

**Minutes**  
**Coventry Town Council Steering Committee Meeting**  
**January 25, 2016**  
**Town Hall Conference Room B**

1. The meeting called to order at 7:00 PM.

Present: Thomas Pope, Lisa Thomas, Richard Williams, Julie Blanchard

Also present: John Elsesser

2. **Executive Session: Interview of labor attorneys**

Richard Williams moved to enter into Executive Session for the purpose of interviewing potential firms to serve as labor counsel for the Town of Coventry. The motion was seconded by Lisa Thomas and carried on unanimous vote.

Interviews:

1. Kainen Escalera McHale
2. Metzger Lazarek & Plumb
3. Ryan & Ryan

Richard Williams moved to leave Executive Session at 9:05 PM. The motion was seconded by Lisa Thomas and carried on unanimous vote.

Comments on law firms:

Richard Williams thought the first firm seemed to have the most comprehensive approach to problems. They seemed to have a depth of expertise that exceeded the other two firms. He also liked the second firm because they are cutting edge and seemed to be on top of things.

Lisa Thomas said she felt the first attorney was very polished. She doesn't think he said anything different than second firm said. It seemed like the same approach. The second law firm would be her first pick because she thinks we would get more bang for the buck. It seems like they would want to contain their costs. They seem to be a better value. She has a good friend who chairs the labor board for and she said the first two firms have a good reputation. She hadn't heard of the third firm. His presentation seemed less polished but he seemed to be willing to get creative in solving problems. She is a little concerned about geography since he is farther away.

Julie Blanchard said all the firms seemed to cover a large geographic region. She felt initially that the first firm seemed to have good experience and is knowledgeable. She liked the second firm's frugality and eye on the dollar although all the firms are in it to make money.

Thomas Pope said the second firm was the only one that has earned a rating above distinguished under Martindale-Hubbell. He doesn't think the dollar difference between the first and second firm would result in less service from the second firm. He leans toward the second firm. As far as a niche goes, they have a lot of police department knowledge.

Thomas Pope asked John Elsesser's opinion. John replied he believes any of them could do the job and he could work with any of them. He wrote the personnel rules when he first started. They were updated to add social media elements but could use a more significant revision. When a person is hired they get that document plus separate policies. It needs to be done but he didn't want to incur the legal fees. Some of his peers really like Metzger. He knows McHale anecdotally through his work for the Board of Education.

Lisa Thomas moved to recommend to the Town Council that we retain the firm of Metzger Lazarek & Plumb to represent the Town of Coventry in labor matters. Richard Williams seconded the motion, which carried on unanimous vote. John Elsesser said he could make a modest adjustment in the legal budget for the next fiscal year but not a major adjustment. He thought Metzger's statement about lowering their fee when in binding arbitration was an interesting approach. The Public Works union is

the next to be negotiated.

3. **Acceptance of Minutes, December 28, 2015:** The minutes of December 28, 2015 were accepted as presented.

4. **Reports:**

**Committee Chairperson – Thomas Pope: none.**

**Committee Members – none.**

**Possible Recommendations/Vacancy List/Board & Commission List:**

Update of Board & Commission Lists software: Thomas asked if there has been any progress on this. He said it could have been done in Excel by now. John Elsesser replied that the software company had a new version coming out. The owner got into a motorcycle accident and there has been a 3-4 month delay. We took the old version just to get started. One feature is political party status – we can do that manually until the feature can be added. We are in process now and then will be upgraded. We understand the transition is not difficult. Julie asked if we would see lists using the new software next time. John replied he couldn't promise that. The Finance Director's time is extraordinarily tight. We are down a staff member during budget time and we are also doing a bond sale. Hopefully we will have new lists the month after next.

5. **Resignations/Not Wishing to be Reappointed:**

A. – Barbara Riordan has submitted a Statement of Interest form to be reappointed to the Personnel Appeals Board, so her previous form, indicating she did not wish to be reappointed, was skipped.

B. Joan Meldrum – Cable Television Advisory Committee: Accepted with direction to the secretary to send a thank-you letter.

6. **Reappointments:**

A. Richard Williams moved to recommend the reappointment of Leroy Lowe to the Veterans' Memorial Commission, term to expire 1/1/2018. The motion was seconded by Lisa Thomas and carried on unanimous vote.

B. Richard Williams moved to recommend the reappointment of Leroy Lowe to the Conservation Commission, term to expire 1-1-2020. The motion was seconded by Lisa Thomas and carried on unanimous vote.

C. Richard William moved to recommend the reappointment of Jillian Miner as an alternate to the Parks & Recreation Commission, term to expire 1/1/2018. The motion was seconded by Lisa Thomas and carried on unanimous vote.

D. Richard Williams moved to recommend the reappointment of Jennifer Rodgers to the Parks & Recreation Commission, term to expire 1/1/2018. The motion was seconded by Lisa Thomas and carried on unanimous vote.

E. Lisa Thomas moved to add consideration of the reappointment of Barbara Riordan to the Personnel Appeals Board to the agenda as item 6E. The motion was seconded by Richard Williams and carried on unanimous vote. Richard Williams moved to recommend the reappointment of Barbara Riordan to the Personnel Appeals Board, term to expire 1/1/2019. The motion was seconded by Lisa Thomas and carried on unanimous vote.

7. **Appointments: none**

8. **Consideration of Statement of Interest Form revisions:**

Thomas Pope noted that the online form is not the same as the printed form. There are also errors on under the conflict of interest statement – the word "contact" should be "contract." At the bottom of the

form he thought the conflict of interest statement should be above the signature and there should be some language added to indicate the person signing the form is certifying that the information they are providing is true and accurate. Lisa Thomas moved to modify the Statement of Interest Form as discussed. The motion was seconded by Richard Williams and carried on unanimous vote.

Lisa Thomas said she feels a letter should be done when a person is not reappointed. We send letters when somebody resigns, but if somebody applies and isn't selected that is a different situation. We should be consistent. John Elsesser replied that we could develop several different boilerplate letters. Lisa said she just wants to make sure we communicate. It is hard to get volunteers

#### **9. Consideration – Tax Abatement Program for Seniors:**

The committee discussed a list of potential issues. Thomas Pope had written comments to regarding these issues, which are attached to these minutes.

Richard Williams wondered how people are going to remember to do this yearly. John Elsesser replied with revaluation if a person's property value goes down significantly, they will have to file in September but they won't know until later, so their taxes would be frozen at a higher rate for the abatement program. Some simple language stating that in no case will it be higher, etc. will need to be addressed in the draft. John said the people in the circuit breaker program apply annually and we send them a letter to remind them. There is a cost to do those things but if you don't do it there is a cost to that too, because people get upset that they weren't notified.

Regarding living trusts – Thomas Pope doesn't understand what the issue is they are raising. John replied we need legal interpretation because the owner of the property no longer is the person, so the 30 years disappears and they would no longer be eligible.

Thomas Pope agreed that staff time to process the applications is a problem. It doesn't seem to be complicated. We can rely on the applicant to a certain degree to verify accuracy. During the initial process the Steering Committee might be able to act as a clearinghouse. He doesn't think the numbers will be overwhelming. John said we want to make sure the process is not too cumbersome. We are raising the issue to try to keep the process fairly simple. Lot of people are coming in for other programs, so if this can be an add-on that could help. But there are some people who will be eligible for this that aren't eligible for the other programs. We would want to put the program in place and advertise for September unless the Council feels the want it in time for the budget vote. Thomas said he doesn't see any hurry. Julie Blanchard agreed.

Regarding the issue of unequal protection if people are qualified by age rather than income, Thomas Pope said same concern applies when senior citizen discounts are implemented. Everyone has an opportunity to age so he doesn't think it will be a problem.

Regarding the issue of discrimination if people qualify by long-term residency, Thomas Pope said that is unknown ground. He compared it to longevity in the State union contract. Julie Blanchard asked where we get our definition of residency. What if the person owns a house in another state? John replied if they declared residency in another state and are no longer a resident elector it could be a factor. He thinks Coventry should be your place of legal residency to qualify. He thinks it should be defined in the ordinance. Julie mentioned seasonal homes. John said continuous residency might be a better term. Lisa Thomas asked what is the intent of the program. Is it to provide relief to homeowners or only those who stay in the home and live in the home? John replied perhaps there could be a better definition of primary residence. It is better to clarify the language up front rather than have people get angry.

#### **10. Review of policy: winter water level Coventry Lake:** John Elsesser recommended we wait to see how the new lake gate works before considering revisions to the policy. We won't know for a full year. The lake is a giant basin and doesn't drain quickly. If it is a rainy fall we could wind up flooding people's houses. We are more concerned about the ponds below. Thomas Pope said it seems like the timeframe we currently have is right. John replied we might be able to squeeze in another two

weeks but that would be the maximum. At the other end of the spectrum, during an icy fall people's walls could get damaged and they need warmer water to fix them. There are different interests. Perhaps the solution is to have some rotations to provide a balance. It is a judgment call. We could go back to Mr. Brand - the citizen who requested a longer boating season, and say his request is valid and that we could look at it, but we need some time to evaluate the new gate. We could also do a better notification process - we assume people know when the timeframe is for lowering the water level but it could be put into the fall newsletter. Staff could write a letter to Mr. Brand. It was agreed to take this approach.

11. **Board of Education Request for School Building Committee Related to Structural Issues at CNH/CHS Complex:** The committee reviewed the draft charge for a building committee to oversee this matter. Thomas Pope noted that Item 3 indicates that officers would be chosen annually. He asked if this would be by calendar year or academic year. John replied we might not want to do it annually, but one reason for doing so is you might want to rotate responsibilities. In the first paragraph Thomas noted the document says it will be a committee of five with one alternate. Would the Steering Committee pick all members except for the Board of Education representative? John replied yes. Thomas said the language says the Council shall review the recommendations and appoint. Written that way it appears the Council has no authority. John replied the language could be revised so it is clear the Council has a choice.

Discussion ensued regarding phases and funding. John said the first step is to select an architect but we cannot until we have funding. Thomas said we could call a town meeting. John said we could put it in the capital budget. Julie said we are trying to plan so the school gets reimbursed. Lisa is not clear how they would get started. John said one way is to put it in next year's budget, or fund it in some other way the Council has - either the one-and-a-half percent fund or go to a town meeting and then it comes right out of fund balance. If the amount is over \$100,000 it has to go to referendum. At this point we don't really know because we don't know what the price will be. The School Building/Energy Efficiency Building Committee interviewed architects for the ADA project last week. We were told a fee of \$75,000 was not realistic, but the firm they selected had a fee of \$68,000. The second firm was just slightly more. We guess this work could come in substantially less than the DiBlasi firm. We have to review funds from State and Federal sources to see if it counts against this. Julie asked if John thinks the Board of Education will request funds for this in their budget. John replied he has their budget but doesn't know yet. The reality is he can't fund what they want in the capital budget. He has been trying for 20 years to get capital up to \$1 million but that includes roads and buildings. If roads aren't passable buses can't get to schools. He has to look at it and do the capital budget over the next week. Lisa Thomas moved to forward the draft charge for a building committee related to structural issues at CNH/CHS complex as corrected to the Town Council. The motion was seconded by Richard Williams and carried on unanimous vote.

12. **Adjournment:**

Richard Williams moved to adjourn the meeting at 10:25 PM. The motion was seconded by Lisa Thomas and carried on unanimous vote.

Respectfully submitted,

Laura Stone  
Town Council Clerk

## Attachment

### Elderly Tax Relief Program Issues for Consideration

**Future tax impact** – referred to the Finance Committee for this consideration

#### **What happens in revaluation?**

Since the amount of tax is frozen at current levels revaluation would not have any impact. Remember in the original concept re-certification would be annual and any person may withdraw from the program at the end of any year by not taking any action to renew. The revaluation value would still appear on the land records just as it currently does. The act of revaluation would not directly impact a beneficiary of STOP but a beneficiary may find that revaluation could result in a lower tax bill than the amount at which their tax was originally frozen. In the year of revaluation as in any other year an applicant has the option and must make their own decision concerning the opportunity to enroll or re-enroll in STOP.

What happens when property improvements are made? The act of revaluation does not raise or lower taxes it merely redistributes the obligation of tax payments based on current values for the purpose of equality.

#### **Home offices**

Home offices are by their nature part of a business and used for income producing activities, hence under the original draft such property would not qualify for a STOP enrollment.

#### **Issues regarding living trusts**

As originally drafted the concept was for "individuals" and would not apply to corporations, LLC, or trusts. However this is an area that may have to be examined in more detail

#### **Staff time to process applications**

This does not have to be complicated and can rely on the applicant to a great degree to accept responsibility for certifying the accuracy of the application. That being said, any knowingly false statement to receive the benefit of STOP would be considered fraudulent. During the initial application period the Steering Committee could perhaps act as a clearing house for verification or review of the applications to not only reduce the burden on staff but to also better monitor the program for future refinement.

#### **Concerns regarding unequal protections if qualify by age rather than income**

This was a concern when the concept of senior citizen discounts were first popularized however much of that concern was put aside with the opinion that an age qualification was in fact equal since everyone has an equal opportunity to reach the age. This has been the justification voice in discount programs and housing set asides for age restricted living.

#### **Concerns regarding discrimination if qualify by long-term residency**

This is a concern not based on residency but on length of residency since State Statute requires a length of residency in enabling legislation it is well established some term is permissible. It is hard to argue that STOP is any more discriminatory than the longevity bonus given to employees in State Union contracts. The benefit is accrued over time and everyone is eligible to earn that benefit provided they comply with all other qualification factors of the program one need only stay alive to qualify.