

Board of Selectmen Minutes  
Special Meeting June 23, 2009

I. TIME AND PLACE OF MEETING

Ms. Menard called the meeting to order on Tuesday, June 23, 2009 at 6:33 p.m. at the East Windsor Town Hall, 11 Rye Street

II. ATTENDANCE

Denise Menard, First Selectman  
Gilbert Hayes, Deputy First Selectman  
Dale Nelson, Selectman  
Mark Simmons, Selectman  
Richard P. Pippin, Jr., Selectman

Ms. Menard brought up an issue that was raised by the Chairman of the Republican Town Committee, Mr. Davis who stated there was a procedural error in that there should be public participation during Special Meeting. Ms. Menard proceeded to consult the town clerk as well as freedom of information and nowhere was it found that there has to be public participation at Special Meetings, which are meetings hosting specific agenda items. It is not Ms. Menard's intention not to have public comment, it was just the procedure always followed. When Ms. Menard talked with Mr. Davis to relay this, he advised that referencing the Town Charter (section 4.5 procedure, chapter 4) says all regular meeting and special meetings of Board of Selectmen for transaction of business shall be open to public and allow electors to address board of selectmen. Ms. Menard indicted if there is public comment tonight, it was consensus to hear any comments. From now on Special meeting notices will have public participation. Ms. Menard thanked Mr. Davis for his input and from now on all regular and special meetings will have public participation. It is never intention to exclude anyone.

PUBLIC COMMENT

JOHN BURNHAM, 178 Scantic Road  
That was terrific, great follow through with that communication. Perfect.

A. To discuss Added Appropriations and Year End Transfers.

Ms. Menard distributed a document entitled "Year End Transactions Requiring Board of Selectmen Approval" and detailed specifically the suggested transfer and reasons for same.

**CONTINGENCY (8410) (Balance as of June 23, 2009 \$177,100)**

Legal transfer reason as detailed in back up: “3 labor contracts negotiated in 2008-09, Charter Revision unanticipated legal assistance needed, 2007-08 back pay matter”. Although in the department’s salary line in the 2007-08 budget, the amount required to fund the back pay was not carried forward correctly into the 2009-09 budget when the actual amount for the back pay payout was determined.

**MOTION: To recommend to the Board of Finance the transfer from 8410 Contingency to 1015 Legal the amount of \$49,601.**

**Made by Ms. Nelson, Seconded by Mr. Hayes**

**Discussion: Ms. Menard indicated this includes to the end of the year payments that need to be made.**

**ALL MEMBERS IN FAVOR. MOTION CARRIED**

Town Property transfer reason as detailed in back up: “Electricity (13<sup>th</sup> month), significant boiler repairs at town hall and annex (\$19,000+), gas and oil – need to prepay for fuel unused at year end”. As discussed in the past in detail, the town will be getting the fuel at year end – this has been ongoing for awhile with the oil and fuel. The issue of the ambulance and fire departments who had committed to using the oil at the time, but then when Town price was higher than open market, those agencies went to the open market. That cannot be done. Ms. Menard will talk with Fire Chiefs and Ambulance Chiefs about what they need for oil. Mr. Pippin suggested that the Town get the receipts for the open market gas/oil and submit for tax refund to the Department of Revenue service with what the fire departments and ambulance paid in tax. It was noted if the town did not take the gas, they would still be charged.

**MOTION: To recommend to the Board of Finance the transfer from 8410 Contingency to 1085 Town Property in the amount of \$67,855.**

**Made by Mr. Pippin, Seconded by Mr. Hayes**

**ALL MEMBERS IN FAVOR. MOTION CARRIED**

Public works transfer reason as detailed in back up: “Gas and oil – in order to use as much gas and heating oil in 2008-09 budget, all tanks under public works were topped this month.”

**MOTION: To recommend to the Board of Finance the transfer from 8410 Contingency to 3180 Town Property in the amount of \$5,000.**

**Made by Ms. Nelson, Seconded by Mr. Hayes**

**ALL MEMBERS IN FAVOR. MOTION CARRIED**

Communications transfer reason as detailed in back up: “Last 2 months of 2007-08 charged to 2008-09, in addition, communications were split by department prior to this year, combined for the first time in 2008-09, previous years; communications lines in budget were not accurate.”

Ms. Menard detailed the changes made this year to obtain cost savings, including overhauling the telephone contracts, land line and cell, and that took a year of change where items were regrouped.

**MOTION: To recommend to the Board of Finance the transfer from 8410 Contingency to 8430 Communications in the amount of \$10,547.**

**Made by Ms. Nelson, Seconded by Mr. Hayes**

**ALL MEMBERS IN FAVOR. MOTION CARRIED**

Fire Protection transfer reason as detailed in backup: “Fire hydrants – original requested amount for 2008-09 was reduced by \$34,000” It was detailed that Ms. Cabral realized that an amount was budgeted originally and it was reduced at budget time, therefore there is a difference in figures

**MOTION: To recommend to the Board of Finance the transfer from 8410 Contingency to 2160 Fire Protection in the amount of \$30,811.**

**Made by Ms. Nelson, Seconded by Mr. Pippin**

**ALL MEMBERS IN FAVOR. MOTION CARRIED**

As of June 23, 2009, total in “Contingency” (8410) \$177,100. The above recommendations to the board of finance total \$163,814. The remaining money in 8410 will roll into fund balance.

#### CONTINGENCY TWO (8410)

Ms. Menard detailed the history of “Contingency 2” usage.

Ms. Cabral explained the retirement/leave pay out – will be put in benefits portion of budget – Tax Collector’s portion is in general government Department 1195 – pension benefits, health insurance – line item in all of them that says retirement enhancement. So in the future, if we know someone to retire, that is where money should be set aside and if retirement occurs, that is where the funds should come from. This is not a new line item, it does exist was not used. Ms. Menard knows this is a hot button topic for payout at retirement and this may be a policy to be set in the future. There are policies in place for union personnel, there are none for nonunion, but historically it has been accumulated and paid out. This is an issue the board can work on policy for nonunion employees. It was also suggested that this policy be phased in for current non-union employees. Ms. Nelson agreed a policy should be in place as to the maximum you can carry and the maximum you can receive as payout. It was

questioned if that lump sum payout of vacation and sick time rolled into the pension payout – which considers the three highest consecutive calendar years.

Transfer reason as detailed in back up: “Retroactive pay for Clerical Union employees, contract signed June 17, 2009”

**MOTION: To recommend to the Board of Finance the transfer from 8410 Contingency Two to “Various Salary, Longevity and OT accounts” in the amount of \$20,544.**

**Made by Mr. Hayes, Seconded by Mr. Simmons**

**ALL MEMBERS IN FAVOR. MOTION CARRIED**

Treasurer transfer reason as detailed in back up: increase in Treasurer's salary was approved after 2008-09 budget was passed - \$20,000 had been put in Contingency 2 for anticipated increase.

**MOTION: To recommend to the Board of Finance the transfer from 8410 Contingency Two to 1025 Treasurer in the amount of \$17,541.**

**Made by Ms. Nelson, Seconded by Mr. Simmons**

**ALL MEMBERS IN FAVOR. MOTION CARRIED**

Tax Collector reason as detailed in back up: “Present Tax Collector retiring – pay out of unused sick and vacation time.” Ms. Regina took as much time as she could prior to retirement, but it was a very busy season at the point of her retirement. The line it is recommended to transfer is the benefits line, as discussed above by Ms. Cabral. This will allow it for these retirements not to come from the agencies budget, but from appropriate employee benefit line. The idea of starting to put money in that line item, in anticipation of potential retirements – each year those unused money would be “appropriated” to the next years budget in that line item. The word “encumber” is not used anymore, as when money is “encumbered” it has time frame restrictions. The appropriate word for budgeting money, and carrying it over if unused to create a balance

**MOTION: To recommend to the Board of Finance the transfer from 8410 Contingency Two to 1195 Tax Collector in the amount of \$20,891.**

**Made by Mr. Pippin, Seconded by Mr. Simmons**

**ALL MEMBERS IN FAVOR. MOTION CARRIED**

As of June 23, 2009, total in “Contingency 2” (8410) \$101,191. The above recommendations to the Board of Finance total \$58,978.

The actions the Board just did are within this fiscal year. These next items discussed effect next year’s budget, and cannot be acted upon until next year. Ms. Menard will discuss at the next regular

meeting the firefighter physical baseline, set fees which are now standard costs with a discount given as well. For the coming year it is the goal to have the physicals on a different cycle that works better with the budget cycle. The firefighters were great in this endeavor and are starting physicals in July/August and should be done by the calendar year end, so the bills should be rolled into budget. Nothing was jeopardized in this process. After the first of July it will be needed to recommend the 5240 Firefighter physicals (approximate \$11,000) be transferred, as well as the following:

9445 Various CIP Current Balances

9447 Various CIP Reserve Balances

8410 Contingency 2 2008-09 balance should be added to 2009-10 to cover any contract settlement for 2008-09 salaries.

B. Discussion and Approval of the Final Report from the Charter Revision Commission dated June 17, 2009.

It is not in the Selectmen purview to make changes to the recommendation – it is to be accepted or rejected as submitted. The Charter Revision commission worked hard on it – while all may not agree with all of it, it is what was presented.

Mr. Simmons queried Item 3. Ms. Menard detailed that she went back to the Charter Revision folks with some concerns about the “2%” language. No “revised final report” was received – so the June 17 report before the Selectmen, as is, is what is to be voted on.

The Selectmen discussed their understanding of the document as submitted. Also the concern if one questions fails, how does it effect the entire Charter. Ms. Menard indicated the Charter Revision members felt it can be changed again at the appropriate time if something is not working – a piece can be changed. There is concern that the 2% number will keep town behind. There is also concern without a cap there will be spending frenzy. It was stated that the voters can decide each question. The commission did a lot of work towards this endeavor

**MOTION: To accept the final report dated June 17, 2009 from the East Windsor Charter Revision Commission and to include the questions 1 through 7 on the ballot at the regular election in November, 2009.**

**Made by Ms. Nelson, seconded by Mr. Pippin**

**ALL MEMBERS IN FAVOR. MOTION CARRIED.**

C. Set Salaries for 2009-2010

Ms. Menard detailed that in the event the budget passed 2% had been set aside for nonunion people increase. This does not include an increase for the first selectman, treasurer, tax collector, zoning enforcement (came on board halfway through year lesser salary)

**MOTION: To set the salaries for 2009-2010, 2% for nonunion employees, as discussed and set forth in Attachment A.**

**Made by Mr. Pippin, seconded by Ms. Nelson**

**Abstained: Mr. Simmons**

**MEMBERS IN FAVOR. MOTION CARRIED.**

D. Adjournment

**MOTION: To adjourn at 7:44 p.m.**

**Made by Ms. Nelson, Seconded by Ms. Hayes**

**ALL MEMBERS IN FAVOR. MOTION CARRIED.**

**Respectfully submitted,**

**Cynthia D. Croxford  
Recording Secretary  
Attachment A**