

**TOWN OF SOMERS  
BOARD OF SELECTMEN  
MINUTES – REGULAR MEETING  
Monday, March 10, 2008  
Town Hall Auditorium**

1. Location of emergency exits – not completed, fewer than 50 people in attendance
2. Call to order – First Selectman Pinney called the meeting to order at 7:04 p.m.
3. Members present – Kathleen Devlin, David Pinney and Joseph Tolisano. Also present were Ann Marie Logan, Town Clerk; Marcia Mitchell, Exec. Asst./Operations Mgr., as recording secretary; Brian Duperre, Somers Housing Authority; Gil Rivard, Somers Housing Authority; Harvey Edelstein and James Welter of REDI; and several interested citizens.
4. Pledge of Allegiance

At 7:07 p.m., Mr. Pinney moved for a recess to accomplish item 7.1 – join the Board of Finance, already in session, for the presentation of the Town Budget. Ms. Devlin seconded and the motion unanimously carried.

Mr. Pinney reconvened the Board of Selectmen's meeting at 7:50 p.m.

5. Correspondence – Mr. Pinney has received a request for a proclamation from Felician Adult Day Care, recognizing Henry Tetrault, a resident who will celebrate his 100<sup>th</sup> birthday on April 24, 2008. The Selectmen agreed to support such a proclamation. Also, Mr. Pinney related that he knew the Selectmen would support the formal citation of Bill Meier, the retiring Fire Chief, which he had presented at the retirement party over the weekend. The Selectmen confirmed their support.
6. Citizen Comments – Mr. Pinney asked for citizen comments, and Gil Rivard, current vice chair of the Somers Housing Authority asked to be heard regarding item 7.3.2 on the agenda. Mr. Rivard stated that, in his the removal of Mr. Slaga from the Housing Authority had been premature, as Mr. Slaga had not been allowed sufficient notice under both town and state statutes. Mr. Tolisano asked Mr. Rivard if he was speaking his opinion, or representing the Housing Authority in his statement; Mr. Rivard stated that he was speaking his own opinion. Mr. Pinney allowed that since Mr. Rivard had not been present at the 3/5/08 hearing held with Mr. Slaga, then he would not know that Mr. Slaga had waived his right to notice allowed under town and state statutes. Mr. Rivard asked that Mr. Slaga's written waiver be presented, and Mr. Pinney said that the waiver had been verbal at the hearing, that the hearing had been recorded and that the recording was part of the public record. Mr. Rivard asked for a transcript of the recording; Ms. Logan replied that either a copy of the recording itself could be provided or a written transcript could be provided. Mr. Rivard requested the written transcript and asked to be excused from the proceeding. Ms. Devlin asked Mr. Rivard if he could, at that time, respond to the Selectmen's request for a hearing with him to allow them to plan such hearing. Mr. Rivard stated that he was not prepared to respond at that time, but would provide his response to the Selectmen within 24 hours.
7. Old Business

- 7.1 Join Board of Finance Meeting, in progress, for Town Budget presentation – presentation completed during earlier recess.
- 7.2 Adoption of Tax-exempt organizations ordinance reviewed at 2/25/08 Public Hearing – Mr. Pinney reviewed a small language change to the ordinance, that would allow a written notice of the lease to be filed with the Town Clerk’s office as opposed to the filing of the lease itself. The Town Attorney approved this language change. Ms. Logan agreed that filing a written notice of a lease would work in lieu of filing the whole lease. Mr. Pinney asked if there was any more discussion regarding adoption of this ordinance that would “exempt from taxation any real or personal property situated in the town of Somers leased to a charitable, religious or non-profit organization which is exempt from taxation for federal income tax purposes; provided such property is used exclusively for the purposes of such charitable, religious or non-profit organizations.” ***There was no further discussion, and Mr. Tolisano made a motion to adopt Ordinance 179-13 – Tax Exemptions for Property Leased to Charitable, Religious or Non-Profit Organizations with the proposed language change. Ms. Devlin seconded, and the motion unanimously carried.***
- 7.3 Board/Commission Re-appointments
- 7.3.1 Cultural Commission, Katheryn Worcester – ***Ms. Devlin moved that Ms. Worcester be re-appointed to the Cultural Commission for a term expiring 12/22/2008. Mr. Tolisano seconded, and the motion unanimously carried.***
- 7.3.2 Housing Authority, replacement for L. Slaga – Robert Landry. Mr. Pinney said that he had spoken at length with Mr. Landry, who was willing to take on this challenge. ***Ms. Devlin moved that Mr. Landry be appointed to the Housing Authority to complete Mr. Slaga’s term to expire on 12/22/2010. Mr. Tolisano seconded, and the motion unanimously carried.***
- 7.3.3 Prison Liaison/Public Safety, Raymond Laflamme – ***Mr. Tolisano moved that Mr. LaFlamme be re-appointed to the Prison Liaison/Public Safety Committee for a term expiring 12/22/2009; Mr. Pinney seconded, and the motion unanimously carried.***
- 7.4 Possible Town Meeting for transfers >\$20,000 – Mr. Pinney stated that he had received approved transfers from the Board of Finance, some of which exceeded the \$20,000 threshold for Town Meeting approval. He asked the Selectmen if they believed a special meeting should be called, or if the transfers should be held, and presented for approval at the Annual Meeting. After a brief discussion, the Selectmen agreed that if other business came up requiring a special Town Meeting, the transfers would be presented at such meeting; otherwise, they would be held for approval at the Annual Meeting.
- 7.5 Property taxes due on property transferred to a tax-exempt entity/individual. Mr. Pinney proposed that this item be tabled for a future meeting, and the other Selectmen agreed.
8. New Business
- 8.1 Review streetlight installation at Pine Knob Estates Subdivision. While all three Selectmen recalled that the installation of this streetlight on Battle Street had been

discussed at the time of the subdivision approval, Mr. Pinney stated that there was no written record of their approval for the installation. ***Mr. Pinney therefore moved that the Selectmen approve the installation of a streetlight on Battle Street at the entrance to the Pine Knob Estates subdivision; Mr. Tolisano seconded and the motion unanimously carried.***

- 8.2 Request from Recreation Commission to establish ad hoc committee for skate park planning. After a brief discussion, ***Mr. Tolisano moved that the Board of Selectmen establish an ad hoc committee, to plan and recommend the location, funding, and establishment of a new skate park, consisting of five full members and two advisory/ex-officio members. Ms. Devlin seconded, and the motion unanimously carried.***
- 8.3 Pilot waiver for Woodcrest – Mr. Edelstein explained how the investment market for tax credits had deteriorated in the last several months, and the effect that deterioration has had on obtaining funding for the Woodcrest expansion. The current investor,
- 8.4 SunAmerica, is looking for the Pilot to be waived as a measure of security for their investment. Mr. Edelstein said that the annual Pilot payment accounted for two-thirds of the annual operating cashflow projected for the Woodcrest project over the 15-year investment life of the project, representing a significant amount to the investors, who are looking for additional stability in this deteriorating investment market. The waiver of the Pilot payment would provide the stability that the investors were now requiring, given the market deterioration. Mr. Edelstein also acknowledged that the amount of the Pilot payment waiver (\$13,000-\$14,000 per year) would seem insignificant in comparison with the amount of investment funds being raised (\$9 million +), especially to anyone not familiar with this type of investment structure. Ms. Devlin expressed kudos to Mr. Pinney for standing up for our seniors and expressing his disappointment to the Board of Finance for their lack of willingness to support the Pilot waiver. Ms. Devlin asked if there were any possibility of getting Rep. Penny Bacchiocchi involved in the project to determine if there might be grant availability to cover the Pilot waiver by the Town, or if there might be funds available for this type of support from the Hartford Foundation. Mr. Pinney stated that the Town would be hard-pressed to go to the Hartford Foundation on hardship in this situation. Mr. Tolisano asked Mr. Edelstein if the investors would accept the town's guarantee of support in lieu of the waiver. Mr. Edelstein repeated that the investors were looking for stability in the form of cash flow. Mr. Tolisano asked Mr. Edelstein exactly what REDI needs from the Town to succeed in obtaining the investment agreement. Mr. Edelstein stated that REDI needs a commitment that investors can develop contingency language around. Ms. Devlin again stated that the Town should engage Rep. Bacchiocchi to determine what resources she might be able to rally. Ms. Devlin also commented that she believed that the purchase of the Shea property by the Housing Authority had overextended the Authority financially, and wanted to know if the sale of that property would help. Mr. Pinney and Mr. Edelstein stated that the sale will likely become a requirement. The Selectmen were hesitant to put forth any motion at this point. Mr. Tolisano moved that this item be tabled for further consideration after the Selectmen were apprised of the progress of the investment negotiations in executive session. Mr. Pinney seconded and the motion unanimously carried.
- 8.5 Ms. Devlin raised the topic of Ms. Logan's attendance at an FOI seminar this spring as additional new business. She said that the Town should support and pay for this seminar,

since they had made FOI part of Ms. Logan's responsibilities. Mr. Pinney stated that there was a discretionary spending freeze in place and that this request was denied. Mr. Tolisano asked if the seminar was required for any statutory reason, and Ms. Logan replied that it was not. Mr. Tolisano asked what the cost of the seminar was and Ms. Logan said \$40. Ms. Mitchell commented that other individuals had made similar requests that had been denied, and that those individuals had volunteered to pay for their attendance out of personal funds. Ms. Devlin and Mr. Tolisano said that they would each pay for half of the seminar if that was what was necessary in the face of the freeze.

9. Authorization of Scheduled Payments – ***Mr. Tolisano moved that the Selectmen approve payments scheduled on March 5 and March 10, 2008, including 9 tax refunds, totaling \$224,272.94; Ms. Devlin seconded, and the motion unanimously carried.***

9.1 Payments

9.2 Tax Refunds

10. Appropriations/Transfers – none presented

11. Approval of Minutes – ***Ms. Devlin moved that the minutes of the February 25, 2008 regular meeting and the March 4, 2008 special meeting be approved as written. Mr. Tolisano seconded and the motion unanimously carried.***

11.1 February 25, 2008 Regular Meeting

11.2 March 4, 2008 Special Meeting

12. Board of Selectmen Remarks - none

13. Citizen Comments – none

At 8:50 p.m., Ms. Devlin moved that an Executive Session of the Board of Selectmen be added to the Agenda; Mr. Tolisano seconded and the motion unanimously carried. Mr. Tolisano then moved that that the Board of Selectmen go into Executive Session to discuss the status of negotiations between the Somers Housing Authority and SunAmerica Corporation, and; that Brian Duperre of the Housing Authority, Harvey Edelstein and James Welter of REDI be invited to join the executive session. Ms. Devlin seconded, and the motion unanimously carried.

14. Adjournment – The Executive Session concluded and the meeting was adjourned by unanimous vote at 9:30 p.m.

Respectfully submitted,

Marcia L. Mitchell  
Exec. Asst./Operations Manager  
Recording Secretary

**Minutes Not Official Until Approved at a Subsequent Meeting**