

**Town of Marlborough
Board of Selectmen Regular Meeting
Marlborough Town Hall
February 10, 2004
7:00 p.m.**

1. CALL TO ORDER

First Selectman Nancy Bader called the meeting to order at 7:05 p.m. in the meeting room of Town Hall. Nancy Bader, Sharon Reiner and Bill Black were in attendance.

2. RECOGNITION OF GUESTS

Nancy Bader recognized Pete Abel, Vice Chairman of the Economic Development Commission and Al Daigle, South Main Street.

3. PUBLIC COMMENTS

Al Daigle spoke about the article that was in the Rivereast concerning the proposed telecommunications tower in town. He was upset that Peter Hughes was quoted as saying the strobe light was not an issue at the September 8th meeting. Mr. Daigle said that the strobe light was discussed at length at the September 8th Citing Council meeting. Mr. Daigle stated that he has been told that none of the parties involved (AT&T, Verizon, Sprint, Singular and Global Communications) are in favor of a strobe light on the tower. Mr. Daigle said that the town shouldn't spend money on lawyers to represent the town on this issue. Instead, he feels the money should be used to fix some potholes in town. Another thing Mr. Daigle does not like is that the tower is going to be in a field instead of in the woods, as is usually the case.

4. ECONOMIC DEVELOPMENT COMMISSION

Pete Abel spoke on behalf of the Economic Development Commission in place of Jean Belhumeur, Chairman. Mr. Abel referenced a letter dated February 2, 2004 from Jean Belhumeur to the Board of Selectmen and wanted to make sure that points in the letter were being addressed by the selectmen. Nancy Bader stated that the town has retained council and is moving ahead under their advisement in the best interest of the town. The decision will be made by the Board of Selectmen. Bill Black asked Mr. Abel what timeframe the commission had in mind to get through the process. Bill Black stated that he senses frustration that the process is dragging but, from his perspective, it is moving ahead. He wanted to make sure everyone had the same expectation for timeframe. Mr. Abel stated that the commission wanted to have options in hand because the commission is concerned that the property is zoned as residential. The commission is looking for some form of pre-ownership from the town. Sharon Reiner reiterated that the selectmen are moving ahead and that town staff and appropriate counsel are taking the actions that are necessary.

Motion by Sharon Reiner to add the following items to the agenda under Section 11 – Other: 11.1 a transfer request, 11.2 a bond release request and 11.3 a request to authorize hiring a firm to do the cultural resources and open space study. The motion was seconded by Bill Black and it was carried by a unanimous vote.

5. ACCEPTANCE OF MINUTES

Motion by Bill Black to approve the minutes of the February 3, 2004 regular meeting with the following change: on page 3, Section 9.1, add “Soucy, Planning Commission Chairman” after “Dennis”. The motion was seconded by Sharon Reiner and it was carried by a unanimous vote.

Motion by Sharon Reiner to accept the minutes of the February 3, 2004 public hearing with respect to the Parks & Recreation ordinance with the following change: in paragraph 2, the second-to-last sentence, delete the word “to” before “from Town Hall...” The motion was seconded by Bill Black and it was carried by a unanimous vote.

Motion by Sharon Reiner to approve the minutes of the February 5, 2004 special meeting. The motion was seconded by Bill Black and it was carried by a unanimous vote.

6. REVIEW OF CORRESPONDENCE

6.1 The Prudential Spirit of Community Awards

William Brown, a Marlborough resident and senior at RHAM High School, is being honored by Prudential Financial for his work organizing a volunteer group GIVE (Generosity is Vital Everywhere) which collects gently used clothing, accessories and personal items and then donates them to local shelters, soup kitchens and other charitable organizations. Prudential Financial suggested some ways that the town could honor William. Nancy Bader asked Sharon Reiner to come up with an appropriate recognition plan for William. Bill Black stated that something should be published in the local paper to recognize William and perhaps something could be posted on the town website.

6.2 Connecticut Conference of Municipalities

The town will pay \$350 to support CCM’s amicus curiae intervention in the DPUC’s rate setting proceeding for street lighting.

6.3 Ray Weber & Mike Kelly

Ray Weber has requested that he be reappointed as Fire Commissioner. Mike Kelly signed Mr. Weber’s letter to indicate his request to be reappointed as Fire Commissioner as well.

6.4 Robert Moore

Robert Moore has requested that he be reappointed as Fire Commissioner.

6.5 Connecticut Siting Council

Nancy Bader stated that she spoke to Peter Hughes regarding the letter dated January 27, 2004 from the CT Siting Council and confirmed that this letter does not effect the town.

6.6 Ken Hjulstrom

Nancy Bader read a letter from Ken Hjulstrom to the Board of Selectmen dated February 7, 2004 into the record. The letter was a request for the selectmen to revisit the town charter revision process.

6.7 Barton Russell – Ethics Commission

Mr. Russell sent an e-mail to Nancy Bader regarding a bill that has been raised in the CT legislature requiring towns to create an ethics commission. The selectmen all agreed that Marlborough cannot afford to do this because it is, in effect, an unfounded state mandate. Nancy Bader stated that she would reply back accordingly and suggested that both Sharon Reiner and Bill Black do so as well.

6.8 Barton Russell – Probate Judge

Mr. Russell sent an e-mail to Nancy Bader asking whether the town's judge of probate was a priority. All selectmen agreed that the service provided by the town's judge of probate is very important and is a priority. Nancy Bader will respond with specific examples of what the downside would be of closing the probate court. Bill Black also suggested that Nancy speak with Vi Swartzmann (in addition to Frank Corbo) because of her work in social services.

7. APPOINTMENT OF TOWN OFFICERS

Nancy Bader stated that she spoke with Patrick Looney with respect to his term as Town Building Official. Nancy and Patrick agreed in writing that Patrick's term began on August 1, 1994 and will end on July 31, 2006. Nancy explained that Patrick's term does not coincide with the elected term.

Jim Byrne, a lawyer from Tyler Cooper & Alcorn, wrote a letter to Marlborough's town attorney Bill Fish regarding the appointment of town officers. The letter tried to explain the laws under both the CT general statutes and the Marlborough charter of ordinances. As summarized by Sharon Reiner, CT statutes require some things that are very clear. However, what CT statutes don't require if the town's charter doesn't require, is a gray area. The letter caused some confusion amongst the selectmen, specifically in two areas: on page 1, the first paragraph under Section A "The General Rule Concerning Term Lengths" and on page 3, the first paragraph under Section C "Responsibility for Appointments and Reappointments". Bill Black stated that he is uncomfortable with the letter in these two areas. Essentially, the first section (Section A) implies that Nancy Bader has appointed many of the officers listed and the second section (Section C) states that the first selectman alone can appoint officers. The board of selectmen disagreed with the opinion because of the confusion in these two areas. Nancy Bader agreed to go back and obtain clarification on this letter.

Motion by Bill Black that all existing town officers be re-appointed on an interim basis, pending further review by the First Selectmen and/or the board of selectmen concerning such reappointments. The motion was seconded by Sharon Reiner and it was carried by a unanimous vote.

8. APPOINTMENT OF FIRE COMMISSIONER/CIVIL PREPAREDNESS

Motion by Bill Black to re-appoint Mike Kelly, Ray Weber and Robert Moore as Fire Commissioners. The motion was seconded by Sharon Reiner and it was carried by a unanimous vote.

Sharon Reiner stated that she appreciates the service all three gentlemen have provided to the town and suggested that the selectmen ask the fire commissioners to think about a succession plan.

Motion by Bill Black to re-appoint Robert Sanville, Harold Garnett, Doug Knowlton, William Lord and Mark Merritt as Civil Preparedness officers. The motion was seconded by Sharon Reiner and it was carried by a unanimous vote.

9. STATUS REPORTS

9.1 Bill Black – Public Safety

Bill Black reported that he has been speaking with the resident troopers about filling the constables positions. Bill is trying to communicate with all the officers and obtain their input on the town's public safety issues. Trooper O'Rourke agreed to help with the interview process for filling the vacant positions. Bill provided the other selectmen with a public safety short-term checklist from the document submitted by the Public Safety Committee. Bill stated that he is moving forward to try and fill the vacancies based on Option 2 in the report which is the least costly option. Bill also provided revised public safety budget input, which added money to cover administrative and interviewing costs associated with the hiring process. Bill stated that the constable line item will run over. He has prepared a memo asking for additional appropriations for the current public safety budget. Items include \$3,500 to cover payments to constables, \$1,500 to cover resident trooper overtime needed to assist with the process of filling the vacant positions and \$450 for a bulletproof vest. Bill also noted that for fiscal year '04/05, the following items will be needed: \$900 for two bulletproof vests for the new hires, \$1,350 for two firearms for the new hires and \$8,000 for two hand-held portable radios. Bill stated that there is currently no grant money to support these items. Bill Black also prepared two different advertisements for the constable positions.

Nancy Bader reported that the resident troopers have been visiting her more at town hall. The troopers explained to Nancy that different towns have different priorities and the troopers are looking for feedback from Nancy on what Marlborough's priorities are. Nancy told the troopers that underage drinking is a concern and additional feedback will be provided going forward. She intends to do a public forum on public safety and then schedule a meeting for the board of selectmen to sit down and brainstorm with the troopers.

Sharon Reiner stated that the accountability issue is still a concern to many residents. Residents want to understand what the town is receiving from the troopers.

Motion by Sharon Reiner to authorize Nancy Bader to transfer \$3,500 to account 1154-3101 to cover constable pay, \$1,500 to account 1154-3102 to cover overtime and \$450 to account 1154-3600 to cover the bullet-proof vest. Nancy Bader will identify the account the funds

will come from. The motion was seconded by Bill Black and it was carried by a unanimous vote.

Bill Black stated that there are no funds to cover the D.A.R.E. program next year because AHM cannot fund it. Bill Black and Sharon Reiner do not want to fund the D.A.R.E. program because statistics do not show that the program is effective. It was suggested that perhaps the Marlborough PTO could support the D.A.R.E. program through its budget. Nancy Bader stated that she wants to find out more about D.A.R.E. before making a decision about its funding, especially because Trooper Acosta just attended a training session on D.A.R.E.

9.2 Sharon Reiner – RHAM

Sharon Reiner noted that, as a result of the public hearing on RHAM, a group of Marlborough residents took it upon themselves to get the word out about the referendum. Phone calls were being made and e-mails were being sent to encourage residents to get out and vote.

Motion by Bill Black to instruct Sharon Reiner to read the statement with respect to Marlborough pulling out of the C.O.C. at the next RHAM Board of Education meeting. The statement covers both the savings and the achievements realized from Marlborough's withdrawal of the C.O.C. The motion was seconded by Nancy Bader and it was carried by a unanimous vote.

9.3 Nancy Bader – Records Management/Site Visits/Grant/Goals

Nancy Bader stated that she is putting an item in the budget for next year to do a strategic plan for records management for town hall. Nancy noted that the historic preservation grant, which is \$7,000, can be partially used to support the strategic plan. Nancy anticipates using \$5,000 of the grant for the records management strategic plan. The plan would probably require another \$5,000 or more. Nancy stated that she visited Rocky Hill town hall to visit their Public Works Department and review their records management. She stated that Rocky Hill is doing a lot and can serve as a good model for Marlborough.

The Board of Selectmen goals for calendar year 2004 were discussed. The selectmen agreed to move out three items and categorize them as "Track Progress" because they are not the direct responsibility of the selectmen. These items are: 1) prepare and publish 02/03 Annual Report (Vi Swartzmann), 2) Update town's emergency response plan (Doug Knowlton) and 3) Chart of accounts (Board of Finance).

Nancy Bader explained that, in visiting Rocky Hill and reflecting on the various budget items, she believes the town needs a technology plan. There are many different systems being looked at (MUNIS, COT, GIS, Quality, Gasby 34) and Nancy thinks there needs to be a focused approach to how the technology is implemented. Nancy is thinking about having Jill and Shari work on a simplified technology plan so that the administration can better understand what each system does, how all the systems work together, etc. There was the question whether the town had the expertise in-house to do a technology plan. Nancy prefers to have a phased-in approach with the technology and she wants to make sure everything is being budgeted right. The selectmen agreed to add a preliminary technology plan to the list of goals to be completed by June 30, 2004.

10. CIP

Nancy Bader gave some background on how the budget process was approached. She explained that all department heads filled in request forms. Nancy then met with all the department heads so that every department would know what other departments were requesting. Nancy asked departments to pick the three most important factors to be considered when reviewing budget items. The factors were cost/benefit, external requirements and public health and safety. Nancy noted that a lot of the work that is being requested can be done by the Public Works Department. The overall work load of the Public Works Department would have to be looked at to determine what items could be worked on. Nancy explained that she put a team together consisting of herself, Tom Giola, Jill Oguschewitz, Brian Breedan and Donna Mosher to work on the CIP. After reviewing the various departmental requests, it became obvious to the team that many items were replacement items, so the team decided to separate replacement items out from new projects. The town had not been reserving for replacement items. Nancy also explained that the team looked at projects that had been previously budgeted but never completed, for whatever reason.

Nancy walked through the various steps of the budget process. She explained that the first step, receiving all the requests, amounted to \$745,473.50. Nancy read through the entire list of requests. She then went through a list of projects that were recommended for elimination. \$91,412.74 of currently funded projects were taken away. Bill Black mentioned that one of the senior center items to be eliminated may have been federally funded. This will have to be investigated so that it is recorded correctly in the books.

Nancy noted that the project to connect the water for the school, senior center and library was initially budgeted at \$99,000. The estimate for this work has now come in at \$164,000.

Nancy then gave a brief review of the short-term and long-term operating budget figures. \$30,575 will come out of the operating budget and get done next year. Items to be completed include the purchase of fire gear, the Blish Park bathhouse repair, the community survey, purchase of a safe and a records management study. The long-term list of projects totals \$331,670. This list includes the library groundwater contamination repair, the West Road Memorial Field repair, the re-design of Jones Hollow Rd., storm water improvements and the Gasby 34. The amount for next year's replacements will be \$100,000 for a new fire department vehicle. Nancy stated that the selectmen need to think about how replacements/maintenance items will be handled going forward, i.e. whether a certain amount of money should be set aside each year to cover these items.

The total funding amount is approximately \$563,000. The current, uncommitted amount in CNR is \$322,381. With the \$91,000 closeout of projects and the re-appropriation of that \$91,000 plus another \$100,000 out of CNR would leave the town with an uncommitted balance of \$222,000. The town would then request \$123,145 in new funding for CNR. Nancy Bader gave some historical figures of what has been requested in the past for comparison purposes. Nancy stated that she tried to keep the capital budget down because she knows the operating budget will be increased.

Nancy stated that since finishing the budget process, there have been two surprises: the increased cost to fix the groundwater contamination problem as noted earlier and these minutes and another \$11,000-\$12,000 in the Town Clerk's area.

The selectmen had a discussion about the roadwork that needs to be done in town. There was a discussion about whether the work should be done by the Public Works Department or whether it should be subbed out. The town needs to make some decisions about bonding money to do various work. Bill Black suggested that Tom Giola obtain three bids for a contractor to do the roadwork, nuts to bolts. Nancy Bader noted that Tom Giola will be making a presentation to the Board of Selectmen about the Public Works Department and the roadwork will be discussed with Tom.

Motion by Bill Black to add the following items to the 2004/2005 budget for public safety items: \$900 for two bulletproof vests, \$1,350 for two firearms and \$8,000 for two hand-held portable radios. The motion was seconded by Sharon Reiner and it was carried by a unanimous vote.

Motion by Bill Black to authorize Nancy Bader to gather the dollar cost for upgrading the Tax Collector's hardware and software and incorporating that cost into the 2004/2005 budget. The motion was seconded by Sharon Reiner and it was carried by a unanimous vote.

Sharon Reiner noted that the selectmen compliment the work of the CIP group under the leadership of the First Selectman.

11. OTHER

11.1 Transfer of Funds

Motion by Sharon Reiner to approve the request from Darlene Crowley to transfer \$111.80 to cover repairs to uniforms in the Public Works Department. The motion was seconded by Bill Black and it was carried by a unanimous vote.

11.2 Bond Release

Motion by Bill Black to authorize the bond release of \$18,816 for ARM LLC. The motion was seconded by Sharon Reiner and it was carried by a unanimous vote.

11.3 Cultural Resources Survey

Motion by Bill Black to authorize Nancy Bader to sign the \$22,000 contract with TPA Design Group to perform a cultural resources and open space study. The motion was seconded by Sharon Reiner and it was carried by a unanimous vote.

12. PUBLIC COMMENTS

There were no public comments.

13. ADJOURNMENT

Motion by Sharon Reiner to adjourn the meeting at 9:31 p.m. The motion was seconded by Bill Black and it was carried by a unanimous vote.

Respectfully submitted,

Mary Sciano