stonecliff is probably less substandard than all of Lords Highway.

In the deed, when they transferred the property to the Town, they left the residents responsible for the snow removal and maintenance of that road. Now that there is a public park there, there are constantly people back and forth, and if there was ever a lawsuit the Town has actually retained control of the property.

Mr. Potash said that on the deed the Town is the owner of the land and the intension back in 1988, when attorney Glenn Major worked on this was to make it a public road. He said what they are looking for is whether the Town repairs it or not is that they take over the maintenance of it. He said essentially that would be snow removal. He said he has looked at the cases and they have a very good argument. The cost of litigating would be more than just accepting it as a public road. They are not a wealthy group of people, and they are not going to spend the money to upgrade the section hoping that the town does it. He said the Town already owns it and it is just a matter of making it a public road.

Mr. Major said he had no recollection of having been involved, but in light of it he was going to recuse himself from any further discussions. This item will be put on the next agenda.

Update on the Booster Barn project- Peter Figliola- Peter Figliola said the bleachers and press box were constructed and were fully operational for the past spring sport season. The Town received a waiver from the CT Department of Public Health with regard to the number of bathrooms and proximately there of. As a condition of the waiver the Town has to put in five portapotties, one ADA compliant, which it did on site. The waiver is a temporary one year waiver.

The design that the Building Committee came up with proved to be too costly to be accommodated within the budget that the Board of Selectmen and Finance had approved. Mr. Bliss has taken over the project and asked the Booster board to come up with a menu as to what they would serve at the Booster Barn. That should tell us what type of equipment they would need.

Mr. Figliola, Mr. Bliss, two members of the Building Committee, the Town Engineer met with a pre-fab contractor from Massachusetts. They discussed how well the building is constructed, whether it would be sustainable for the weather elements. The contractor was very confident that the facility would have no issues with the weather down here.

The location of the building was determined and the goal of the Booster Club was to have that facility as close to the proximity of the lower field as possible, so that it was clearly visible from the lower field as well as accessible from the staked in field. The Board of Education had no issue with where the location was.

Ms. Weinstein asked if there was a concern with putting in a pre-cast building at this point. Mr. Figliola said no, but the Board of Education did ask them to look at a pitched

roof versus a flat roof. The largest building that they could bring down here would be a 24' x 26' building that would come down on two trailers and put together right on site.

On June 24, Mr. Figliola and Mr. Gary meet with the building inspector and went through the list of 38 questions that the Westport/Weston Health District had come back to them with. This being a public kitchen facility, we need to comply with the regulations for that type of facility.

Mr. Gary and Mr. Figliola looked at the surplus kitchen equipment that the Town owns and were able to find one piece of equipment that was new that they would be able to use in the facility.

Mr. Major asked about the Booster Barn being so close to the road. Mr. Bliss said there is a sidewalk and most likely the service area would be on either side. Mr. Figliola said that they did talk about that at the Board of Education meeting and talked about closing the access road during sporting events. Mr. Major asked that they look at the possibility of moving it 10 feet.

At the Board of Education meeting, they asked that they review the building size to see if it would be possible to accommodate the five stalls in the women's room so we will then be in compliance with the State regulation. Ms. Weinstein asked if they were not going to include the five stalls for the women's bathroom, what would they do if the waiver expired. Mr. Figliola said the goal would be to extend the waiver.

Utility Pre-Cast has recommended a 20' x 40' building. They will come down and assemble seven sections of the building that they bring down on trailers. They will construct the structure right on site with the use of a crane. It will take about three to five business days. The cost has gone up from between \$85,000 to \$90,000 to now \$110,000, because it is a much bigger structure. If they wanted to do the pitch roof it will add \$16,000 to \$20,000 to the project and brings it close to running over budget.

The bid from Globe equipment came back with a recommended kitchen size which is 20' x 14' at \$18,200 for all the new equipment that they would need. Ms. Weinstein asked if they cut back on some of menu items would they still need to have the same number of sinks, etc. Mr. Figliola said yes. Mr. Major asked about the grease tank. We will need the grease tank anyway, because soap has grease.

Mr. Figliola said that the cost to date is \$269,271 which leaves us with \$244,000 left in the budget. The building at \$110,000 the site work at \$44,500 and the grease tank at \$9,000, equipment \$18,200, the range hood \$10,000 and a 15% contingency would leave us with a surplus in the budget of approximately \$23,000, which is not a surplus, but less money that they have to pay back to the Town.

The goal is to have the building operational by September 30, 2009. Ms. Weinstein asked what final approvals they needed from the Board of Education. Mr. Figliola said they have to be included and have a say in the final design.

Valley Forge Bridge- Discussion/decision regarding approval of grant application for construction- Tom Landry

Mr. Landry said that Attorney Ken Bernhard reviewed the contract and said that there was no problem with it. The Town is supposed to meet with them on August 13th, so that they can tell them all the rules to participate in that program. The contract is very similar to the contract that we entered into with the State for the design phase grant for this bridge.

Mr. Landry said he spoke to the McGuire Group and the surveyor is on schedule for having the A-2 survey delivered to us for July 31st and the Planning and Zoning Commission has scheduled a meeting for August 3rd. It looks like we will be able to meet the deadlines that the State gave us.

Mr. Major made a motion that we authorize the First Selectman to enter into the grant application for the construction of the Valley Forge Road Bridge. Ms. Weinstein seconded and the motion passed unanimously.

Update on neighbor notification- John Conte- Mr. Conte said he wanted to set the record straight on some events that occurred at a Town meeting on July 9th, 2009. The meeting was about the Valley Forge Bridge replacement. There is one driveway that will be reconstructed as part of the bridge. Two residents use that access, the Millers and Aquarian. Mr. Miller made some disturbing comments at the meeting that they were never contacted concerning reconstruction of their driveway. Mr. Conte said that was an untrue statement.

Mr. Conte said that a letter was sent by the Planning Commission which was mailed on June 4, 2009. There was a public hearing held on June 15, 2009 and there is a legal notice in the Weston Forum for that meeting. Mr. Conte said that he attended that meeting and he did not recall the Millers attending that meeting.

Mr. Conte said he called the Miller's on July 6th and spoke to Mrs. Miller. He invited them in prior to the meeting to go over what portion of the driveway that enters their property that would be reconstructed. Mrs. Miller came in on July 7, and Mr. Conte gave her a copy of the full scale drawing which shows the reconstruction of the driveway and the bridge. Mr. Conte said Mrs. Miller left his office with a complete packet of information and was informed prior to the public hearing what was going to be done to the driveway.

Mr. Conte said a few months ago prior to the informational hearings on the bridge, Mrs. Miller called him and asked for some information concerning the reconstruction of the driveway. He said he explained what they were doing on the phone and at that time he invited them in at any time to review drawings.

Mr. Conte said that the Millers do not own the portion of the driveway that is being reconstructed. They have access to the front portion of the driveway through an

easement. Under the current reconstruction plans they are showing a little sliver that crosses the right-a-way line. Mr. Major said that although there is some activity that was going to take place on Aquarian property, we are not relocating anything we are just resurfacing it.

Mr. Major said that a survey does not establish ownership. Mr. Conte said that he has asked the consultant to realign it to take the sliver out so that all the work will be done within the right-a-way, so there will be no question of adjacent property owners and the Millers have nothing to say as to how this driveway is going to be reconstructed. Ms. Weinstein said that the Millers are affected by it.

Mr. Bliss said that Ms. Weinstein put a letter in the paper apologizing on the behalf of the Town and she has no right to apologize on behalf of the Town. She can apologize for herself, but before she apologizes for the Town, she needs to come to the Selectmen's meeting and get one more vote before she can apologize for the Town.

Ms. Weinstein said she had spoken to Mrs. Miller, who said her first contact with Mr. Conte was two days before the Town Meeting. She feels that we need to make a better effort to communicate with people so that they have a full understanding. Mr. Conte said that they were properly contacted prior to two days before the meeting and were spoken to.

Mr. Major said that it was on the Selectmen's agenda and noticed in the paper many times. Our obligation is not to spoon feed information. Ms. Weinstein said she still felt that we should make a better effort to let the neighbors understand. Mr. Major said that that runs a dangerous route if you start calling neighbors every time we have a project. Mr. Major said that he felt that Ms. Weinstein's letter was a condemnation of what Mr. Conte had done and what the Board of Selectmen had done and he did not think that was fair.

Open Items-

Food Pantry Lease-Woody Bliss- Nothing new

FAA- Woody Bliss- Nothing new

Grants- Gayle Weinstein- We have applied for every grant that we are eligible to apply for. We still have to apply for the energy conservation grant. This grant is about \$54,000 and they will figure out what they will use it for.

Treasurer position-Tom Landry- Mr. Landry said he spoke to Rick the next day about the time commitment for this and whether we were cutting this to thin. Mr. Darling reiterated the he felt it was a transitional pressure and that he could handle it. Mr. Landry said that he is not as sure as he was six months ago. He said it is something we need to watch through the year and if it does not work out they will see that in a future budget.

Tax Collection- Woody Bliss- At this point there is no reason to think that we will see a significant deviation. Mr. Major said the number to watch is personal property tax.

Discussion/approval of the Board of Selectmen minutes of July 9, 2009- Tabled to the next meeting.

At 9:45pm Mr. Major made a motion to enter into executive session. Ms. Weinstein seconded and the motion passed unanimously.

Executive Session- Town Administrator Contract Agreement –

Attended by Mr. Bliss, Mr. Major and Ms. Weinstein. At 10:12pm motion by Mr. Major, second by Ms. Weinstein to adjourn the executive session. Motion passed unanimously. No decisions were made.

At 10:13pm Mr. Major made a motion to adjourn the meeting. Ms. Weinstein seconded and the motion passed unanimously.

Respectfully submitted

Judy M. Devito
Administrative assistant
Approved 9/30/09