

Board of Selectmen's Meeting

November 18, 2010

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. The tapes are available in the Selectmen's office.

Ms. Weinstein called the meeting to order at 7:35pm

Pledge of Allegiance-

Swearing in of Father Michael Dunn as Weston's Police Chaplin- Gayle Weinstein

Discussion/decision regarding the reappointment of Linda Roig on Building Board of Appeals for a term to expire December 31, 2015.- Linda will attend the next meeting.

Discussion/decision regarding supplemental appropriation request in the amount of \$65,800 for STEAP grant matching funds for the purpose of Revson Field improvements.- Dave Ungar-Ms. Weinstein said that her number one priority is to make the field safer. Having the ability to have the State pay for half of the project she feels is huge. Mr. Muller said that the Board has spoken in the past about the need to maintain the infrastructure of the Town. Mr. Gilbert feels that the Town should hire Bill Dest to review the contracts to make sure from Mr. Dest's expertise that the design will work for us.

Mr. Gilbert said if we feel we need more money, you look at the fencing in back of the field there is about 6/10 of an acre of Town land that the Collins family have taken control of. He feels the Town should consider selling the property to the Collins and use the money to offset all of our cost that we will need to refurbish Revson field. Ms. Weinstein said to characterize that the Collin's took the property is a misstatement and felt that they should move on to the supplemental appropriation that is the agenda item.

Ms. Weinstein called the question. Mr. Muller made a motion to approve a supplemental appropriation in the amount of \$65,800 to match the STEAP grant for the purpose of Revson Field improvements. Mr. Gilbert seconded and the motion passed unanimously.

Discussion/decision regarding authorizing the First Selectman to sign the Certified Resolution adopting the "2010 Predisaster Mitigation Strategy Document, Connecticut's South Western Region"- Nicole Davis.

Nicole Davis said the Southwestern Regional Planning Agency has been working for the last eight months to update the regions pre-disaster mitigation plan for the Southwestern

Region which encompasses the eight Towns of lower Fairfield County. The purpose of the plan is a FEMA requirement in order to be eligible for a number of FEMA grant programs and it can be linked to some public assistance funding. It is linked to the disaster mitigation act of 2000 which requires that the plan be updated every five years. This is an update of the 2005 plan.

The plan is available for public review until tomorrow after which they will submit the plan to FEMA for their formal review and approval of the plan. Once approval is reached they are asking that each elected official sign a joint resolution adopting the plan which would expedite moving the plan forward to be finally approved for the region.

Mr. Gilbert made a motion to authorize the First Selectman to sign a Certified Resolution adopting the 2010 Predisaster Mitigation Strategy. Mr. Muller seconded and the motion passed unanimously.

Discussion/decision regarding a potential Town Cemetery- Ms. Weinstein sent a letter to Stephan Grozinger, chairman on the Planning & Zoning Commission and ask what would be the requirements that they would be looking for to issue a favorable 8-24 report for the cemetery. After talking with Stephan it became obvious that the cost would be upwards of \$20,000. That is a lot of money to spend not knowing if the Town is going to support a cemetery.

Ms. Weinstein met with Mr. Grozinger and Town Attorney to figure out what they could do to determine if the Town is interested in pursuing this. The Town is going to have a secret ballot vote in April for the budget they could add a question to that referendum vote regarding whether we should go forward with this project. This would give the cemetery committee plenty of time to hold public information sessions.

The committee asked if the selectmen would give them money to educate the public. Ms. Weinstein said that she would have no problem redirecting the funds left over from the cemetery survey with approval of the selectmen, to them.

Richard Wolf said that the cemetery committee did not agree with the selectmen's position. They feel without the selectmen taking a position in favor of the cemetery that this vote has less than a zero chance of being in favor of it. The committee feels that the Town leaders should take a position on this and they have not heard a position from the Board of Selectmen to date. They feel it is counter productive to go to a referendum on this issue without the selectmen being in favor of a Town cemetery.

The committee also feels that the Selectmen should go to Planning & Zoning and get a sense from the board on the use of the Fromson Strassler property as a cemetery. If Planning & Zoning does not think it is an appropriate location for a cemetery then we should stop because we have no other location in Town.

If it is an issue of finances, they believe that if the Town said yes, we can use the Fromson property they can get a cemetery management company to develop and manage

this property at no cost or a small cost to the Town of Weston. The committee feels that it should be an issue of, should Planning and Zoning agree to a cemetery at Fromson and do the Board of Selectmen agree to a Town cemetery. Ms. Weinstein said her position is that she has to do what the Town wants her to do.

Mr. Gilbert said that he feels the selectmen are responsible for taking a leadership position. He does not feel we should give the public the yes or no because he believes it belongs with the selectmen. Ms. Weinstein said it is not the selectmen's decision. The people of the Town are the ones who need to vote to spend that money.

Mr. Muller said that the Town Charter is very clear that the ultimate arbiter is the Town meeting. A decision of this magnitude, the standard that he is using is a change in the complexion of the Town that is permanent. Establishing a cemetery on Town land is a permanent change. Ultimately the decision about the appropriateness of use of Town land belongs to the voters of the Town. He supports the posing of the question.

Ms. Weinstein said that she would like to bring this back to the next selectmen's meeting and bring a motion to allocate the funds left from the cemetery survey and potential wording for a ballot.

Discussion/decision regarding approval of cost for P& Z to pay special counsel for opinion related to a pending application from Lost Trail LLC- Jane Connolly

Jane Connolly said that the Planning and Zoning commission really needs some guidance. Not so much she and Stephan but the rest of the Commission. She feels that Mike Zizka from Murtha Cullina can do a good job and do it quickly. She is asking that the Board of Selectmen approve up to \$5,000. Ms. Connolly said if after he gives them an opinion and they want to discuss the matters further with him they would like to be able to do that without having to come back to the Board of Selectmen and ask for more money.

Mr. Muller made a motion to approve a supplemental appropriation in the amount up to \$5,000 for Planning & Zoning to hire special counsel Mike Zizka from the firm Murtha Cullina to obtain an opinion related to a pending application from Lost Trail LLC. Mr. Gilbert seconded and the motion passed unanimously.

Discussion/decision regarding the appointment of Don Gary to the Weston Sustainability Committee for a term to expire December 31, 2012. Mr. Gary said that he spoke to the chairman on the Sustainability Committee this afternoon and she had one opening and had someone else who wanted to be on the committee. Mr. Gary said he would like to be considered as a backup if this other person does not come through.

Update regarding Fuel Cell- Don Gary. Mr. Gary said that they are having a difficult time with CL&P. The fuel cell creates about 3 million kilowatt hours a year. The Middle School uses 1 million and the High School uses about 2.2 million so we use a little more than would be created by a fuel cell. The fuel cell will be placed at the Middle School

because that is where they have the best utilization of the heat for both domestic hot water, pre-heating for the boilers and the pool.

CL&P's position is that they will fully credit us for a generation. They do not get revenue off of generation; they only get revenue from transmission and distribution. CL&P indicated that it will bill us full cost for T & D at the High School, which amounts to over \$150,000 per year.

Mr. Gary asked Ed Davis, CL&P technician, how much of their billing they got from residential properties and how much they got from commercial and industrial properties. Their billing is about 45% for residential. Mr. Gary said he has contended with the DPUC that to the extent that they bill residential people based on kilowatt hours, and based on the fact that we put 2 million kilowatt hours into there system they are billing and receiving revenue on those hours to someone else because the kilowatts are fungible. For them to charge us back for the High School 100% is double dipping to the amount of the 45%. The DPUC is considering this argument so there is a chance it may give them a way of splitting the baby. That would give us another \$50,000 to \$60,000 a year in benefits.

UTC will take less in the first three years than in subsequent years so that they will step up their energy services agreement as our savings become greater.

Mr. Gary said the source of our savings is three fold. 1. we are saving on heat and the gas that we buy that is reformed in a fuel cell is much less expensive than the gas that we buy to burn because when we buy it for the fuel cell we do not pay transmission charges. We will purchase it on a net basis. 2. we are supplying our own electricity and 3. we are getting something called a REC which stands for Renewable Energy Credit. We along with the other UTC customers are having them bundle those REC's and sell them. Their experience this year is that they have been netting for their customers about 2 ½ cents. Every penny to us is \$32,000 per year.

Mr. Gary said we have negotiated the contract with UTC. On the Town's behalf UTC has put an application in to the CCEF for grant money. CCEF has designated 1 million dollars worth of grant money for this project. Mr. Gary suggested that the Board of Selectmen authorize Ms. Weinstein to sign a contract with UTC subject to formal approval of the Board of Finance, formal approval of the Board of Education and a Town vote.

Ms. Weinstein said that she wants to make sure that she is 100% comfortable with the contract before asking Mr. Muller and Mr. Gilbert to authorize her to sign it. She also wants them to see a preliminary copy of the contract and have a chance to discuss it before authorizing that. Ms. Weinstein said she would be happy to discuss it in executive session at the next meeting.

Mr. Muller made a motion to add to the agenda an item to discuss Building Committee updates. Mr. Gilbert seconded and the motion passed unanimously.

Mr. Gary said that the Middle School roof is completed. Last night they signed the last of the checks. Mr. Goedecke has done his punch list and so has H.B. Fishman and it seems to be an excellent job. It appears that it will come in at 2 million and twenty thousand dollars. It is about \$560,000 under budget.

They have engaged Kaestle Boos to begin their design work on the windows and doors for the Middle School and the old section of the High School. They are waiting for contracts to come back soon.

The painting on Jarvis is close to being finished. The project was \$16,500, and it is taking longer than expected. There is a request for additional monies for some additional repairs. They feel that \$2,600 of the request is justified.

The Library Roof should be finished around Christmas time. Not many change orders on the Library Roof and we should come in a little under budget.

They have hired a company to do specs and design work for the fire suppression system at DPW. There is about \$130,000 set aside for that project.

We received a stimulus grant last spring that we said we would replace outside air conditioning units. We have to go through a bid process. That ad is in the Weston Forum today.

The heating system in the library needs to be replaced. This will be its final heating season.

Request for property tax refunds

BAC Tax Services Corp	\$6,757.15
Mercedes-Benz-Lease Support	\$1,522.85
Honda Financial Services	\$733.41
Chrysler Financial Services	\$172.32
Toyota Financial Services	<u>\$161.60</u>
Total	\$9,347.33

Mr. Muller made a motion to approve property tax refunds in the amount of \$9,347.33 as amended to show the correct amount for Honda Financial Services to be 733.41 as listed on the agenda for November 18th meeting. Mr. Gilbert seconded and the motion passed unanimously.

Open Items

Ongoing updates

Valley Forge Bridge- Tom Landry- They asked them to do a change order to treat the bridge with a chemical so that you can get paint off of it. They have asked the State to consider a change order on which the guard rail leading up to the bridge would not be shining galvanized guard rail but would be the rusted looking one. They agreed to it but they are trying to decide if they pay some of it or we pay all of it.

Grants- Gayle Weinstein- No new news

Ticker File, Discuss as updated

Reimbursement from State for school projects- Tom Landry- O&G is working on it.

Any other business to come properly before the meeting. None

Discussion/approval of the Board of Selectmen's meeting minutes of November 4, 2010. This item was tabled to the next meeting.

At 9:26pm Mr. Muller made a motion to enter into executive session. Mr. Gilbert seconded and the motion passed unanimously.

Executive Session- Non- Union personnel

ATTENDANCE: The meeting was convened at 9:27 pm in the First Selectman's office with Selectmen Muller and Gilbert present. Town Administrator Landry was also present.

DISCUSSION: Mr. Landry updated the Board on the status of the Highway unit contract negotiations. The Board also considered benefit and salary options for non union employees, and how specific changes in those benefits, and the timing of any changes, might impact the Town's positions in its negotiations with the Highway unit. No votes were taken.

ADJOURN EXECUTIVE SESSION: At 10:04 pm, a motion (David Muller, Dan Gilbert second) to adjourn executive session and reconvene in open session passed by unanimous vote.

ADJOURN: At 10:05 pm, a motion to adjourn the meeting (Dan Gilbert, David Muller second) passed by unanimous vote.

Respectfully submitted

Judy M. DeVito
Administrative Assistant
Approved 01/06/11