

Board of Selectmen's Meeting

August 13, 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 7:31pm

Pledges of Allegiance- Rev. Peter Powell from the Interfaith Housing Alliance lead the meeting in the Pledge of Allegiance.

Executive Session- Ippagunta Court Case

At 7:33pm Ms. Weinstein made a motion to enter into executive session. Mr. Major seconded and the motion passed unanimously.

ATTENDANCE and DISCUSSION: The meeting was convened at 7:34 pm in the First Selectmen's Office by Chairman Bliss, with Mr. Major and Ms. Weinstein present. Also present was Town Administrator Landry, and Cohen and Wolf attorneys Ken Bernhard, and Stuart Katz.

The purpose of the executive session was to discuss a recent decision in a motion in the Ippagunta Planning and Zoning case. Impact of the decision, and legal options were discussed.

ADJOURN: The Board voted unanimously (Ms. Weinstein, motion; Mr. Major second) to end executive session and reconvene in open session. The time was 7:59 pm.

Discussion/decision regarding Stonecliff Lane as a public highway- Ken Bernhard and John Conte. Mr. Major recused himself.

Mr. Potash and Mr. Novsam from Stonecliff Lane were also in attendance. Town Attorney Ken Bernhard said that Stonecliff lane is a portion of Lords Highway. It is a parcel of land that the Town owns outright. At one time it was thought that this extension would continue over property which is now owned by the Audubon Society and has become open space. The original motivation for the Town to acquire the title no longer exists. The agreement when the Town acquired it was that the sub-division neighbors would take responsibility for maintaining it and plowing it, until such time as the Town converted it into a Town road. Apparently at the time the sub-division was approved, this was the intention of the Town.

Facts have changed, the Town is not going to extend Stonecliff lane and there is no legal obligation that Mr. Bernhard can see that the Town has to convert. Mr. Bliss asked if there was any mention in the early documentation of being held to any standard before the Town accepted the road. Mr. Bernhard said no. Mr. Bernhard said that Mr. Potash's argument is that since the Audubon Society has converted the parcel into public space and does attract the public and is being used as a public access way that therefore the Town should assume more responsibility. He said it is the Audubon Society that is inviting people to use their property, but he thinks the neighbors would like to argue that the Audubon's interest and the Town's interest are somewhat overlay.

Mr. Bernhard asked if Mr. Potash could give him some law that makes the argument that a private property owner (the Audubon) invites the public, is that enough to push the pendulum over to the point that the Town ought to assume responsibility of it as a public road. Mr. Potash said that their argument is going to be that when the Audubon Society took over, it increased the foot traffic.

He said there are two ways that a road can be become a public highway. The normal way is that the Board of Selectmen for any town would vote on it and make it a public highway. The other way is you can get it by implied use. The only way for them to do that is the Board of Selectmen would have to deny them and they would have to take an appeal and a court would have to make the decision whether there is implied use.

Mr. Potash said that all of Lords Highway is sub standard. When they built Lords Highway and they built the extension, they approved it knowing that it was substandard.

Mr. Bliss asked Mr. Potash to share the court cases with Mr. Bernhard so that counsel could review them. Mr. Potash said that he may have to do a national search to find the exact case that goes on point. This will be brought back to another meeting.

Discussion/interview of Harriette Heller to the Board of Ethics. Harriette Heller said she was Executive Director/Commissioner in the Giuliani Administration for two years and on into the Bloomberg Administration. She was the head of the agency that dealt with interfaith communities in New York City and also with other non profit organizations. Mayor Giuliani had a two day seminar every year for the commissioners on the interface of ethics and government. She said what he said up front is, if someone is really going to be a crook and wants to rip off any governmental agency with the interface of government and where the government hits the private sector they may be able to figure out a way to do it, but they will be caught.

The difficult parts of governmental ethics that come into play are the grey area that are not necessarily intuitive. She said a clear cut example is abuses of power. There is a real difference between intentionality and the effect of your behavior. She thinks it is really important to consider the effect of all behavior. You have to be above reproach, but you also have to have the pureness.

Mr. Major asked if Ms. Heller husband, Carl Bernstein was still on the DTC because where the Board of Ethics has come into play over the years, more times than not, when the issues have arisen they have been politically based. He said to him he looks at the Board of Ethics to be out of the whole political mix, because that is what they adjudicate. Mr. Major said that her credentials are phenomenal, but it is almost counter intuitive given her husbands involvement in politics.

Mr. Weinstein said that Mr. Bernstein was thrown into the position when their DTC chair moved out of Town. Mr. Bernstein and Ms. Heller moved out of Town for a couple of years and they are not members of the DTC right now. Mr. Bliss said if Mr. Bernstein should become active in politics that he thinks it would be appropriate, if she were selected, to resign from the committee. She agreed.

This item will be on the agenda for the next Selectmen's meeting.

Accept the resignation of Eileen Buckley as the Republican Registrar of Voters from the Town of Weston effective August 1, 2009.

Ms. Weinstein made a motion to accept the resignation of Eileen Buckley as the Republican Registrar of Voters from the Town of Weston effective August 1, 2009. Mr. Major seconded. Mr. Bliss said he reviewed the procedures with Town Attorney and the registrar appoints his/her deputy who automatically moves into the position as registrar. The new registrar names his/her deputy. The motion passed unanimously.

Discussion/interview for the Cemetery Committee- Pamela Bochinski and Stewart Pearl-

Pamela Bochinski - said that she has lived in Weston since 1972. She has been on every version of the cemetery committee since 1991. She would like to continue on the new committee and feels that her experience would be useful and could help the committee to not try and reinvent the wheel. She believes in the project and would like to see it come to fruition. Ms. Bochinski said she did not want to be chair on the committee.

Stewart Pearl- said that he has lived in Town for 27 years and has been busy building his business, supporting his family and raising his kids. He has not done anything for the Town. He helps people buy and sell airplanes. He feels like he has a lot to contribute to the Town.

Discussion/decision regarding members for the Cemetery Committee

After some discussion Mr. Major made a motion to appoint Pamela Bochinski, Stewart Pearl, Benjamin Hume, Harold Mathews and Richard Wolf to the Cemetery Committee for a term to expire December 31, 2010. Ms. Weinstein seconded and the motion passed unanimously.

It was decided that Ms. Bochinski would take the lead to convene the committee so that they can have a meeting and pick a chairman and then report back to the Board of Selectmen who the chairman is. Mr. Bliss said that the other interested people should be invited to participate as non-voting members.

Discussion/decision regarding a request from Interfaith Housing for \$14,853.

Rev. Peter Powell said that the need for what they do is increasing. They have converted Linxweiler House to an extension of the Bacharach Community so they have five more bedrooms for them which increase the size of that program by about 50%. The 10 beds receive state support. The new five beds are not getting state support. Their donations for individuals are down about \$30,000 from what they expected year to date.

The foundations that they have already heard from have either reduced, one by 50%, one by 2/3 or came in zero this year. He said businesses are not responding well. They have a contract with Bill Cosby for October 4, 2009. Mr. Cosby will do two shows that Sunday and tickets will cost between \$40 and \$150. They have \$65,000 in sponsorships now and would like another \$90,000. If they do that they will make the budget for this year.

They dedicated the Rotary House on July 25, and in September they go before the Planning and Zoning Commission for a sixty year lease on a property that they have controlled since 1982. It is directly across from Mitchell's. The proposal is to build twelve apartments on this site.

Ms. Weinstein said that the Town of Weston should support Interfaith Housing; however, she is concerned that they asked Wilton for \$8,000 and Weston for almost \$15,000. She said we are also trying to help the Weston residents and she proposed that the Town make an appropriation of \$10,000. If they find that they are truly in need come back to us at that point and we would be happy to give them the money. Rev. Powell said He knows that they will have the need given the above mentioned decreases, and that it would help them in their projections to be able to count on the full amount from Weston.

Mr. Bliss said that he is in favor of giving them the \$14,853. They do a phenomenal job. In this time of economic need, they will probably have more clients as opposed to fewer clients. He said the pressure of fund raising is pretty severe and this was built into the budget.

Mr. Major made a motion to appropriate the sum of \$14, 853 to Interfaith Housing from the Community Grants line item general administration. Ms. Weinstein seconded and the vote was Mr. Major, Mr. Bliss yes, Ms. Weinstein abstained.

Discussion/decision regarding a resolution for a Justice Assistance Grant for \$30,000 for the police department- Chief John Troxell gave a list of items that the police department would be purchasing with the grant money. No Town funds are being used.

They will be purchasing a UTV to help in rescues and access areas currently inaccessible by patrol vehicles. When deployed the vehicle will be equipped with a full-sized stretcher, first aid kits, Heart Monitoring System (AED) and can carry two emergency responders to a location and also then carry out the victim. The police have been training with the fire department and EMS.

They will also purchase EOTECH tactical rifle optics to standardize equipment on the patrol rifles thereby decreasing potential liability. In the process of training they found that the iron sight that come with the rifles themselves are sub standard when you are trying to be accurate. They are trying to get the best possible laser optical sight at the lowest price.

They also want to purchase a Stalker Laser Radar unit. They currently have Doppler Radar units and purchased two new units during the last fiscal year. The laser units range from \$3,000 to \$5,000 depending on the company. This is a pistol type unit and the officer can stand out in the street and use it. It is pin point accurate. It also can be used to map out motor vehicle accident scenes and crime scenes.

The last item they would like to purchase is a new desktop computer systems with updated software applications. They can buy computers with this grant and they would like to buy all the computers at the same time.

If they have to back off on a few things they would back off on the rifle optics to make the computer system fit into the scenario. The sergeants are trying to find the lowest prices on the items to make it work within the \$30,000.

Mr. Major asked if any of the grant could be used to offset expenses that we are anticipating in the current budget. Chief Troxell said no, there are only certain things you can do with the money and these are the things. Mr. Major said that it would be a prudent move to cover items on the current budget list with grant money which would then give the Police department some relief in their overall budget.

Chief Troxell said he would clarify this with sergeant Ferullo, but he did not think they could use the money for things that they have already appropriated funds for in their budget.

Mr. Major made a motion to authorize the First Selectman to execute the requisite grant documents for the Justice Assistance Grant for \$30,000 for the Weston Police Department. Ms. Weinstein seconded and the motion passed unanimously.

Request for property tax refunds

Alexandra Clough	\$5,991.58
Mercedes Benz Financial	\$1,243.61
Saab Leasing Co.	\$478.48
Toyota Financial Services	\$452.38
John A. Piontkowski	\$351.81
Chase Auto Finance	\$291.68
VW Credit	\$277.69
Chrysler Financial Services	\$107.71

Chrysler Financial Services	\$270.84
Nisan Infinity LT	\$123.65
Nissan Motor Acceptance	\$153.70
Alyson Hemmers	\$116.71
Duncan Sparkes	\$110.33
Michael Friedman	\$32.23
Bo Xu and Monica Liu	<u>\$31.82</u>
Total	\$10,034.22

Mr. Major made a motion to authorize the First Selectman to make property tax refunds in the total amount of \$10,034.22 in accordance with the list in our agenda. Ms.

Weinstein seconded and the motion passed unanimously.

Open Items

Ongoing update

Food Pantry Lease- Awaiting PBA reply- Woody Bliss- No progress

Mr. Major suggested that we give them a deadline and if they do not comply with the deadline then the Town will form a committee that does not include them to take over the operation of the food pantry and to put the appropriate lease and procedures in place. Mr. Bliss said we should invite them into the next meeting and have a member of the PBA present who has the authority to speak on behalf of them.

FAA- Woody Bliss- Mr. Bliss said Jim Himes had a meeting that he went to on the FAA. There were eight people from the FAA there. They gave very vague answers. Mr. Bliss said that the FAA is claiming that the altitudes are significantly higher than what is recorded on the internet system.

Grants- Gayle Weinstein- They are all trying to figure out what the \$90,000 grant money is for that they read about that the Town is supposed to get. Mr. Landry said that he has found out that it is two grants. It is \$45,000 for the Middle School and is listed in the DPUC award. It is made for the cogeneration of 100 kilowatts with some renewable alternative component of 400 kilowatts. It is study money.

Ms. Weinstein said we will not hear anything until the fall.

Tax Collection- Woody Bliss- Mr. Bliss said at the close of the collection period, the tax collection came in at 46%, which was the same as last year.

Tickler file, discuss as updated

Municipal Amnesty (SB1200)-

Treasurer position-Tom Landry

Recycling- Tom Landry – Ms. Weinstein said she read on the Town website that we are currently accepting 1 through 7. We would check to be sure that information was correct.

Reimbursement from State for school projects- Tom Landry

Booster Barn- Woody Bliss- CL&P was out and will give us an estimate of what it will cost to tap off the power supply. Mr. Bliss said that there are still many steps to get it done. Mr. Major asked if we were still on tract for September. Mr. Bliss said he was very doubtful that we would make that.

Lachat- W. Glenn Major- No update

Discussion/approval of the Board of Selectmen minutes of July 9, 2009 and July 23, 2009. Tabled to the next meeting

At 9:50pm Mr. Major made a motion to enter into executive session. Ms. Weinstein seconded and the motion passed unanimously.

Executive Session- Employment Contract-Labor Negotiations

ATTENDANCE and DISCUSSION: The meeting convened in the First Selectman's Office at 9:52pm with Mr. Bliss, Mr. Major, Ms. Weinstein, and Town Administrator Landry in attendance. Mr. Landry reported on the status of labor negotiations this week with the Dispatch and Highway units. Members discussed positions and strategy. He left the meeting at 10:10 pm, at which time the members discussed an employment contract for Mr. Landry.

END EXECUTIVE SESSION: At 10:46 pm the Board voted unanimously (Ms. Weinstein motion, Mr. Major second) to adjourn executive session and reconvene in open session.

ADJOURN: At 10:47 pm, a motion (Mr. Major, Ms. Weinstein second) to adjourn the meeting passed by unanimous vote.

Respectfully submitted

Judy M. DeVito
Administrative Assistant
Approved 10/15/09