

Town of East Windsor
Special Town Meeting
November 30, 2011

A Special Town Meeting of the Town of East Windsor was held at the Town Hall, 11 Rye Street, Broad Brook, CT on November 30, 2011. The meeting was called to order by First Selectmen, Denise Menard at 7:32 P.M. Motion was made by Jason Bowsza and seconded by James Richards to nominate John Burnham to preside as Moderator. Linda Sinsigallo made a motion to have nominations cease, seconded by Jason Bowsza. Both motions passed unanimously. Town Clerk, Joanne M. Slater read the call to the meeting. Moderator, John Burnham read the statement of eligibility to vote.

The following resolution was introduced and read by Linda Sinsigallo.

Item #1: Resolved: To approve the transfer of \$720.00 from Treasurer/Salary F/T (1025/100) to Assessor/Salary F/T (1035/100) for fiscal year 2010/2011. Linda Sinsigallo moved that the foregoing resolution be adopted, seconded by Denise Menard. The following discussion followed:

Catherine Cabral, Treasurer: This is regarding the 27th payroll and changing our accounting methods. In the past we didn't allocate anything that was in proportion to the 27th payroll. The 27th payroll is after the last regular payroll of the year between that time frame and the number of days till June 30th. That time frame changes every year. Sometimes its 2 days and sometimes its 5 days. This year it happens to be the most amount of days so its not regular salary. We did a different accounting for it now. Now that we are budgeting for the 27th payroll, we are putting it within the budget line item.

The resolution passed unanimously.

The following resolution was introduced and read by Denise Menard.

Item #2: Resolved: To approve the transfer of \$1,005.00 from Treasurer/Salary F/T (1025/100) to Planning/Salary F/T (1124/100) for fiscal year 2010/2011. Denise Menard moved that the foregoing resolution be adopted, seconded by Gilbert Hayes. No discussion followed.

The resolution passed unanimously.

The following resolution was introduced and read by Paul Pochron.

Item #3 Resolved: To approve the transfer of \$700.00 from Treasurer/Salary F/T (1025/100) to Building/Salary F/T (1125/100) for fiscal year 2010/2011. Paul Pochron moved the resolution, seconded by Catherine Simonelli. No discussion followed.

The resolution passed unanimously.

The following resolution was introduced and read by Marie DeSousa.

Item #4 Resolved: To approve the transfer of \$70.00 from Treasurer/Salary F/T (1025/100) to Fire Marshal/Salary P/T (2165/101) for fiscal year 2010/2011. Marie DeSousa moved the resolution, seconded by Catherine Simonelli. No discussion followed.

The resolution passed unanimously.

The following resolution was introduced and read by Maria Weldon.

Item #5 Resolved: To approve the transfer of \$700.00 from Treasurer/Salary F/T (1025/100) to Human Services/ Salary FT (5235/100) for fiscal year 2010/2011. Maria Weldon moved the resolution, seconded by Dale Nelson. No discussion followed.

The resolution passed unanimously.

The following resolution was introduced and read by Dale Nelson.

Item #6 Resolved: To approve the transfer of \$32.00 from Treasurer/Salary F/T (1025/100) to Elderly Commission/Recording (1129/110) for fiscal year 2010/2011.

Dale Nelson moved the resolution, seconded by Lois Noble. No discussion followed.

The resolution passed unanimously.

The following resolution was introduced and read by Robert Maynard.

Item #7 Resolved: To approve the transfer of \$6,160.00 from 2009 WHP fire truck interest (9500/9011) to 2009 WHP Bond issue costs (2150/0151) for fiscal year 2010/2011.

Robert Maynard moved the resolution, seconded by Gilbert Hayes. No discussion followed.

The resolution passed unanimously.

The following resolution was introduced and read by Richard P. Pippin, Jr.

Item #8 Resolved: To approve the appropriation of up to \$70,000 for the collection and disposal of debris and monitoring activities related to the storm of October 29, 2011 as approved by the Board of Selectmen on November 22, 2011. Said appropriation will come from the CRRA line within the Fund Balance to a line item account in Fund 66-Town Grants entitled October 29, 2011 FEMA Grant.

Richard P. Pippin, Jr. moved the resolution, seconded by Dale Nelson. The following discussion followed:

John Mannette: Doesn't understand why \$70,000 was needed at this time. The B.O.S. minutes indicate there are 3 different costs associated with the debris clean up. A \$937,000 from the state sanctioned company, a \$225,000 number and the B.O.S. authorized up to \$280,000. Other than the \$937,000 there is no validation at all as to how the other numbers were derived. There is no evidence that the Town has gone out for contractor quotes to determine the actual lowest costs, as they required in one of the minutes of the meeting that they said cleanup could be done by a contractor, but first had to go through a bid process and awarded to the lowest bidder if references, licenses and insurance information were legitimate. There is no indication how and where the town will fund the reimbursable cost according to their minutes and according to FEMA. The town is obligated to about 25% of the cost; the remaining 75% up to 75% is covered by FEMA. Just looking at the \$280,000 number, they talk about they want to transfer \$70,000, but there's no discussion in where the balance of \$210,000 will come from. In any of the equations, we don't know what the actual total cost will come to. Procedurally the executive sessions that debris removal was discussed at are challengeable as being legal under the F.O.I. If challenged and found to be illegal, any action taken here tonight on this appropriation would be reversed. He recommends that since we have no idea at this time of what the total cost of cleanup is, we are under no obligation to do it. Until the town is presented with the whole picture, he recommends that this appropriation be tabled until such time as we do have that information provided by the town.

Denise Menard, 1st Selectman: Spoke to the FOI piece of Mr. Mannettes question and would ask that Len Norton speak to the actual cost associated and the Treasurer can explain how the 75% would be funded. According to FOI, the selectman can discuss contracts in executive session so that other people don't hear what the other people are proposing. If someone is offering a service for \$30,000 and we speak about it in public, someone can come in and undercut them. It was a fair option to be able to do that in executive session. We checked with

the town attorney on that. We also very carefully made sure that we had more than one proposal and Leonard Norton will discuss that. We actually had four proposals. We followed again what FEMA, who is very strict gave us for guidelines. Leonard Norton has successfully done that for 2 other occasions this year and he can speak to those.

Leonard Norton, Public Works Director: There are 3 proposals in writing. One is a state contract, with a company from Florida. Most of the other towns around here are using this one and are spending 1 million upwards to 10 million dollars. The one that everyone is using is under emergency conditions and we aren't under an emergency anymore. We are actually under a clean up. Another state contract is with a Connecticut company, which is fairly local and does removal and debris clean up. He got additional costs of cubic yard proposals from local contractors. According to FEMA guidelines, if you don't have enough time to put a sealed bid together to bid your material you can go out and get prices and then they will reimburse you. All the numbers we have are truly yard dollars. FEMA won't reimburse you for time and material. They will reimburse you for the volume of the brush debris. The only emergency we have now He estimated the cost of the brush based upon actual initial estimates the day after the storm and what brush has turned up at the town garage vs. what's still left on the side of the road. The two different costs that he gave the town were estimates. One cost is the roadside debris that will be picked up, hauled to a location and ground. The other cost is for the pile at the town garage. It needs to be ground in place and then well either stick a sign in it that says "free wood chips" or we'll haul it to a different location. It doesn't matter if the wood chips sit there for a while, but we can't have that mountain of brush sitting there. We have gone by the FEMA guidelines. He talked to the FEMA representative. Using local people, state of Connecticut taxpayers and not Florida taxpayers. We are going to get it done for more than half of what the other towns are paying on a cubic yard of dollar amount.

Denise Menard, 1st Selectman: Wanted Len Norton to address the question about the three pieces; debris removal, disposal and the monitoring that we have to do.

Leonard Norton, Public Works Director: In order to be reimbursed by FEMA, we had to hire a monitoring company to monitor the trucks that are brought in to the disposal area. We have been dealing with the state contracted monitoring company. The state contracted company was just a little more per hour, but they would work with him as far as project managers and he could keep the costs down. They are willing to train two of the town road crew to become monitors, so would not be paying them hourly rates. If the truck holds 30 cubic yards and there really isn't 30 cubic yards of brush in it, the monitors look to determine that the load is 70% full, 80% full or 90% full. That is the payout on that load of brush.

Denise Menard, 1st Selectman: The reason that we need to do the monitoring is to be sure that we can certify that each load has been certified.

Leonard Norton, Public Works Director: If we don't have someone qualified to monitor the loads, FEMA will not reimburse us. The pile of brush at the town garage simply has to be measured by a licensed surveyor and be reviewed by the monitoring company and then has to be ground.

Mark Weldon: He wanted to know if the cubic footage of the debris that is being picked up around town is pre-chipped or after its been chipped.

Leonard Norton, Public Works Director: It's pre-chipped, it's the brush.

Gilbert Hayes: He asked the Treasurer & Len Norton if the process of collecting the debris could be started without or with the \$70,000. Do we have to vote on that tonight in order to even start the process?

Leonard Norton, Public Works Director: Yes. We need to pass this tonight. We have been waiting and doing the frugal thing. All these other towns jumped in and are going to bond. I don't know where they are coming up with 10 million dollars. We are not going to pick up a stick until we know we have funding to do it. Our crew is not big enough to go around town and pick up the quantity of brush that's here. We don't have the equipment, trucks or people.

Gilbert Hayes: It started at \$900,00 and went all the way down to maybe a quarter of a million.

Leonard Norton, Public Works Director: The people with the actual state emergency debris is still a very high number. It's \$30. a cubic yard. By the time they pick up the quantity and we monitor it, they estimated a million dollars.

Gilbert Hayes: \$70,000 is a bargain right now and we will use local people. According to Mr. Mannette, he wants to hold off and that's just going to delay this. It needs to be done now. He asked Mr. Mannette if he was satisfied with the explanation so far without going to FOI.

John Mannette: We'll let FOI decide. He asked Len Norton who gave him the instructions to go out and solicit proposals.

Marie DeSousa: Point of Order.

John Mannette: If the minutes don't reflect what you're trying to accomplish, then there is a hole. Where's the other \$210,000 coming from? That's part of the \$70,000. Do we really know whether the \$280,000 dollar amount would have been the lowest cost if you went out for proposals?

Leonard Norton, Public Works Director: He did go out for proposals.

Marie DeSousa: Point of Order.

John Burnham, Moderator: He stated that he's not out of hand. He asked Catherine Cabral, Treasurer to explain where that money is coming from.

Catherine Cabral, Treasurer: The \$280,000 for the project through the BOF has been allocated to a line item in the Grant Fund. \$70,000 is the town's portion. The money needs to be allocated in order to spend that \$70,000. The grant itself, as long as the money is allocated to the line item, is allowed to be spent because it's going to be reimbursed through the grant.

Denise Menard, 1st Selectman: Clarified that the entire proposal was clearly stated in a public meeting to the BOF in totality, all the quotes and numbers. Maybe those minutes aren't available yet, but it was all presented to the BOF in an open session.

Richard P. Pippin, Jr., Selectman: He is in business himself and if he knows someone's low price; he is going to be the low bidder. The minute you put it in black & white, that's the end of it. If we don't pass this tonight you might as well figure on having that brush there next spring. Once we get snow, there's no way that your going to pick it up. The brush at the town garage shouldn't stay there; it's a terrific hazard. You really need to vote on this.

Steve Dearborn: He said he is the local brush picker up guy. He lives on Newberry Rd. He asked Len Norton why he didn't come and see him.

Marie De Sousa: Point of Order.

Steve Dearborn: He wants to know why this didn't get into the paper in the legal notices soliciting for bids for disposal.

John Burnham, Moderator: Asked Steve Dearborn to direct his questions through him, the moderator.

Steve Dearborn: He asked why that didn't happen. He would have been happy to bid. From the brush he sees around town he could have done it for a lot less than \$280,000. Most people in town took it upon themselves to clean up their own yard and throw the brush out in the woods behind their house. This should have gone in the paper and anyone who wanted to bid, let them bid. He is right here in the center of town and has the trucks to do the job and no one came to him to ask for help. This should get in the paper before this is approved and let people come in with a bid. If it gets approved and it's awarded we're going to court.

Marie DeSousa: We are in an emergency situation. Whoever got the lowest cost for removal of the brush out there needs to be commended. Other town's costs far exceed ours. We are only going up to \$280,000.; we are not necessarily going to spend the whole \$280,000. There are a lot of brush piles out there and the first time we have a snowfall or a heavy wind comes, we are going to have stuff back out in the road. The town is going to be further liable if brush gets out in the road and cars are hitting it creating hazards. We need to move forward tonight and approve this motion. Called the question.

Dale Nelson, Selectman: The following was read from page 17 on FEMA 325, Public Assistance Debris Management Guide:

Competitive proposals procurement, a method similar to sealed bid procurement in which contracts are awarded on the basis of contractor qualifications instead of on price. This method is often used for procuring architectural or engineering professional services. In addition, this method normally involves more than one source submitting an offer and is used when conditions are not appropriate for sealed bids.

Jason Bowsza: His concern about the project going forward is public safety. If the brush remains by the side of the road once snow has accumulated and remains there for the winter, the roads are going to continue to get more & more narrow. The public works dept. is not going to be able to do the job as effectively as they had last year. He has lesser concerns about fire hazard at the town garage. When this was before the BOF, he would have been open to addressing the curbside situation and leaving the pile at the town garage for a later date until Len Norton

pointed out that it was FEMA's requirements that we go through all three steps in order to qualify for any reimbursement. If we want to see up to 75% reimbursement from FEMA we need to collect it, destroy it and then report that its been disposed of. He was comfortable at that point saying if that's what the requirements are than that's what we will have to do.

The selling point for him was when it had to be an all or nothing thing. The risks for doing nothing were too great. He will support the motion on the floor.

Gilbert Hayes: He asked if the \$70,000 to be spent on this includes the monitors.

Leonard Norton, Public Works Director: Yes.

Gilbert Hayes: Called the question.

Leonard Norton, Public Works Director: The \$280,000 is an estimate. We are paying on quantity. If we pick up 15 yds. of brush were going to pay for 15yds. of brush. The number should be less than estimated. He wants the estimate to be higher rather than lower.

Catherine Simonelli: It is a hazard if you leave that brush by the side of the road. The kids are already walking around the brush into the road and when snow hits they will be out in the road in the snow walking around the brush and the snow piles. This is a road that we don't want to take our town down.

John Burnham: He doesn't particularly like it when the question is called if people haven't had an opportunity to speak. He did just ignore it and it was probably wrong, but he does think people have an opportunity to speak.

Jason Bowsza: The motion is to spend up to \$70,000 and in his opinion, involved in local government; the public works dept. routinely comes in under budget. When they go out for a project they routinely don't exceed what has been authorized or reach what was authorized. If Len Norton is saying that \$70,000 is a highball, he is inclined to take him at his word.

Alan Baker: He would like to thank the previous BOS for not hitting the panic button and signing us up for a \$900,000 bill or more. He thinks a lot of consideration went into this. There were a lot of public meetings and joint meetings between current and future selectman and BOF meetings. He thinks it's the cheapest we can do and he supports it.

John Burnham, Moderator: Asked Catherine Cabral, Treasurer if we actually appropriate the \$70,000, are we on the hook if they don't pay us back.

Catherine Cabral, Treasurer: The \$280,000 is all in under the grant so the \$280,000 needs to be spent but we have to make sure that our portion is covered by the town. FEMA will pay it back within six months. That is usually their time frame.

James Richards, Selectman: We have to lay out whatever the amount of money it is up front. We need to keep receipts and count on our guys hiring the monitoring. If we do this wrong on the application, we will be on the hook for whatever the full amount is. He's not necessarily for this, but not against it either. Len Norton went out and got good pricing. The BOF, BOE & BOS just had a meeting discussing things in the future and its not money that we should

necessarily be spending. He understands the safety hazard of it. Some people's piles of brush are close to the road and those people are creating an obstruction of the road. It is becoming a hazard and those people should be liable not the town.

William Dove: He asked what is wrong with accepting the contract first and making very sure that everything is done right so that we know we would be reimbursed by FEMA. The slowest process here is getting the money back from FEMA. The town can allocate \$70,000 quickly as needed hopefully before the work gets done. He asked why this couldn't have been discussed in the open instead of in executive session. He doesn't want the town to be on the hook for \$200,000. Whoever takes this contract will have to wait for payment because the town doesn't have \$200,000.

Maria Weldon: She lives on Rolocut Rd. which is a heavily wooded area. They have huge trees that fell down in the road. People went out, helped each other, and cut the trees up. They have twelve 18inch diameter trees sitting by the edge of the road. They have other huge trees just rolled off the road. No plow will get down her road. They have a lot of elderly people that haven't been able to drag their brush. They are all waiting and hoping that the town will give them this kind of assistance. She understands due process & parliamentary order, but the roll of government is to act for the people especially in an emergency situation as this. She helps manage a large \$18 million dollar a year business. No one will wait six months for his or her money. She thinks we need to move forward.

Lois Noble called the question, 2nd by Ron Savaria.

The resolution passed with a hand count of 33 Yes and 4 No.

Gilbert Hayes made a motion to adjourn, seconded by Richard P. Pippin, Jr. The meeting adjourned at 8:20 PM.

Respectfully Submitted,
Joanne M. Slater, CCTC

Attest: _____
Town Clerk