

# BOARD OF SELECTMEN

## DEEP RIVER TOWN HALL

Regular Meeting of June 8, 2010

**Attendance:** Selectmen Dick Smith & Art Thompson (Dave Oliveria was away), Margot Hilfinger, John Greene (*video recording*), Rich Strukus, Charlie Stannard (*Press*).

1] Call to Order:

The meeting was called to order at 6:42 pm by Dick Smith.

2] Minutes:

Regular Meeting of May 25, 2010. Motion by Art Thompson, 2<sup>nd</sup> by Smith, to approve the minutes of the previous meeting.

APPROVED 2—0

3] Recap of correspondence between Richard Daniels, President of the Nursing Board, the Board of Selectmen, Nursing Board members and selectmen's actions subsequent to the May 18, 2010, referendum concerning the future of the VNA:

Thompson undertook a chronology of events and correspondence that had led to the present situation. Discussion began with the letter from Daniels (*May 28, 2010, attached*). That letter was in response to the Selectmen's letter (*May 26, 2010, attached*) sent to members of the Nursing Board. Enclosed with that letter had been the following: (1) minutes of the Board of Selectmen's meeting of May 25, 2010; (2) copies of the Modification of Motion of April 28, 1975 (*attached*) and a listing of all necessary steps required to properly close the VNA.

Three excerpts from Daniels' letter follow:

- 1] "...the recent referendum in no way rescinded the ordinance which granted authority to the board of directors to operate the Deep River Visiting Nurses, in accordance with the Connecticut Public Health Code."

- 2] “We are aware that you have convinced the town attorney that a technicality exists which allows you to do this; however the ordinance does not specifically grant you this authority, and we believe her interpretation to be incorrect.”

The Selectmen, in their May 26<sup>th</sup> letter, had requested that the Nursing Board appear at a Selectmen’s Special Meeting scheduled for June 1, 2010, to discuss the VNA’s closing and the transition of their clients to other agencies. Daniels’ response:

- 3] “This will be legally impossible because the board of directors is unable to call a duly noticed meeting, at this late date, to consider this matter.”

Thompson continued his recap of events following the referendum of May 18<sup>th</sup>, 2010, beginning with the letter drafted by Oliveria and Thompson, approved at the meeting of May 25, 2010, to all residents. He noted that it was being readied for mailing by the week of June 7<sup>th</sup> (*May 28, 2010, attached*).

Other points in Thompson’s chronology:

- a] Assigning blame for the present situation should end—our most important task is ensuring a smooth transition for residents;
- b] Thompson spoke with Robin Wolansky, manager of the Deep River branch of Liberty Bank—her opinion was that the Town has no claim at present, but that after the DR VNA is closed on July 1, 2010, its Board of Directors would no longer be recognized as a Town agency. Wolanski recommended that the Town send a letter to the bank outlining its position, and that she would check with management;
- c] A letter from the Selectmen had been sent to all DR VNA employees advising that effective June 30, 2010, their employment with the Town would cease;
- d] Thompson prepared a script for Town Hall employees to explain the transition process to residents when they call;
- e] The Selectmen will review with the Town Attorney a letter of understanding between the Town and the Visiting Nurses of the Lower Valley (VNLV);
- f] Following the transition the Selectmen will draft a job description, then seek applicants, for an employee to oversee social services;
- g] Thompson mentioned that Deep River would have three representatives on the VN of LV Board of Directors.
- h] He also noted that members of the VNA Board had served the Town faithfully, some for many years. Regardless of recent events these members

should be properly recognized and thanked for their service to our community.

Questions from the audience:

John Greene asked the Board to explain why their letter of May 26<sup>th</sup> (*see above*) had seemed so formal and blunt. In response Smith suggested that Thompson read the Daniels letter in its entirety.

Smith stated that the letter was based on discussions with the Connecticut Department of Health and the Town Attorney. The wording had been chosen to protect the Town and its residents and elected officials. Smith agreed, once again, that the highest priority was that all DR VNA clients have a smooth transition to another agency. Smith went on to say that over-expenditures at the VNA have been the topic of discussion at many Board of Selectmen and Board of Finance meetings. Budgeted revenues indicated a shortfall of approximately \$93,000 and a budget deficit of approximately \$30,000 as of June 1, 2010. Smith's concern was that if the revenues fail to materialize, and if the deficit increases, the Unappropriated Fund Balance could be negatively affected.

Smith also addressed two other statements in Daniels' letter: (1) Smith said that he has sought legal opinions from Marsh many times during his tenure (*number 2], above*) and that she has always based her responses on the law, rather than the needs or desires of her clients, and (2): Smith asserted that the Town is in no way in violation of health codes.

Greene said that, based on Daniels' stance, he appeared to have no intention of allowing the VNA to close. Thompson stated that he had the same feeling. He cited three requirements for continuation of the VNA: money, staff and location. Were Daniels to consider underwriting the operation using the Memorial Fund, its balance of approximately \$80,000 would not support the operation for long. The staff exists, but there would be no more weekly payroll. The space, in the Town-owned building at 56 High Street, would not be available to them as of July 1<sup>st</sup>. Lacking the Town's support, and based on the increasing gap between expenses and revenues, the service could not continue.

Strukus and Hilfinger asked whether the Town was prepared to collect Medicare and other insurance reimbursements once the VNA closed. Smith replied that the Board had considered two options thus far:

- 1] Continue the employment of the VNA clerk until billing was completed;
- 2] Hire an outside service.

The Memorial Fund is currently under the sole control of the Nursing Board of Directors. The Board of Selectmen had asked in their letter of May 26 that no more checks be drawn on that account without the Selectmen's authorization. Daniels' reply was:

"...no transfer of the fund will be made until legal options are considered, a final audit of the account is completed and the transfer is authorized by the Board of Directors."

At the request of the Board of Selectmen and members of the Board of Finance Smith had asked Attorney Marsh whether the Town could freeze the account. She replied (*June 2, 2010, attached*) that such action could be accomplished only by a Court Order through a lengthy judicial process. She suggested that the Board of Selectmen concentrate on the VNA closing and transition of clients, but that if the Fund were not transferred to the Town by July 31, 2010, the Town then should contact the Attorney General's Office.

In addition to the specific items above there was a lengthy discussion among Board members and the citizens in attendance.

#### Emergency Management Memorandum of Understanding:

Motion by Smith, 2<sup>nd</sup> by Thompson to add to the agenda for discussion and action a Memorandum of Understanding between the Town and the State regarding emergency management funding

APPROVED 2 – 0

The motion was tabled pending more information from the Town's Emergency Management Director, Jerry Clark.

#### First Selectman's Report:

##### Talcott Scovill Bequest:

Smith presented a letter from Virginia Marshall, Executor of the C. Talcott Scovill estate, questioning how Scovill's bequest of approximately \$52,000 was being spent and how its use might be controlled in the future. Smith reported that he had advised Marshall that as far as he knew there were no restrictions on the use of the Fund, and that she might seek advice from the appropriate Probate Court.

##### Sale of Engine 5-5-1:

Smith presented copies of a letter from DRFD Chief Pete Woodcock. Attempts to sell the Pumper number 5-5-1, a forty year old FMC vehicle, had met with no success, but the Eastern Connecticut Fire School in Willimantic needed an engine to replace one that will soon be retired. They had offered to credit the DRFD with \$5,000 (the asking price) in training tuition for DRFD firefighters in return for 5-5-1.

Official action will be taken at the next regular Board of Selectmen meeting on June 22, 2010, and then sent to the Board of Finance for their consideration.

Transfer Station Cellular Tower:

Tower Company, the leaseholder of the tower on land owned by the Town of Deep River, has proposed a buy-out of the lease for a lump sum payment of \$264,897. Presently they are paying approximately \$25,000 per year.

A second company, Unison, has also expressed interest in purchasing the rights to the property and will submit a proposal. The subject will be on the agenda of the June 22, 2010, meeting.

Military Honor Roll:

Smith presented a copy of the bill for replacement of the glass that covers *Columbia*, the Honor Roll on Veterans Memorial Green. The glass, which had been chipped by some sort of object, shattered in April during a period of high winds. A claim has been submitted to the Town's insurance carrier, but indications are that the breakage may not be reimbursed.

4] Any Other Business to Come Before the Board – Audience of Citizens:

Addressed earlier.

5] Adjournment:

The meeting adjourned at 7:38, motion by Thompson, 2<sup>nd</sup> by Smith.

APPROVED 2 -- 0

Respectfully submitted,

Richard H. Smith, First Selectman