



SELECTMAN'S OFFICE
174 Main Street
Deep River, Connecticut 06417

BOARD OF SELECTMEN DEEP RIVER TOWN HALL

Regular Meeting of June 22, 2010

Attendance: Selectmen Dick Smith, Art Thompson & Dave Oliveria. *Also:* Margot Hilfinger, Rich Strukus (*video recording*), Norman Bouchard, Frank Halibozek, Bob Jenkins, Jonathan Kastner; Bob Raymond, Jack White, Pete Woodcock (*DRFD*); John Bauer, Rich Balducci, Nichole Coutant, Bud Eckenroth, Lori Guerette, Skip Routh (*Board of Finance*).

1] Call to Order:

The meeting was called to order at 6:45 pm by Dick Smith.

2] Minutes:

Regular Meeting of June 8, 2010. Motion by Art Thompson, 2nd by Dave Oliveria, to approve the minutes of the previous meeting. **APPROVED 3-0**

NOTE: The Board of Selectmen remained in session during the entire Board of Finance meeting for the purpose of discussion and action regarding the Fire Department resolution, VNA and other business requiring action by both boards.

3] Deep River VNA

Thompson suggested that item number 3], which would involve a lengthy discussion, be moved toward the meeting's end (following item 9]). Oliveria and Smith agreed.

4] Disposition of Fire Department Engine 5-5-1

Following discussion among the Board, as well as comments from Fire Chief Pete Woodcock, Oliveria moved, 2nd by Thompson, to accept the offer of the Eastern Connecticut Fire School, in the form of a letter from the School's President, Alan R. Hawkins. The School will credit the DRFD with \$5,000 in training fees in return for Engine 5-5-1. Other attempts to sell the vehicle had been unsuccessful.

APPROVED 3-0

5] Homeland Security Grant Agreement

Following discussion and review of the agreement Thompson moved, 2nd by Oliveria to approve the following resolution and certification (*see below*) authorizing the First Selectman to sign the agreement and associated documents.

APPROVED 3-0

BOARD OF SELECTMEN

CERTIFICATION:

I, Amy M. Winchell, Deep River Town Clerk, do hereby certify that the following is a true and correct copy of a resolution adopted by Deep River Board of Selectmen at its duly called and held meeting on June 22, 2010 at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect:

RESOLVED, that the Board of Selectmen may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; and

FURTHER RESOLVED, that Richard H. Smith, as First Selectman, is authorized and directed to execute and deliver any and all documents on behalf of the Board of Selectman and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

The undersigned further certifies that Richard H. Smith now holds the office of First Selectman and that he has held that office since November, 1989.

IN WITNESS WHEREOF: The undersigned has executed this certificate this 24th day of June, 2010.

Amy M. Winchell
Town Clerk

6] Transfers and Additional Appropriations for the FY 2009-2010 Budget

The Selectmen discussed a memorandum prepared by Smith detailing necessary year-end line item adjustments. Thompson, in his motion, exempted VNA over-expenditures until further information concerning their financial status becomes available. The Board took the following action:

(a) Motion by Oliveria, 2nd by Thompson, to approve the additional appropriation of \$22,351.02 to the Highway Department Salary line 10130—52020.

APPROVED 3 - 0

(b) Motion by Thompson, 2nd by Oliveria, to approve the transfer of \$37,996.66 from line items with funds remaining to lines that are over-expended.

APPROVED 3 - 0

- (c) Motion by Oliveria, 2nd by Thompson, to approve the additional appropriation of \$41,125.06 to line 10120—53090 (Police Self Funding). This will be totally offset by revenues.

APPROVED 3 -- 0

Motion by Oliveria, 2nd by Thompson, to approve the transfer of \$16,072.29 from the Non-Recurring account to line 10190—54153 (General Government Capital).

APPROVED 3 -- 0

A copy of Smith's memorandum follows (*see below*).

Memorandum

TO: Board of Finance

FROM: Dick Smith

DATE: June 22 2010

RE: Transfers and Additional Appropriations as of 06/18/10

Appropriation:

Account #	Account Name	Overexpended To Date	Additional Through 6/30	Total
10130-51020	Hwy Dept Salary	\$ 19,521.68	\$ 2,829.34	\$ 22,351.02

Line Item Transfers:

TRANSFER	\$ 12,733.37	from 10110-52090 (Engineering)	to 10130-53044 (Highway Maint)
"	\$ 1,266.63	from 10110-52090 (Engineering)	to 10112-51030 (Bldg Salary)
"	\$ 1,531.57	from 10190-54150 (Computer)	to 10112-51030 (Bldg Salary)
TOTAL	\$ 2,798.20		
"	\$ 226.19	from 10190-54150 (Computer)	to 10102-52028 (Printing Exp)
"	\$ 1,338.90	from 10160-52156 (Public Svce)	to 10147-53065 (Gen Assistance)
"	\$ 13,000.00	from 10105-52012 (Auditor)	to 10104-51008 (Town Clerk Sal)

"	\$ 1,206.66	from 10109-53072 (Indust Dev)	to 10104-51008	"	"	"
"	\$ 4,900.00	from 10160-52151 (Estuary)	to 10104-51008	"	"	"
"	\$ 1,251.10	from 10160-52156 (Public Svce)	to 10104-51008	"	"	"
"	\$ 542.24	from 10191-54150 (Computer)	to 10104-51008	"	"	"

TOTAL \$ 20,900.00

TOTAL LINE ITEM TRANSFERS

\$ 37,996.66

Appropriations With No Affect on the Unappropriated Fund Balance:

10120-53090 Police (self-funded) (\$ 41,125.06) [*totally offset by revenue*]

10190-54153 Fire Department (\$ 16,072.29) [*transfer from non-recurring*]

Over-Spent Line Items Within the Public Health Nursing Service Budget:

<u>Account #</u>	<u>Account Name</u>	<u>Expended</u>	<u>Deficit</u>
40145-51051	Secretary Salary	\$ 38,177.97	\$ 2,596.97
40145-51073	Extended Hours	\$ 45,704.55	\$ 12,704.55
40145-52004	Building Maintenance	\$ 5,260.58	\$ 2,760.58
40145-52012	Auditor	\$ 4,340.00	\$ 1,740.00
40145-52014	Health Service	\$ 90,676.27	\$ 5,676.27
40145-52036	Profess'L Dues/Fees	\$ 24,378.02	\$ 14,378.02
<u>41045-53024</u>	<u>Auto Mileage</u>	<u>\$ 4,290.41</u>	<u>\$ 2,290.41</u>
TOTAL P. H. N. S. OVEREXPENDED			\$ 42,146.80

Unspent Balances as of June 18th, 2010:

<u>Account #</u>	<u>Account Name</u>	<u>Balance 06/18/10</u>	<u>Amount Transferred</u>	<u>Surplus Remaining</u>
10105-52012	Auditor	\$ 13,000.00	\$ 13,000.00	\$ --0--
10110-52090	Engineering	\$ 14,465.80	\$ 14,000.00	\$ 465.80
10160-52151	Estuary	\$ 4,900.00	\$ 4,900.00	\$ --0--

10160-52156	Public Service	\$ 2,590.00	\$ 2,590.00	\$ --0--
10109-53072	Industrial Devel	\$ 2,000.00	\$ 1,206.66	\$ 793.34
10191-54150	Computer	\$ 2,308.60	\$ 2,300.00	\$ 8.60
	TOTAL	\$ 39,264.40	\$ 37,996.66	\$ 1,267.74

7] Constellation Energy Agreement

Smith advised the Board that after investigating energy costs for the coming year he would recommend an offer from Constellation Energy, at a price lower than our present contract with Constellation. The lower rate will be in effect for FY 2010-11. Motion to approve the contract by Oliveria, 2nd by Thompson.

APPROVED 3 – 0

8] Daniels Oil Agreement

Smith updated the Board on the Fuel Oil agreement for FY 2010-11. Motion by Oliveria, 2nd by Thompson, to approve a one-year contract with Daniels Oil.

APPROVED 3 – 0

9] Veterans Memorial Green Committee

Smith discussed the advisability of having the current *ad hoc* committee be officially sanctioned by the Town. Selectman's Assistant Jonathan Kastner, who serves as the unofficial Town representative on the committee, explained that because the group has oversight of Veterans Memorial Green, which is owned by the Town, it was possible that the committee should be officially recognized. After a brief discussion of the *pros* and *cons*, the Selectmen agreed to revisit the matter at a future meeting, which would include discussion by other VMG members.

10] Resolution Concerning Referendum and Bonding to Finance Improvements to Fire Headquarters

A resolution prepared by the Town's bond counsel, Attorney Douglas Gillette of the firm of Day Pitney, LLC, was discussed at length by the Board as well as members of the Fire Department. After discussion of some of the proposed wording Thompson moved, Oliveria 2nd, to go forward. A copy of the resolution as it appeared in this meeting's agenda follows (*see below*).

APPROVED 3 – 0

To consider and act upon a recommendation for an appropriation and borrowing authorization for costs in connection with the design, construction, furnishing and equipping of expansion of and renovations to the Deep River Volunteer Fire Department Headquarters located at 57 Union Street in Deep River, and the costs of financing thereof; the setting of a town meeting and referendum to consider and act on such recommendation; and matters related thereto.

RESOLUTION OF BOARD OF SELECTMEN
(Deep River VFD Headquarters Building Expansion and Renovation Project)

RESOLVED, that the Board of Selectmen recommends that the Town of Deep River appropriate \$2,400,000 for: (A) costs in connection with the design, construction, furnishing and equipping of expansion of and renovations to the Deep River Volunteer Fire Department Headquarters located at 57 Union Street in Deep River, contemplated to include: (i) an addition to provide for an expanded bay area, additional mechanical, storage and kitchen space, relocation of the radio room, provision of laundry, shower, lounge and bunk area facilities and training / meeting / conference and exercise rooms, and relocation within the building of the Fire Chief's and other Fire Department personnel office space, (ii) improvements to the existing building including various exterior improvements, window replacement, building system improvements and code compliance improvements, and (iii) related work and building and site improvements (estimated at \$2,300,000); and (B) costs in connection to the financing of the foregoing project (estimated at \$100,000). The project is contemplated to be undertaken substantially in accordance with conceptual plans prepared by BL Companies, Inc., dated April 20, 2010 and entitled "Preliminary Conceptual Plans for Deep River Volunteer Fire Department Headquarters, 57 Union Street, Deep River, Connecticut."

FURTHER RESOLVED, that the Board of Selectmen recommends that the Town issue bonds, notes or temporary notes in an amount not to exceed \$2,400,000 to finance the appropriation.

FURTHER RESOLVED, that a Special Town Meeting be held on Thursday, July 1, 2010, at 7:00 p.m. in the Town Hall Auditorium, 174 Main Street in Deep River, to consider and act upon a resolution with respect to the above recommendations.

FURTHER RESOLVED,

- (a) that the Board of Selectmen hereby designates said resolution for submission to the voters at referendum in the manner provided by Section 7-7 of the General Statutes of Connecticut, Revision of 1958, as amended, which vote shall be held on Tuesday, July 13, 2010, between the hours of 12:00 noon and 8:00 p.m.
- (b) that the aforesaid resolution shall be submitted to referendum vote under the following heading:

"SHALL THE TOWN OF DEEP RIVER APPROPRIATE \$2,400,000 FOR THE DEEP RIVER VFD HEADQUARTERS BUILDING EXPANSION AND RENOVATION PROJECT, AND AUTHORIZE THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION?"

Voters approving said resolution will vote "Yes" and those opposing said resolution shall vote "No". Electors will vote at the following polling place: Deep River Public Library, 150 Main Street, Deep River, CT. People qualified to vote in town meetings who are not electors will vote at: Deep River Public Library, 150 Main Street, Deep River, CT. Absentee ballots will be available from the Town Clerk's office.

10] Deep River VNA

Oliveria began the discussion in which he referred to a report he had e-mailed (June 14, 2010) to the Board of Selectmen, of the VNA Board of Directors meeting of June 9, 2010, at which he was present. The e-mail is reprinted below in its original form:

Overall impressions; The BoD was honestly trying to close out the DRVNS to the best of their abilities. The Supervisor is doing what she needs to do to close out the DRVNS.

Our letter of 6/4 was hurtful to some on the BoD, no doubt because they felt that they were trying to do the right things. Real communications between BoD and BOS seems to have broken down almost completely where each side is left to think the worst of the other side. (as an example; I was glad to see that they were working on the shutting down process and explained that Ricky's letter did not reflect that they were doing this. Ricky replied that it clearly did say it -- I checked afterward and still didn't find it).

Material Handed out to Read; 1) E-mail from Candy to Dick Smith 6/9 regarding storage of medical records, 2) Letter dated 6/1 to State Office of Health Care Access on medical records, 3) Minutes from 5/12 BoD meeting, 4) Minutes from special BoD meeting 4/6.

Financial Report With the VNS closing June 30, they feel that billing will not occur in Jul & Aug. Combine that with reduced payments for partial services (patients transferred out by June 30) and they feel that they will not collect about \$90,000 in billable dollars. I suggested that the board could look at ways to handle this past the Jun 30 date such as FGA contracted billing, etc. Candy said, "No. No way is FGA going to do it while she is the nurse supervisor until June 30." A few others commented that it's after June 30 so it's not their problem (sarcasm?). The subject was discussed again, later in Candy's report. Both Candy and Ricky said that Medicare will not pay claims on VNS's that have closed (can this be right or are they 'shooting from the hip' on this?)

Supervisor's Report; Candy covered a lot of items in this and it would be worth asking her/them for a copy of it (it's public record anyhow, right?). In bullet form:

- June 30 is too soon to close the VNS, there is too much to do
- Medicare won't pay bills after VNS closes
- So many people have called her office very concerned that the VNS is closing and what will happen
- The employees were not given due process for their termination and the union wasn't consulted on this. There will be repercussions (or something like this as Candy glared at me over her reading glasses)
- About fifty medical records boxes will need to be stored in a secure area and only authorized people will be able to access them (who will the town get to do this?)
- DRVNS stopped taking new patients May 19 (contrary to rumors I heard on this)
- The area hospitals have been informed that VNLV will be providing uninsured/underinsured patient care for Deep River residents. Hospitals included Mx, Yale, Hartford, Backus, and others.
- Social Services records - there are none. When DRVNS helps someone complete forms, the forms are mailed/sent off (I guess no records of who they've served exist?). The \$1600 was brought up and it has not been paid yet. Rick said that he asked the auditor to send a note to him twice and still has not received the letter.
- Memorial Fund - Candy talked with the Atty General's office about being directed to turn the funds over to the town. She was told that this falls under the Cy Pres Doctrine (Candy quipped that Jane Marsh didn't know about that!) but that the Atty General's office can't help them with lawyer support. There was some discussion about getting a lawyer to work on this and Candy said that the "Superior Court decides."

- Other comments/revelations; the fund has ALWAYS been under Rick Daniel's name and SSN and that for a short time (2 years?) it ALSO was under the town's Tax ID. I asked how Ricky was able to avoid paying taxes on the interest income for that account and he and Candy said that the DRVNS was the mailing address (I think Ricky and Candy were shooting from the hip again on the facts here). Two other comments were made regarding the fund; 1) one of the bequeathing letters directed the DRVNS to use the funds to further the VNS (inferring that these funds would be used for VNS purposes, not for the town to assist residents) and 2) the Scovill donation would be withdrawn and redistributed to the other heirs.
- Cy Pres Doctrine; Candy is told that they need a demonstrate that they have a plan to manage the fund. The board was exploring creating this plan. I mentioned that that was one of the efforts the BOS was working on, as well, to properly manage the fund and ensure that it is not co-mingled with the general fund. The BOS has the same desires of only spending the funds on those in need in the town. At least one member was interested in hearing how we were going to manage this fund.

When asked, Candy reported that there were three free care individuals in town currently. These people will be cared for up to June 30 and then transferred to VNLV.

Motion by Thompson, 2nd by Oliveria, following discussion of the foregoing, that Thompson and Oliveria would draft a letter to Liberty Bank conveying the following sentiments:

The residents of Deep River, in a referendum held on May 18th, 2010, voted to discontinue the Deep River Visiting Nurses Association as of the end of this fiscal year (June 30, 2010, at 12:00 am). Therefore it is our belief that the Memorial Fund should properly be under the stewardship of the Town of Deep River.

11] Town Reports

Smith reported that there were no notable developments, and that due to the heavy agenda his report would be given at the next Board of Selectmen meeting.

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

13] Adjournment:

Oliveria moved, Thompson 2nd, that the meeting adjourn at 10:20, concurrent with the Board of Finance adjournment.

APPROVED 3—0

Respectfully Submitted,
Richard H. Smith, First Selectman