

Special Board of Selectmen's Meeting
December 4th 2013

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

This meeting was recorded and videotaped. Copies are available in the Selectmen's office. The meetings are available for viewing online via the Town's website.

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

Selectman Muller joined the meeting by telephone

Pledge of Allegiance- Ms. Weinstein led the meeting with the Pledge of Allegiance.

Discussion/decision regarding appointing a Second Selectman. Ms. Weinstein said this provision is in the Charter so that should something happen to incapacitate the First Selectman, the Second Selectman would step in. Mr. Tracey nominated David Muller as the second Selectman. Mr. Tracey moved to appoint David Muller as the second Selectman. Ms. Weinstein seconded and the motion carried Mr. Tracey, Ms. Weinstein yes. Mr. Muller abstained.

Discussion regarding the Legal Review Committee Report- Mr. Tracey said the review from the Legal Review Committee included some "process improvement" recommendations which, as he sees them, fell into two categories. 1. Ways in which the Town can improve its use of attorneys and its legal advice process and 2. Ways in which we might institutionalize a more proactive approach by the Town Attorney to Risk Management. He thought the Board should go through the recommendations.

One of the recommendations was that there should be formal process for engagement of outside counsel. Ms. Weinstein said we do have a process in place where Boards and Commissions who want to use outside legal counsel have to come before the Board of Selectmen and get their approval.

Another recommendation is to review the Town's existing practices for the periodic review of legal matters and confirm that such process includes all actions affecting the Town etc. Ms. Weinstein said she does this every other week with Pat Sullivan and so does Tracy Kulikowski, the land use director. It's also done as well as on an as needed basis. Ms. Weinstein sits with Tracy and Pat so that she is fully informed of what they are working on in case something ends up going to court which goes outside the scope of the retainer and might impact litigation fees.

We also have a process in place where every Town employee that might have an issue can have access to the Town Attorney so we can try to do some of the risk management.

It was decided that Tom Landry would talk to the people that used the Town Attorney during the year and take notes. Also Town Attorney will hold litigation seminars for the different boards and commissions.

Discussion/decision regarding the reappointment of Patricia Sullivan as the Town Attorney for a term to expire December 31, 2015. Mr. Tracey said that the last recommendation that the Legal Review Committee had was to put this out to bid every 3 to 5 years and we haven't done that. Ms. Weinstein said that the legal review that we just went through was essentially the review of Pat Sullivan and the work that she and rest of the attorneys at Cohen and Wolf did. The report gives them an outstanding review. She feels that we should go through this process again a year down the road. Mr. Tracey moved to reappoint Patricia Sullivan as the Town Attorney for a term to expire December 31, 2015. Mr. Muller seconded and the motion passed unanimously

At 7:54pm Mr. Muller had to leave the meeting.

Discussion/decision regarding the appointment of Jason Buchsbaum as the Assistant Town Attorney for a term to expire December 31, 2015. Jason is a partner at Cohen and Wolf and works primarily out of the Danbury office. He practices in the area of commercial litigation, municipal litigation and municipal law. Mr. Tracey moved to appoint Jason Buchsbaum as the Assistant Town Attorney for a term to expire December 31, 2015. Ms. Weinstein seconded and the motion carried

Discussion/decision regarding the renewal of City Carting Waste Disposal Contract. Mr. Landry said the proposal that is before them tonight would reduce our tipping fee and the tonnage fee. The pricing that we pay for trucking and disposal is currently \$88.60 a ton and that would drop to \$82.00. In 18 months it will increase to \$83.25 and 12 months later \$85.75. We have been very happy with the service that we have received from City Carting.

Currently we get paid \$15 a ton for recyclables and that will go to \$20 under the new contract. They are going to single stream recyclables and as that gets more convenient more of that waste stream will get pulled out and recycled. Not only are we avoiding paying \$82.00 a ton we are getting paid \$20.00 a ton for that.

Mr. Tracey moved to extend the City Carting Waste Disposal Contract to December 31, 2018 under the revised terms as attached. Ms. Weinstein seconded and the motion carried.

Discussion/decision regarding engagement of KG&D for additional services related to the High School Doors and Windows Project.(hazardous materials \$2,000; permitting (S.F.O.) \$12,000; bidding \$6,000; construction administration (\$36,000)- Allen Swerdlowe, Building Committee. Allen Swerdlowe said they asked the EPA to amend the approved EPA plan for remediation at the High School. The request was approved. In order to work with the amended plan they have to design a spec for disposal of the hazardous materials as per the amended plan which cost about \$2,000 but it will save tens of thousands of dollars.

Permitting has to come prior to getting a bid because it has to go through the School Facilities Unit and they have to certify to the State that we can go out to bid. This process

requires a lot of meetings and a lot of work and it will also bring us back tens of thousands of dollars.

Allen said the bidding negotiations portion was his oversight because it should have been part of the project from the beginning and it was not a part of the base bid.

They like the architects they chose and vetted them and they would like them to stay on through the end of the project. He asked that they give them a number early on so that there would not be any surprises for the work.

Mr. Tracey moved that the Board of Selectmen authorize the First Selectman to approve the amended scope of work with KG&D for the High School Windows and Doors project. Ms. Weinstein seconded and the motion carried.

Discussion/decision regarding the appointment of James Jamieson to fill the vacancy on the Building Committee for a term to expire June 30, 2015. Tabled to the next Board of Selectmen's meeting

Accept the resignation of Sherry Pally from the Library Board effective December 12, 2013. Mr. Tracey moved to accept the resignation of Sherry Pally from the Library Board effective December 12, 2013. Ms. Weinstein seconded and the motion carried.

Discussion/decision regarding scheduling a public hearing concerning a change from our current regional structure to a COG. Mr. Tracey asked if we were going to have any concrete information about governance, structure and cost. Ms. Weinstein said that she can show him the provisional by laws that they have worked on.

Mr. Tracey moved to schedule a public hearing on January 16th at 6:45pm in the Town Hall Meeting Room concerning a change from our current regional structure to a COG. Ms. Weinstein seconded and the motion carried

Discussion/decision regarding referring an 8-24 request to the Planning and Zoning Commission for a land exchange between the Town of Weston and Patricia and Mitchell Beck for land along Lords Highway East. Ms. Weinstein said this land exchange is happening at the request of Joe Lametta the DPW Director. The request is because there is a portion of Lords Highway East that he needed for a curb cut so we are trading them a total of 96 square feet.

Mr. Tracey moved to forward an 8-24 request to the Planning and Zoning Commission for a land exchange between the Town of Weston and Patricia and Mitchell Beck for land along Lords Highway East. Ms. Weinstein seconded and the motion carried.

Request for property tax refunds:

Nissan Infinite-Tax Operation	\$259.32
Toyota Financial	\$184.65
Tamra Evans	<u>\$9.48</u>

Total \$453.45

Mr. Tracey moved to approve property tax refunds in the amount of \$453.45 as listed on the December 4th Board of Selectmen's agenda. Ms. Weinstein seconded and the motion carried.

Open Items

Updates

First Selectmen updates- The Town received an award in recognition of the community's leadership, environmental stewardship and commitment to energy efficiency from the Clean Energy Communities Program. The award comes with \$5,000 that we can use towards other energy efficient projects.

Tanks to Don Saltzman and Harvey Bellin, Area Nine Cable Council representatives, we received a \$1,500 grant to help offset the filming of the Board of Selectman's meetings. They also obtained a \$7,000 grant for the BoE.

Approval of the minutes of the November 18, 2013 Board of Selectmen's meeting-
Tabled to the next Board of Selectmen's meeting.

At 8:27pm Mr. Tracey moved to adjourn the meeting. Ms. Weinstein seconded and the motion carried.

Respectfully submitted

Judy M. DeVito
Administrative Assistant
Approved 12/19/13