

**Board of Selectmen
Special Meeting Agenda**

July 28, 2021 at 2pm

Meeting to be held remotely due to COVID 19

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83750011944?pwd=QONTemdqVHM5cIY5MCtpNk1Ydz09>

Passcode: 391331

Webinar ID: 837 5001 1944

Dial by phone: +1 301 715 8592

One tap mobile: +13017158592,,83750011944#,,,,*391331#

1. Call to order
2. Pledge of Allegiance
3. Discussion/decision to approve a supplemental appropriation of \$240,000 for road resurfacing
4. Discussion/decision to elect Samantha Nestor as Acting First Selectman per Town Charter Section 5.2
5. Resignation of Christopher Spaulding as First Selectman, effective 10 am on Monday, August 2, 2021
6. Adjournment

DRAFT MOTIONS FOR THE 7/28/21 BOS SPECIAL MEETING

1. Call to order: **No motion**
2. Pledge of Allegiance: **No motion**
3. Discussion/decision to approve a supplemental appropriation of \$240,000 for road resurfacing: **I move to approve a supplemental appropriation of \$240,000 for road resurfacing**
4. Discussion/decision to elect Samantha Nestor as Acting First Selectman per Town Charter Section 5.2: **I move to elect Samantha Nestor as Acting First Selectman per Town Charter Section 5.2**
5. Resignation of Christopher Spaulding as First Selectman, effective 10 am on Monday, August 2, 2021: **I move to accept the resignation of Christopher Spaulding as First Selectman, effective 10 am on Monday, August 2, 2021.**
6. Adjournment: **I move to adjourn.**

1. Call to order: **No motion**
2. Pledge of Allegiance: **No motion**
3. Discussion/decision to approve a supplemental appropriation of \$240,000 for road resurfacing: **I move to approve a supplemental appropriation of \$240,000 for road resurfacing**

Backup for item 3 is attached and also available online on the Town website at:

<https://www.westonct.gov/government/rfp-s>

Read for the items under “Invitation to Bid on Bituminous Concrete Paving Improvements:”

Fund Balance \$ and % Adjusted for Certain Items	Ending June 30, 2020	Ending June 30, 2021		Ending June 30, 2022	Ending June 30, 2022	Ending June 30, 2022	Ending June 30, 2022	Ending June 30, 2023	Ending June 30, 2023
		2021 Budget	2021 Projected	2022 Budget	2022 Stress	2022 Upside	2022 Base Case	2023 Stress	2023 Upside
Unassigned Fund Balance	\$ 14,462,717	\$ 13,798,717	\$ 15,812,802	\$ 15,366,422	\$ 15,366,422	\$ 15,366,422	\$ 12,105,216	\$ 11,708,216	\$ 12,811,216
ProForma Fund Adjustments									
-- Facility consultant	\$ -	\$ (95,000)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-- Police Cameras	\$ -	\$ (259,703)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-- Transfers to special funds	\$ -	\$ (91,677)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-- FOIA support	\$ -	\$ -		\$ (10,000)	\$ (10,000)	\$ (10,000)	\$ -	\$ -	\$ -
-- Use to Offset Capital	\$ -	\$ -		\$ (270,206)	\$ (270,206)	\$ (270,206)	\$ (1,511,405)	\$ (1,511,405)	\$ (1,511,405)
-- Release BOE non lapsing account	\$ -	\$ -		\$ 170,000	\$ 170,000	\$ 170,000	\$ -	\$ -	\$ -
-- Grant for HVAC	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-- Breathing apparatus grant	\$ -	\$ -		\$ (150,000)	\$ (150,000)	\$ -	\$ -	\$ -	\$ -
-- Communications System	\$ -	\$ -		\$ (2,445,000)	\$ (2,445,000)	\$ (2,445,000)	\$ -	\$ -	\$ -
-- Phase III Sidewalk Approval	\$ -	\$ -		\$ (466,000)	\$ (466,000)	\$ -	\$ -	\$ -	\$ -
-- New Non Lapsing account for BOE	\$ -	\$ -		\$ (247,000)	\$ (247,000)	\$ -	\$ -	\$ -	\$ -
-- Additional Paving Budget	\$ -	\$ -		\$ (240,000)	\$ (240,000)	\$ -	\$ -	\$ -	\$ -
-- Fromson Strassler Sale	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-- Total ProForma Fund Balance	\$ 14,462,717	\$ 13,798,717	\$ 15,366,422	\$ 12,105,216	\$ 11,708,216	\$ 12,811,216	\$ 10,593,811	\$ 10,196,811	\$ 12,443,311
Expenditures	\$ 73,599,438	\$ 74,506,496	\$ 74,414,168	\$ 76,259,661	\$ 76,259,661	\$ 76,259,661	\$ 77,784,854.22	\$ 77,784,854.22	\$ 77,784,854.22
Unassigned Fund Balance %									
-- Reported	19.4%	18.1%							
-- Pro Forma Projected			20.1%	15.5%	15.0%	16.4%	13.3%	12.8%	15.6%
Excess Above:	12.0%								
-- Reported	\$ 5,521,937	\$ 4,647,558	\$ (8,929,700)						
-- ProForma	\$ (8,940,780)	\$ (9,151,159)	\$ 6,061,931	\$ 2,725,278	\$ 2,328,278	\$ 3,431,278	\$ 1,026,274	\$ 629,274	\$ 2,875,774
Excess Above:	14.0%								
-- Reported	\$ 4,031,808	\$ 3,122,364	\$ (10,676,353)						
-- ProForma	\$ (10,430,909)	\$ (10,676,353)	\$ 4,687,075	\$ 1,161,955	\$ 764,955	\$ 1,867,955	\$ (568,316)	\$ (965,316)	\$ 1,281,184



Department of Public Works

July 13, 2021

Memo:

To: Jonathan Luiz, Town Administrator

From: John Conte P.E., Director of Public Works

Re: Paving Costs

Jonathan:

Enclosed are the prices for the six roads we have decided to proceed with of the original eight roads we requested in our formal bid specifications. The six roads will be a total of \$824,100.00 which will be within the limits of our budget. I have estimated a contingency of \$82,410.00 would be needed to cover curbing, catch basins and driveway aprons.

If the Town wishes to complete the two remaining roads Tobacco Road and Langer Lane additional funding of \$218,140.00 plus a 10% contingency totaling \$240,000.00 would be needed.

\$921,000.00 Total Budget	\$824,100.00 American Pavement Six Roads
	\$14,490.00 Beta Group
	\$82,410.00 10% Contingency (curbing, catch basins, aprons)
	\$921,000.00 Total
Tobacco Road & Langer La.	\$218,140.00 American Pavement
	\$21,814.00 10% Contingency (curbing, catch basins, aprons)
	\$239,954.00 Total Use \$240,000.00

PROPOSAL

Office of Town Engineer
Weston Town Hall
56 Norfield Road
Weston, CT 06833

PROJECT: Bituminous Concrete Paving Improvements Summer / Fall 2021

The undersigned declares he/she has carefully examined the Information for Bidders, Proposal Form, Specifications and any other Contract Documents and sites of work for the referenced project and hereby proposes to furnish all labor, materials and equipment and perform all work necessary to complete the project in strict accordance with the requirements of the Contract Documents.

Road	Estimated Tons	Unit Price	Bid Price
Good Hill Road Ext.	1300	127.00	165,100.00
Lords Highway East	450	142.00	63,900.00
Farrell Road	1025	124.00	127,100.00
Steep Hill Road	2025	117.00	236,925.00
Langer Lane	910	124.00	112,840.00
Marshall Lane	325	135.00	43,875.00
Godfrey Road West	1600	117.00	187,200.00
Tobacco Road	810	130.00	105,300.00
			Total Price: 1,042,240.00

Total Price in words: One million forty-two thousand two hundred forty and 00/100 Dollars.
Accompanying this proposal is security for 10% of the Total Price indicated above.

Alternate No. 1: \$ 6.00 per linear foot to install bituminous concrete curbing.

Alternate No. 2: \$ NO BID per road; instead of milling and paving, contractor may choose to use Cold-in-Place Recycling finished with a Double Chip seal and a Fog seal on Godfrey Road West, Farrell Road and Steep Hill Road.

Alternate No. 3: \$ NO BID For the remaining five roads, instead of milling and paving, contractor may price each road using a mix HMA Shim/Patch paving, and a combo of hot applied Mastic and regular Crack Seal, finished with a Fiber mat Surface Treatment. [see enclosed specifications]

AMERICAN
PAVEMENT

4. Discussion/decision to elect Samantha Nestor as Acting First Selectman per Town Charter Section 5.2: **I move to elect Samantha Nestor as Acting First Selectman per Town Charter Section 5.2**

Chapter C. Town Charter

Article 5. FIRST SELECTMAN; TOWN ADMINISTRATOR

Section 5.1. The First Selectman

The First Selectman shall be the Chief Executive and Administrative Officer of the Town. The First Selectman shall be a full voting and participating member of the Board of Selectmen and shall preside at meetings of the Board when present.

The First Selectman shall be an ex-officio member of all Boards, Commissions or Town committees, but without power to vote. The First Selectman may appoint another Selectman to be the First Selectman's representative on any Board, Commission or Town committee, but without power to vote.

The First Selectman shall have all the powers, duties and responsibilities conferred upon that office by law that are consistent with the Charter, and, in addition, shall have all the powers necessary or incidental to the discharge of the First Selectman's duties and responsibilities as set forth in the Charter.

Under the general policy direction of the Board of Selectmen, the First Selectman shall have the responsibilities to:

- (a) see that the administration of the Town is coordinated, except those functions expressly reserved or delegated to other Officers, Boards or Commissions by law;
- (b) execute and carry out ordinances, resolutions, policies and other actions approved by the Board of Selectmen or the Town Meeting;
- (c) hire or dismiss, with the prior concurrence of the Board of Selectmen, and subject to the General Statutes, paid employees other than Officers, heads of departments, or employees who do not report, directly or indirectly, to the Board of Selectmen (e.g., employees of the Board of Education and officers or members of the Police Department);
- (d) coordinate and guide the Board of Selectmen in the discharge of the Board's duties and responsibilities; and
- (e) direct relationships with State, regional, and federal agencies that have, or are likely to have, an effect on the Town.

To assist in the discharge of the duties and responsibilities of the First Selectman's office and of the Board of Selectmen, the First Selectman may assign and delegate duties and powers, but not responsibilities, to other Selectmen, to the Town Administrator, and to other Officers responsible to the First Selectman.

Section 5.2. Selection of an Acting First Selectman

At its first meeting following each biennial Town election the Board of Selectmen shall elect from its membership a Selectman who, in the temporary absence of the First Selectman, shall act as First Selectman; provided that the acting First Selectman shall not, during the First Selectman's temporary absence, make any personnel or any significant decisions without the concurrence of the remaining member of the Board of Selectmen. If the person designated as acting First Selectman shall vacate his or her office, the Board of Selectmen shall elect a new acting First Selectman as soon as practicable after the Board has been restored to three members.

There shall be a Town Administrator who shall report directly to the First Selectman. The Town Administrator shall be hired by, and shall be subject to dismissal by, the First Selectman, in both cases with the prior approval of the Board of Selectmen.

The duties of the Town Administrator shall be to:

- (a) aid in recruiting and screening of personnel and to make recommendations relating thereto to the First Selectman;
- (b) manage Town employees;
- (c) assist in preparing the Annual Town Budget by gathering the necessary data and by compiling estimated budgets by the dates set forth in the Charter;
- (d) aid the First Selectman in analyzing and reviewing programs, activities, and budgets and their short-term and long-term financial and cash flow implications;
- (e) satisfy reasonable requests by Officers, Boards and Commissions to provide information; and
- (f) carry out such other duties as the First Selectman shall assign to the Town Administrator.

5. Resignation of Christopher Spaulding as First Selectman, effective 10 am on Monday, August 2, 2021: **I move to accept the resignation of Christopher Spaulding as First Selectman, effective 10 am on Monday, August 2, 2021.**

Chapter C. Town Charter

Article 7. ELECTIONS

Section 7.1. General

Nomination and election of federal and State officers, including Registrars of Voters, and of such elected positions as are provided for in the Charter shall be conducted, and the Registrars of Voters shall prepare lists of Resident Electors to vote therefor, in the manner prescribed in the General Statutes, except as hereinafter provided.

Unless otherwise provided by the Charter, election of Officers shall be held on the first Tuesday after the first Monday in November in the odd-numbered years.

Section 7.2. Voting Districts

There shall be one voting district for Town elections, and the Board of Selectmen shall provide a suitable polling place or polling places in the district.

Section 7.3. Voter Registration

Registration of voters shall be effected by a board for admission of electors in accordance with Section 9-15a of the General Statutes, which board shall consist of the Town Clerk or Assistant Town Clerk and the Registrars of Voters.

Section 7.4. Eligibility for Office

Each elected Official shall be a Resident Elector and if, for any reason, such Official ceases to be a Resident Elector, he or she shall thereupon cease to hold elected office in Town, and such office shall become vacant.

Section 7.5. Breaking a Tie

When any regular or special Town election, primary election or referendum conducted pursuant to the provisions of the Charter results in a tie, an adjourned election shall be conducted to determine who shall be elected or, in the case of a question at referendum, whether it shall be accepted or rejected. The adjourned election or referendum shall be held during the period from the seventh day to the fourteenth day after the date of the election or referendum that resulted in a tie and shall be confined to the tied candidates or issues.

Section 7.6. Vacancies

- (a) Should a vacancy occur in the office of First Selectman for any reason, the following procedure shall be followed:

Officers, the Selectman designated under Section 5.2 as the acting First Selectman (the "Acting First Selectman") shall fill the vacancy in the office of First Selectman for the remainder of the term.

- (ii) If the vacancy occurs six months or more prior to the next regular date for the biennial election of Officers, the Acting First Selectman shall fill the vacancy as First Selectman until a new First Selectman is elected in a special election. Such special election shall occur not more than 30 days after the vacancy in the office of First Selectman occurred.

(b)

- (i) Except in the case of a vacancy in the office of First Selectman, or as provided in the General Statutes and the Charter, any vacancy in an elected Town office, Board or Commission shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term or until the next biennial election, whichever occurs sooner; provided, that if the person vacating the office has been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.
- (ii) If there is a biennial election before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until such election by appointment as provided in (b)(i) above, and subsequently by the election of a person to fill that office for the remaining portion of the term, and such person shall take office upon election.

Section 7.7. Removal

An elected Official may be removed from office by the Board of Selectmen upon its finding of good and sufficient cause for such removal. The Official affected by such removal process shall be given notice thereof and an opportunity to appear and be heard at a public hearing before the Board of Selectmen. Willful malfeasance, willful neglect of duty, inability to serve, conviction of a felony, abandonment of office or material violation of Article 10 or the Town's Code of Ethics, as well as any circumstance described in Section 9.10(f), shall constitute cause for removal.

6. Adjournment: I move to adjourn.