

**REGULAR MEETING MINUTES
COLUMBIA BOARD OF SELECTMEN**

Tuesday, June 21, 2011 – 7:00 pm.

**Adella G. Urban Administrative Offices Conference Room
323 Route 87, Columbia, CT 06237**

Selectmen Present: First Selectman Carmen Vance; Selectmen Richard Szegda; Rebecca Stearns; Robert Hellstrom; and William O'Brien.

Also Present: Town Administrator Jonathan Luiz and others.

CALL TO ORDER: C. Vance called the meeting to order at 7:01 pm.

1. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
2. **MINUTES: 6/7/11 Regular Meeting:** R. Szegda MOVED to approve the minutes of the 6/7/11 Regular Meeting with the following correction:
- Item 4.1, line 10 and 11 state, *“M. Rose stated that if research is not needed, then they will not do it.”* It should state *“M. Rose stated that if research is not needed, then they will do it.”* MOTION CARRIED 5:0.
3. **AUDIENCE OF CITIZENS:** None.
4. **OLD BUSINESS**
- 4.1 **Town Attorney Selection:** J. Luiz clarified that the Request For Proposals (RFP) for Town Attorney requested that firms submit hourly quotes for three fiscal years. R. Szegda stated that feels that the town has been charged too much over the past few years for legal services. He stated that he is appreciative of the service the town has received from current law firm, Halloran and Sage, but expressed concern with the approximate \$74,000 that the town has spent over the past 3 years with the firm, even though this includes litigation charges. R. Szegda feels that the annual quote from Rose Kallor of \$17,000 is a bit low and does not include possible litigation fees, but still feels it is reasonable. C. Vance feels that the hourly rate that Halloran and Sage charges the town is very reasonable. C. Vance stated that Rose Kallor's statement of \$17,000 per year for twenty hours of work per month reflects an hourly rate of \$71 per hour. According to their fee proposal, they charge an hourly rate of \$165 per hour so the \$17,000 is really closer to \$40,000. R. Szegda stated that for \$87,000 a year the town would be able to hire its own attorney and does not feel that spending this amount of money is practical. R. Hellstrom explained that he believes a smaller law firm is capable of providing equally good service as a larger law firm can, but at a lesser cost. C. Vance pointed out that since both firms charge about the same amount per hour one is not likely to be much less than the other if they do the same amount of work. Discussion followed. C. Vance stated that she feels Halloran and Sage have a much more realistic idea of what the town incurs for attorney fees based on the history that they have had working for Columbia. W. O'Brien stated that he reviewed Attorney Melissa Powell's (of Rose Kallor) resume, and pointed out that she practices almost all municipal work. He explained that when the BOS interviewed Rose Kallor he was impressed with the comments she made regarding tax appeal cases and he feels that Attorney Powell would make every effort to avoid going to litigation if she were to represent Columbia. W. O'Brien stated that he feels that Halloran and Sage is a litigation firm. C. Vance pointed out that the letter submitted in the RFP from Rose Kallor states that approximately 80% of their practice is litigation. Discussion followed. R. Szegda stated that he feels Rose Kallor is more likely to "mitigate rather than litigate. C. Vance stated that Halloran and Sage has only done the legal work the town has asked for them to do and charged the town approximately \$155 per hour. C. Vance stated that she feels the amount of pro-bono work Halloran and Sage has provided the town is more than any other firm would put forth. Discussion followed. R. Szegda asked J. Luiz to clarify the Town Charter's requirements for appointment of Town Attorney. J. Luiz stated that per the Town Charter, an affirmative vote of at least four selectmen is required. C. Vance read Section 8.19 of the Charter. R. Szegda MOVED to hire Rose Kallor as Columbia's Town Attorney. Discussion followed. R. Stearns stated that she would have liked to have seen more numbers comparing costs, pro-bono work, etc. She explained that this would have a big impact on her decision in regards to choosing a firm. R. Stearns pointed out that she believes the BOS may sometimes only see a "small piece of the product" because it is not always aware of other department

within the town hall that seek legal advice. She feels that the legal fees are due to more of what the town is buying than what the firm is charging. R. Stearns feels that the town needs to look more closely at how and when it seeks legal advice. She explained that at this time, she does not feel that changing attorneys will make a difference with regard to what the town is paying for legal services. MOTION FAILED 3:1:1 with R. Szegda, W. O'Brien and R. Hellstrom in favor, C. Vance opposing and R. Stearns abstaining. C. Vance stated that the town will be more mindful in the future in terms of seeking legal advice and that it will attempt to cut back on the cost of legal fees.

- 4.2 **Agreement Addendum to current agreement with Direct Energy:** J. Luiz explained that in order for the town to lock in at a new rate with Direct Energy, an agreement addendum needs to be accepted and signed. R. Stearns MOVED that the BOS accept the addendum with Direct Energy Services as presented. MOTION CARRIED 5:0.
5. **NEW BUSINESS**
- 5.1 **Steeple Chase Bike Tour Fund Raiser:** W. O'Brien MOVED to allow the Steeple Chase Bike Tour to proceed through Columbia. MOTION CARRIED 5:0.
- 5.2 **Cost of beach passes for non-resident "baby sitters":** J. Luiz explained that at least two residents have inquired about what rate a non-resident baby sitter should be charged for a beach pass. C. Vance stated that she received a note from Ann Dunnack which expressed concern with issuing beach passes to non-resident baby sitters because she thinks doing so may cause surrounding day cares, etc. to feel that they have the right to use the town beach. R. Szegda asked if the babysitter will be using the beach and facility as well, or will be there simply to supervise the children. John Schroder, of 5 Pine Street, stated that in his case, the baby sitter would be there to solely supervise the children. J. Schroder also clarified that he would like the BOS to consider an alternative solution somewhere between charging a baby sitter the resident fee and charging a baby sitter a non-resident fee. Discussion followed. R. Szegda stated that he would like to encourage individuals to utilize the beach and exercise, etc. Rec Director Nikki Keldsen explained that she does not feel that the babysitters should be exercising at the beach instead their focus should be on supervising the children. She explained that this is a safety concern for her. N. Keldsen suggested that the guest fee apply to non-resident baby sitters. C. Vance does not feel that a baby sitter should be able to use a parent's beach pass because they are technically an employee of the child's parents. She feels that this may promote the idea that if it is ok for one non-resident employee to use the pass, then any and all non-resident employees may use the pass. The BOS reached a consensus that non-resident baby sitters do have the option of purchasing a guest pass each time they visit the beach as long as the baby sitter is caring for children that have beach passes.
6. **COLUMBIA LAKE / DAM / BEACH**
- 6.1 **Application for Constructing Structures on or over Columbia Lake by K. Snyder:** R. Szegda MOVED to approve the application of Karen Snyder for constructing structures on or over Columbia Lake contingent upon the conditions set forth by the Lake Management Advisory Committee (LMAC). MOTION CARRIED 5:0.
- 6.2 **Application for Constructing Structures on or over Columbia Lake by C. & B. O'Neill:** C. Vance MOVED to approve the second application of Carol and Bill O'Neill with the conditions set forth by LMAC. MOTION CARRIED 5:0.
7. **APPOINTMENTS / RESIGNATIONS:** None.
8. **TOWN ADMINISTRATOR REPORT:** J. Luiz informed the BOS that he is currently working on employee performance evaluations for Fiscal Year 10-11 and that he is finishing up a review of some of the department head goals. He explained that the town has purchased some books and DVD's on the subject of professional development since some employees do have money remaining in their Fiscal Year 2010-2011 budgets for that purpose. The employees will share the materials. J. Luiz stated that the solar panels have been placed on Town Hall and that the Public Works Garage and the Transfer Station will receive solar panels within the next week or two. He said that the solar panels for the old and new Firehouses will also be installed soon.
9. **CORRESPONDENCE**

- 9.1 **Email from A. Dunnack to J. Butts re: property near Wells Wood Road:** R. Szegda stated that he feels it would be a good idea to look into having the property near Wells Wood Road acquired in the future, but not at this time for financial reasons.
- 9.2 **Email from A. Dunnack to J. Luiz re: recreational liability reform**
- 9.3 **Email from Town Attorney to J. Luiz re: supplemental property tax**
- 9.4 **Preliminary Draft of CRCOG's Route 6 Hop River Corridor Transportation Study**

10. BUDGET

- 10.1 **Refunds:** R. Stearns MOVED to approve the following refund:

| TO | FROM | AMOUNT |
|---------------|------------------|----------|
| CAB EAST LLC. | Town of Columbia | \$103.27 |

MOTION CARRIED 5:0.

- 10.2 **Transfers:** R. Szegda MOVED to approve the following transfer:

| AMOUNT | FROM A/C # | DESCRIPTION | TO A/C # | DESCRIPTION |
|--------|-------------|----------------|-------------|---------------|
| \$20 | 10-4133-770 | Transportation | 10-4133-130 | Legal Notices |

MOTION CARRIED 5:0.

R. Szegda MOVED to approve the following transfer:

| AMOUNT | FROM A/C # | DESCRIPTION | TO A/C # | DESCRIPTION |
|--------|-------------|-------------|-------------|-------------------|
| \$30 | 10-4410-240 | Fuel | 10-4410-710 | Prof. Development |

MOTION CARRIED 5:0.

- 11. **APPROVE PAYMENT OF BILLS:** C. Vance MOVED to approve the payment of bills in the amount of \$37,788.45. MOTION CARRIED 5:0.

- 12. **BOARD MEMBER COMMENTS:** None.

13. EXECUTIVE SESSION

- 13.1 **Real estate pursuant to CT State Statutes Section 1-200(6)(D); Pending Litigation pursuant to CT State Statutes Section 1-200(6)(B); Personnel pursuant to CT State Statues Section 1-200(6)(A).** C. Vance MOVED to enter into Executive Session at 8:04 pm. with J. Luiz present to discuss Real Estate, Personnel and Pending Litigation. Executive Session ended at 8:14 pm.

- 14. **ADJOURNMENT:** C. Vance MOVED to adjourn at 8:15 pm. MOTION CARRIED 5:0. The next meeting of the Board of Selectmen is scheduled for Tuesday, July 19, 2011, as the regular meeting scheduled for Tuesday, July 5, 2011 is cancelled.

Respectfully Submitted by Kimberly A. Bona