

Town of Hebron  
Board of Selectmen  
November 3, 2011  
Special Meeting  
Hebron Town Hall Meeting Room

RECEIVED

2011 NOV 10 P 2  
*Ann Hughes*  
- HEBRON TOWN CLI  
*Asst*

BOS Members Present: J. Watt, G. Mulligan, D. Larson, B.O'Connell  
P&Z Member Present: N. Wood

Staff Present: B. Therrien – Town Manager

J. Watt called the meeting to order at 12:47 pm. The Board reviewed the possible interview questions and assigned each person to each question. N. Wood said that she would elaborate on question #7 so she receives the information necessary on their planning and environmental background. The questions were finalized as listed below:

TOWN ATTORNEY INTERVIEWS  
QUESTIONS

- 1) Candidate gives a short synopsis of their firm and how they will best handle the more important legal issues Hebron is facing. – **G. MULLIGAN**
- 2) Candidate will be asked if the Town will work only with the principals of the firm or will the Town be able to access all of the lawyers in the firm. – **B.O'CONNELL**
- 3) Candidate will be asked about their billing proposal in detail. Would they be willing to do the work on a flat fee basis? **J. WATT**
- 4) Candidate will be asked about their experience with construction contract law. **D. LARSON**
- 5) Candidate will be asked if they or any member of their firm has been subject to a grievance proceeding within the past three years which was not dismissed. **N. WOOD**
- 6) Candidate will be asked if their firm has any conflicts of interest with the Town and how they will handle this and if they have any experience with environmental law. **G. MULLIGAN**
- 7) Candidate will be asked about experience with Planning and Zoning issues. What is their experience with land use regulations (zoning, wetlands) and have they every personally taken a zoning and other land use cases to trial and what their success rate has been in this area. How would you get up to speed on issues facing the Town, regulations review, charter review? **N. WOOD**
- 8) Candidate will be asked for suggestions to reduce legal costs for the Town. **J. WATT**

**ROME McGUIGAN, PC – Attorneys Bradley, Borea and Houlding**

1) Attorney Bradley gave background on his firm. They work or have worked for the Towns of Wethersfield, Cromwell, Rocky Hill, Marlborough and Farmington. They are also doing some work in Colchester.

2) Attorney Bradley would be the central coordinator for the Town and the firm, but the members of the entire firm are available for the Town. The two primary contacts would be Attorney Bradley and Attorney Borea.

3) Attorney Bradley went over his billing proposal. He did not feel the flat fee retainer works for either side. He is a firm believer in billing at an hourly rate, as that way, you can know how much a case is really costing you. They do try to use Associates and Paralegals as much as possible to keep costs down. Attorney Borea does give seminars as a part of the retaining of the firm on FOI to Boards, Commission and employees.

4) Attorney Borea represents Rocky Hill on all construction contracts and questions. He has a lot of experience in construction contract law, eminent domain issues, environmental issues and zoning appeals. Attorney Bradley has worked on school construction/renovations projects, Town Hall renovations and a new Police Station. D. Larson asked whether they would review bid documents, Request for Proposals, etc. Attorney Bradley said yes. D. Larson asked if they would review RFP's for equipment. Attorney Bradley said yes. G. Mulligan asked if they deal with environmental issues. Attorney Borea said he is currently working on the leaking landfill issue in Rocky Hill and he has extensive experience in this area. He also brought up the Stewardship State law.

5) N. Wood asked what the firm's protocol is for billing if there is a Public Hearing, meetings, etc. Attorney Bradley said they try to discuss issues with the Chief Executive Officer (CEO) every day and they are happy to go to Town Meetings and they would bill for the time at the meeting, but no travel expenses. Attorney Borea does bill for court time and parking. N. Wood asked how they communicate with the staff and Boards and Commissions about new laws, regulations, etc. Attorney Bradley said that he sends out letters to the staff with up to date information on legislation, etc. N. Wood asked about changes in federal law. Attorney Bradley said they use seminars, legal sections and journals to assist their clients with the changes. Attorney Borea said that they have a lot of experience with Towns so they do stay on top of changes in municipal laws.

6) Attorney Bradley said that his firm always does a conflict search with every case. They do not represent any developers in Hebron at present.

D. Larson said that lawyers are always expressing themselves in legalese. Do they put one paragraph in the legal opinions that summarize the opinion in English? Attorney Bradley said yes. Everyone looks at the final draft to make sure it is understandable and then he asks his secretary to review to make sure it is understandable. They also can discuss with elected and appointed board members any potential conflicts of interest they may have with the Town.

Attorney Houlding went over his experience with labor and employee issues and said he has been working many, many years in this area. He has negotiated many contracts and has put together a lot of settlement agreements.

J. Watt thanked them for coming to the interviews.

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After members from Rome McGuigan left, J. Watt said that everyone should ask their questions at once, instead of rotating. He asked B. Therrien to have Attorneys from Rome, McGuigan answer questions #5 and #7 in writing, since they were not asked. N. Wood said she would add to her question, how they would come up to speed with P&Z, Town issues, as well as Ordinances and Charters.

J. Watt asked if anyone from the firms lives in Town. B. Therrien said she thought it was only Attorney Ken Slater from Halloran and Sage.

**CONWAY, LONDREGAN, SHEEHAN & MONACO, PC – Attornies Jeff Londregan and Brian Estep**

1) Attorney Estep said that the firm has 8 attorneys and 4 have municipal experience. They can also utilize the other attorneys in the firm to assist with issues. They have labor, CHRO, and FOI experience. Attorney Londregan said that they also have tax appeals, inland/wetland, planning and zoning and zoning board of appeals experience with other communities. They also cover Board of Selectmen issues, research the law, etc. Attorney Estep has Water Pollution Control experience.

6) If the firm represents a client that is dealing with a municipality, they would not represent the client any longer.

2) The contact person will depend on what the Town would like to do, but normally Attorney Estep is the first contact and then he would decide which Attorney is the best person to work on the issue. Attorney Estep is available 24 hours a day/7 days per week.

5) Attorney Londregan said that no one working for them has been subject to a grievance procedure which was not dismissed.

7) Attorney Londregan said that they can meet with the Boards and Commissions and the staff that are related to land use issues. N. Wood asked if they would review all regulations. Attorney Londregan said yes, they would review the zoning regulations, ordinances, etc. to find out where there could be problems. N. Wood asked about their experience with Inlands/Wetlands. Attorney Londregan said they represented New London in the Fort Trumbull cases having to do with the environmental aspects of the cases. They have also worked with a lot of Long Island towns on their inland/wetland issues. N. Wood asked how they contact the towns when any new laws, regulations, etc. become in effect that could affect the Town. Attorney Londregan said that the firm receives a lot of written correspondence on new laws and regulations and they belong to a lot of organizations to receive this information. If they see something that could affect a Town, they send e-mails or written correspondence to the Towns for their review. Attorney Estep said that New London is redoing all of their ordinances and P&Z regulations and they are working with them on this. N. Wood said that the Hebron P&Z is doing the same thing. N. Wood asked whether they bill the Town if they attend a meeting. Attorney Londregan said they bill portal to portal, but they would do a discounted rate if they were already close by while coming to Hebron.

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4) Attorney Estep said that members of the firm have reviewed school building contracts and other construction contracts for the City of New London and they do have one Attorney who does construction law. Attorney Estep said that he has reviewed fire apparatus equipment contracts and Request for Proposals. He has also been in litigation with Ford on an ambulance purchase for New London.

D. Larson asked how their legal opinions are written and are they easily understandable. Attorney Estep said that it is important that they write things that people will understand. He has his wife review them to make sure she understands his opinions.

3) & 8) Attorney Estep said that they would bill the Town \$175/hour no matter who was doing the work. They do not bill for paralegal, secretary and supplies. They normally do not do a flat rate. They would be willing to explore this, but they usually do not do this. He also said that one way to save money is making sure you do not have an opinion from an Attorney on a topic before you ask for another one. Many Towns do ask the same question a number of times, when they already have the answer. Attorney Londregan said that the Town staff can have access to any books or legal information that the firm has on hand. In Bozrah, everyone must go through the 1<sup>st</sup> Selectmen before approaching the firm. Stonington uses a reference # for each question, and then they can see how much time and money is being spent on legal issues for each Department. They give the New London City Council an update at every Town Council meeting.

J. Watt thanked them for coming to the interview.

**UPDIKE, KELLY & SPELLACY, PC – Attorney Robert DeCrescenzo**

Attorney DeCrescenzo said that Attorney Dawson would have been with him, but she had a legal emergency.

#1 and #6) – Attorney DeCrescenzo is the principal municipal contact and he works through the Town Manager or the Town Planner. Attorney Dawson would assist him and all associates would help also. They have worked on Open Space issues with Simsbury. He personally goes to Board and Commission meetings. He encourages Town staff to get to him early with legal questions, because if you do not, it can lead to litigation, which is very costly. He believes that you never send a long response to a question, when a quick e-mail will do. He has handled all sorts of municipal issues and he is proud that the Towns he represents have no legal cases. He likes to get involved with P&Z cases immediately.

Attorney DeCrescenzo said conflicts of interests can come up. The firm has nothing in Hebron currently but he does not want anything to look nor feel like a conflict. They feel full disclosure is very important.

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2) Town staff would deal with Attorney DeCresenzo exclusively. B. O'Connell asked if there were questions, everyone would go to him. He replied yes.

5) & 7) N. Wood asked how they would get up to speed with things going on in Hebron, regulations, ordinances, etc. Attorney DeCresenzo said they he lives in Glastonbury and he has lived in East Hartford so he is aware of some things going on in Hebron. He would read all of the important legal documents of the Town, such as regulations, the Charter, ordinances, etc. He would meet with key Boards and Commission members and staff. He is a former elected official himself.

N. Wood said that communication is very important and how does he notify his clients about changes in Federal and State laws, new court decisions, etc. Attorney DeCresenzo said that he sends out client alerts and a summary of all new Public Acts. He sometimes does face to face meetings with staff and Boards and Commissions to discuss the new laws. N. Woods asked about Inland/Wetland experience. Attorney DeCresenzo said that he has been working with Simsbury on these issues for 14 years. His firm has had experience in this for years and years. He has handled many land use matter questions and issues. N. Wood asked about environmental experience. Attorney DeCresenzo said that Attorney Zimmerman would handle these. N. Wood asked if he billed to go to meetings. Attorney DeCresenzo said that he does not charge portal to portal but he does charge for normal travel time. He lives right nearby and he does charge for mileage. He did say that the Board of Selectmen needs to be mindful that legal issues do cost money, and that the money should be used for the Town, and not the court system. He would prefer not to go to P&Z meetings, as he does not feel the Attorney should be a part of making planning policy.

3) & 8) J. Watt asked if they preferred a flat fee for payment. Attorney DeCresenzo said that he would look at a 3-4 year average of Hebron's legal billing and that would be the fee. B. Therrien will share this information with him. J. Watt asked if there are ways that the Town can be more efficient with costs for legal fees. Attorney DeCresenzo said that he did like the flat fee and then the Town staff will use his services more and not have to worry about the cost. He would lock in the cost for two years. J. Watt asked if there is a quality issue when you use a flat fee. Attorney DeCresenzo said he wouldn't let that happen. G. Mulligan asked what other municipalities do for attorney fees. Attorney DeCresenzo said that Simsbury is a flat fee. In Woodstock, the Town staff use e-mails, telephones and conference calls with him to help keep down the costs. If the Selectmen would want him to present a flat fee proposal, he can do this.

4) Attorney DeCresenzo has reviewed and put together lease/purchase agreements and he makes sure that all local ordinances are addressed in any legal document. The firm has an excellent Attorney on construction law. He does recommend that the Town use AIA contracts, so that similar contracts are used for all projects and there is already a lot of case law on these contracts.

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B. O'Connell asked if Attorney DeCresenzo is a litigator. He said yes, but he can still make all deadlines.

D. Larson asked how he makes legal opinions easy to understand. Attorney DeCresenzo said that it is important that you write the legal opinion to the audience that will be reading the document. Your average person is not a lawyer. He was asked to send to B. Therrien sample legal opinions that he has given for other Towns.

G. Mulligan asked if he can do training on FOI. Attorney DeCresenzo said yes, and he already has presentation materials on this topic and he has made dozen of presentations. He has also made a lot of training presentations on P&Z topics. He has worked on three Charter Revisions for other communities.

J. Watt thanked him for coming to the interview.

**KATZ & SELIGMAN – Attorney Don Holtman**

1) & 6) – Attorney Holtman explained that there are three equity partners in the firm. He was an equity partner until a few years ago, when he became a non-equity partner, which means he uses their offices, materials, etc. for his practice. The firm is primarily a litigation firm. B. O'Connell asked if he was the primary contact. Attorney Holtman said yes. G. Mulligan asked if there were any conflicts of interest. Attorney Holtman said no, as he is the only Attorney involved with the Town, unless he is on vacation. D. Larson asked if Don left the firm, who would handle the cases. Attorney Holtman said no one.

5) & 7) – N. Wood asked about his experience with wetlands and case law. Attorney Holtman said that he has a lot of experience with enforcement actions through his work in Hebron and other Towns. N. Wood asked if he had issues in Granby. He said they are very similar in nature to Hebron. N. Wood asked about this experience with environmental law. Attorney Holtman said his experience is limited so he would probably tell the Town to hire another Attorney for this area of the law. N. Wood asked if he went to a night meeting, how would he bill the Town? He said that he bills by the hour and for travel time. Attorney Holtman said if the Town needs him, he will be there. She asked how he would notice the Town on new laws, statutes, etc. Attorney Holtman said that he gives the Town Manager a copy of the law and then summarizes the impact the law could have on the Town. He also recommends which Department needs to see this new law. He does not charge for this service. N. Wood asked if he has had any grievances that have led to discipline and he said no.

4) Attorney Holtman said that he reviews all contracts including construction and equipment contracts. D. Larson asked how he presents his legal opinions so they are understandable to the average person. Attorney Holtman said that he tries to do this but there can be issues, where he feels it is easily understandable, but it is not.

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3) & 8) – Attorney Holtman said that he feels the operation of the way the Town and he interacts is very efficient and he feels that the Town Manager should not have to approve all requests that go to him from other Departments, as it is too burdensome. He currently bills on the computer for every 6 minutes of time. J. Watt said that he currently gives us updates on each case. Attorney Holtman said yes, on a quarterly basis. J. Watt asked if he would consider a flat rate for fees. Attorney Holtman said that there is a lot of criticism on the hourly rate, but a flat fee is hard to manage. He feels his bills have been very efficient and he feels hourly billing is fair.

B. O'Connell asked why Attorney Holtman is non-equity. He said that he decided not to do litigation any longer, but he wanted to keep his municipal work and this allows him to have a more flexible schedule.

D. Larson asked about revaluation and his handling of tax appeals. Attorney Holtman said that he has handled tax appeals for years and years. He also said that if you have any questions about his past performance, they should ask B. Therrien or Mike O'Leary.

J. Watt thanked him for coming in for the interview.

**HALLORAN & SAGE – Attorneys Ken Slater, Rich Roberts and Duncan Forsyth**

1) & 6) Attorney Slater said that their firm is a model for small Towns. They have 80 plus staff members working for them so the firm brings all types of experience to a community. The three of them bring a huge amount of experience in municipal law and they have a competitive rate for such a large firm. Attorney Slater would be the contact and would know how to contact everyone and find the right Attorney for the issue.

They have no conflicts of interest and they can certainly resolve any possible future conflicts through discussions.

2) Attorney Slater would be the lead Attorney for the Town and then he would decide how to disburse the work, if this is necessary. He said that some Towns allow the Planning and Zoning staff to contact the lead Attorney directly and everything else goes through the Town Manager to receive permission to contact the Town Attorney. B. O'Connell asked how many times we would go to other Associates. Attorney Slater said none.

N. Wood asked how he would get up to speed with what is going on in Town, regulations, ordinances and the Charter. Attorney Slater said that he lives in Hebron and he knows the issues and the Charter. They also provide training to Boards and Committees on topics the Town would choose to educate members on. They just did this for Canton. Attorney Roberts said he would visit with key municipal officials to speak directly to them about issues facing Hebron.

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N. Wood asked about their experience with wetlands and environmental issues. Attorney Slater said that he has argued land cases at the CT Supreme Court and he has a breadth of experience with land use issues. Attorney Roberts said that he teaches preventative measures to land use boards. Attorney Forsyth felt that they should be involved in the beginning of major projects to help curtail lawsuits, so they can give guidance ahead of time. .

N. Wood asked what the cost would be if they came to a public meeting. Attorney Slater said that they charge portal to portal but since he lives in Town, there would be a reduction in cost.

N. Wood asked how they inform Town staff and the Boards/Commissions about changes in laws, regulations, etc. Attorney Roberts said that if it is a broad issue, he sends out e-mails to everyone.

B. O'Connell asked about their experience with Charter reviews. Attorney Roberts said that he finds this type of work very interesting. He felt Hebron's Charter was very detailed and that every Charter should be looked at every 10 years to make sure it does not need to be tweaked. Columbia, Canton and Burlington are looking at their Charters right now and they are involved with these.

4) D. Larson asked how they bill out their time. Attorney Slater bills out 1/10 of a minute but they do not always bill for every minute. D. Larson asked about their experience with construction law. Attorney Slater said that his partner does a lot of construction contract work, and other types of contract would be reviewed by Attorney Slater or others, depending on the type of contract. Attorney Forsyth said he had seen a one page contract from a general contractor and the firm's expert in construction law redid the contract so that it protected the Town. D. Larson asked if they review contracts for major pieces of equipment. Attorney Forsyth said yes, they do and they have a lot of experience in this area. Attorney Slater said they also negotiate with companies.

D. Larson asked if their legal opinions are easily understandable for a lay person. Attorney Roberts said they have talked about road discontinuances with other communities and he described the process. Attorney Slater said that he tries to avoid legal, technical language and he feels the firm does a good job with this.

#3 & #8) Attorney Slater said that they would prefer an hourly rate. Towns are better served. He used the example of Berlin who used a flat rate payment system and it did not work well with them. Attorney Roberts said that the Town must monitor the usage of the Attorney and how much certain cases are costing the Town. J. Watt asked how often they contact the Town with updates. Attorney Slater said weekly but when a decision has to be made on a case, they will get in touch with the Town immediately. Attorney Roberts would recommend that the Manager be the point of contact. J. Watt asked if there were additional charges for clerical services.



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Attorney Roberts said no, nor do they charge for the use of the Westlaw system. Attorney Roberts said that this could be all spelled out in their engagement letter to the Town.

B. O'Connell asked what the Right to Farm law is about. Attorney Roberts said that there are no nuisance charges for odors or smells coming from a farm and this is a State law.

D. Larson said that this is a revaluation year for Hebron. Does the firm have people who do tax appeals? Attorney Forsyth said that he does, as well as Attorney Michael Collins. Attorney Collins handles thousands of tax appeals.

J. Watt asked about what the philosophy towards tax appeals is for their firm. Attorney Forsyth said the firm does not get involved with these until a lawsuit has been filed after the Board of Assessment Appeals. He works with the Assessor. The Town should make a decision as to who is allowed to settle a case. Attorney Slater said they always try to settle cases and not go to court. J. Watt asked if they have ever worked with appeals on golf courses. Attorney Slater said they were involved with a case in Portland. Attorney Roberts said that the Assessor guides the strategy, and there are a number of strategies that can be used when settling out cases.

G. Mulligan asked how many firms they represent. Attorney Slater said they were listed in their proposal. G. Mulligan asked if they always use the same team of Attorneys. The answer is yes.

J. Watt thanked them for coming to the interview.

N. Wood asked if success in litigation is the key for a successful firm for the Town. B. O'Connell said that he would rather have a firm that would avoid going to court. N. Wood said that most will have the perspective of trying to avoid a lawsuit. D. Larson felt that Halloran & Sage would try to work things out.

J. Watt asked each member which firm they were leaning towards:

D. Larson - Halloran or Updike

G. Mulligan – Rome, Updike or Halloran

J. Watt – The same as G. Mulligan

N. Wood – The same as G. Mulligan

B. O'Connell – Halloran, Attorney Holtman or Conway

N. Wood said that Attorney Holtman has done an outstanding job for the Town. He answers things very quickly. G. Mulligan said that it worries her that he is the only person working for us. B. O'Connell said he was somewhat concerned about Rome as they did not come across very strong with construction law. B. Therrien gave an overview of her experience with those firms she has worked with in other communities. She will receive references for the firm of Conway, Londregan, Sheehan & Monaco.

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J. Watt asked everyone to give this some thought and he would want N. Wood's input before the Selectmen make their decision on 11/17. B. Therrien will follow up with each firm for the additional information that was requested during the interviews.

B. O'Connell; seconded by G. Mulligan made a motion to adjourn at 5:11 pm. The vote was unanimous.

Minutes Approved on \_\_\_\_\_  
With Corrections \_\_\_\_\_  
Clerk Initial \_\_\_\_\_ Date \_\_\_\_\_

Town of Hebron  
Board of Selectmen  
November 3, 2011  
Regular Meeting  
Hebron Town Hall Meeting Room

RECEIVED

2011 NOV 10 P 2:29

*Ann E. Hughes*  
HEBRON TOWN CLERK

Members Present: J. Watt, D. Larson, B. O'Connell, G. Mulligan, M. Stuart

Staff Present: B. Therrien – Town Manager

J. Watt called the Regular Meeting to order at 7:35 p.m.

J. Watt moved to change the order of the following items to discuss items 8a, 7a and 7d after item 5, and then resume with the posted order. The motion passed with all members in favor.

**Public Comments:**

Carol Pugliese, representing the newly formed Friends of Hebron Seniors, expressed concern with cleaning the carpet in the Senior Center citing the potential for mold to develop. Ms. Pugliese went on to state that the ramifications of present damage as well as ongoing was worrisome, and suggested that if the carpet was replaced that alternate floorings be considered. B. O'Connell inquired if the group was working with the Director and the Commission on Aging. Ms. Pugliese confirmed that they were, and that they were established for fundraising. Ms. Pugliese noted that the group was looking forward to becoming incorporated as a 501(c)(3).

Dan Larson, speaking as the Deputy Fire Marshal, expressed gratitude to the Town Manager, staff and volunteers for their efforts in the most recent storms. Mr. Larson went on to outline several safety concerns that members of the public should consider including the need to have appropriate interlock devices installed when utilizing generators for temporary power. Mr. Larson noted that there were eight storm-related deaths to date and reminded people to be safe and legal with all of their actions. Mr. Larson suggested aiming exhausts away from the home, and not to run them inside a garage, but in a well ventilated area. Mr. Larson further noted that fuel should be stored safely and that batteries should be changed in all CO monitors. J. Watt suggested the information be displayed on the Town website. B. Therrien noted that the State released a lot of information about generators and that she would work with Mr. Larson to compile an appropriate message for the site.

Superintendent Eleanor Cruz expressed appreciation for the efforts put forth by the community and Town staff, noting that it was because of their communication and work that he schools were able to open that day.

**Presentation on China Educational Trip:**

E. Cruz informed members that a meeting was scheduled to take place on November 7, 2011 to answer questions related to home stays during the China trip. Ms. Cruz went on to note that the schools would use grant money to fund the trip and that it would take place over April vacation. Mz. Cruz described the sister-school in China and noted that the Bolton school system was planning their trip for April as well. Ms. Cruz invited members to attend the meeting and noted that the opportunity to travel was available to all who were interested.

**Discussions with State Representative Pam Sawyer:**

Ms. Sawyer was not present for the meeting.

**Hebron Elementary School Modular Classroom Debt:**

M. Hazel, representing the BOF, summarized the proposed plan to pay off the modular fund balance account and close it using funds from the General Fund. Members agreed that it would be best that discussions take place at a Town Meeting where the existence of the fund and original intent could be thoroughly described. M. Leichter noted that the General Fund balance would decrease by 1/100 point but that the Town would also be eliminating a debt, which bond rating companies view favorably. G. Mulligan moved that the Board of Selectmen approve a supplemental appropriation in the amount of \$364,917.22 as recommended by the Board of Finance, and refer it to the Special Town Meeting scheduled for November 17, 2011. The motion carried with all members in favor.

**Capital Policy – Funding of Requests under \$25,000:**

B. Therrien distributed a draft of the proposed policy that reflected changes discussed at the last meeting. J. Watt noted that he was comfortable with the draft as presented, citing that the changes he requested were present. G. Mulligan stated that, not having been present at the last meeting, she needed time to review the draft in its entirety but noted several items that needed clarification. G. Mulligan pointed out that the draft appears to designate Public Works responsible for maintaining all equipment and vehicles when it currently does not. Members discussed that Parks and Recreation Commission currently maintains their equipment but that Public Works does maintain the vehicle. Members discussed the need for a mechanism to fund replacement of an item before it is budgeted and how that could possibly require contingency funds or the use of a Cap Non-Recurring fund that would be approved by the BOS. Members further discussed how financing should take place, noting that it would be practical to have the fund balance carry over, like Open Space Land Acquisition. J. Watt suggested having a discussion with the BOF to seek their recommendation of whether to consider an account or a fund. B. Therrien offered to make revisions to the draft based upon member's discussion and present a new draft at the next meeting. J. Watt suggested the proposed motion include "and Building Improvement Policy" as well. M. Leichter noted that the BOF was scheduled to meet November 15.

**Design for Public Works Complex:**

B. Therrien informed members that the Public Building Committee toured the new Coventry Public Works complex. A. Tierney stated that the existing salt storage is in good condition and should last a number of years, but that the topic was brought up because the shift away from sand & salt to treated salt could enable the funds to be directed towards a new facility that would include appropriate storage for that product. Public Building Committee Chairman Wayne Warwick addressed the board and stated that the intent was to reallocate a portion of the salt shed funds to commence programming for a new facility. Mr. Warwick went on to outline the process of programming and stated that regardless of whether the construction was bid traditionally, using architectural drawings and a general contractor, or using the design-build method, programming would be necessary. Members expressed a preference to have the programming bid to the three contracted architectural/engineering firms and approve the proposal at that time, so that a firm number could be ascertained. G. Mulligan inquired if it were possible to use the design plans from Coventry. Mr. Warwick noted that they would be beneficial for a working document and would aid an architect, but that they couldn't be used for actual construction. Members further discussed the need for site selection and the importance of site preparation costs when choosing a potential location.

**Appointment of Moderator – Special Town Meeting on November 17, 2011:**

B. O’Connell moved to approve the attached call for the November 17, 2011, Special Town Meeting and to appoint Catherine Marx as Moderator, and Kevin Connors as Alternate Moderator. Members agreed to add the following item as #6 to the Town Meeting: “Pursuant to Section 304 C of the Hebron Town Charter, to approve a supplemental appropriation of \$364,917.22 as approved by the Hebron Board of Finance, as a supplemental appropriation from the Modular Fund Balance to the General Fund Balance. The motion carried with all members in favor.

**STEAP / Grant Priorities:**

B. Therrien distributed a summary of possible STEAP / Grant project opportunities, noting that there were some overlaps. Members discussed the proposed projects and the need for them to be shovel-ready. B. Therrien noted that if the BOS chose five, then the departments could prepare them for commencement. J. Watt suggested each BOS member pick their top five choices for the next meeting and the full board could then review and compare. M. Stuart reminded members and the public present that the goal of the grant is to stimulate economic development.

**Ambulance Fund Ordinance:**

B. Therrien informed members that the BOF had reviewed the proposed ordinance and that Fire Chief Fred Speno requested an opportunity to provide some input for consideration of the wording. Members agreed that a workshop would be the best way to discuss any possible changes.

**2010 - 2011 Budget Surplus:**

J. Watt noted that he requested the item remain on the agenda so members could know best how to utilize it once the amount is finalized by the auditors.

**Rewording of State Law – Arbitration:**

Members discussed whether it would be desirable to work towards having the BOS more involved in the process. D. Larson suggested that if municipalities pushed to rewrite the statute, the Board of Selectmen should have some input, citing the circumstance that current exists where despite having the authority to reject a contract; it didn’t have an opportunity to provide any input. Members agreed that it would be beneficial to be able to provide some initial input. G. Mulligan expressed a preference to leave the negotiation process up to the Board of Education, and further noted that if the matter didn’t come to the BOS for approval, then the public wouldn’t have known anything about it. Members stated that the need for communication was important. M. Stuart noted that it was important for the Board of Education to engage with the public. J. Watt suggested scheduling another FOI forum and another All-Boards meeting where the topic could be discussed. Members discussed the way RHAM contracts are approved, and the need for all three towns to be involved. D. Larson reiterated his desire to have the BOS more involved in the process. J. Watt and G. Mulligan expressed a preference that the process be left to the BOE and B. O’Connell stated he would prefer to re-read the statute before proceeding.

**Horton House Bid – Portico Work:**

B. Therrien informed members that the project had to be re-bid because some of the firms didn’t fill out all of the necessary paperwork.

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**November 17, 2011 Proposed Agenda:**

Members agreed it was important to schedule a workshop to discuss the Ambulance Ordinance.

B. Therrien noted that the BOF would review and interview potential auditors and make a recommendation.

J. Watt requested the Executive Session be left blank.

B. Therrien stated she would provide some information on the Town Attorney RFP to members for the next meeting.

**Town Manager's Report –**

B. Therrien informed members that three percent of Hebron was still without power and that the percentage was expected to drop to one percent overnight. B. Therrien noted that 667 individuals signed up to take showers, and that individuals from Columbia, Bolton & Colchester were using the facilities. B. Therrien commended the efforts of the volunteers involved, and expressed gratitude to Gina Maries Restaurant and Colchester Pizza for providing food to the shelter. B. Therrien stated that Public Works would be going to other towns to assist in the cleanup efforts as well. Members discussed what municipalities and homeowners could do to help prevent the damage that the electrical distribution system sustained. M. Leichter stated that recently, at a CL&P forum, he learned that the utility company has to seek permission from property owners before cutting branches and trees, and that it was sometimes denied.

B. Therrien reminded members, and the viewing public, that a Revaluation Meeting was scheduled for November 16, 2011 and that everyone is encouraged to attend. B. Therrien further noted that the deadline to submit claims to FEMA for damage incurred during Storm Irene had been extended to November 15, 2011.

B. Therrien informed members that the work at the Senior Center was under way, and that the hot water heater was in; the carpets were cleaned and that the initial Indoor Air Quality test indicated that there was a minimum level of mold in the building. B. Therrien noted that retesting would take place now that the carpets were clean, and that the Center would hopefully be open before Thanksgiving.

B. Therrien noted that it was necessary to reschedule the Core Services Forum, and that there was a Salute to Veterans scheduled for Veterans Day, between 10:00 a.m. and noon, at the American Legion.

**Consent Agenda:**

J. Watt moved to approve the minutes for the September 22, 2011 Special Meeting, the October 6, 2011 Special Meeting, the October 6, 2011 Regular Meeting, the October 6, 2011 Public Hearing as submitted; and the Tax Refunds as outline. The motion carried with all members in favor.

J. Watt moved to table approval of the minutes for the October 20, 2011 Special Meeting. The motion passed unanimously.

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**Liaison Reports**

B. Therrien informed members that the Economic Development Commission was kicking off the Shop Local Program on Election Day and that more than thirty businesses were participating. B. Therrien stated that cards were available at the Town Hall and the Library.

**Executive Session**

J. Watt moved to enter Executive Session to review discuss real estate negotiations and to invite Town Manager Bonnie Therrien. The motion carried with all members in favor and the Board of Selectmen entered into Executive Session at 9:44 p.m.

The Board of Selectmen came out of Executive Session at 9:55 p.m.

**Adjourn**

B. O'Connell moved to adjourn. The motion was seconded by G. Mulligan and carried with all members in favor. The meeting adjourned at 9:55 p.m.

Respectfully Submitted,

Brian Whalen  
Board Clerk