

MINUTES OF SPECIAL MEETING

BOARD OF SELECTMEN

OCTOBER 20, 2010

The special meeting of the Board of Selectmen was called to order at 6:04 p.m. in the Conference Room 1, at the North Haven Town Hall, 18 Church Street, North Haven, CT.

Members Present

First Selectman, Michael J. Freda
Second Selectman, Timothy M. Doheny
Third Selectman, Stephen A. Fontana

Mr. Freda introduced Mr. Doheny and Mr. Fontana.

Mr. Freda asked for public comments relative to the agenda.

Mr. Michael Mele, Maple Avenue made some comments regarding his observations pertaining to the time, and location of the meeting resulting in his feeling that it is a further indication of closed government.

Mr. Freda noted that the meeting was scheduled based on the Selectmen's schedules, and arranged to have North Haven TV present for those who could not make the meeting.

At 6:09 p.m. Mr. Freda motioned to go into executive session to discuss pending litigation involving Robert Burns and personnel issue regarding Mr. David Maiden. Mr. Doheny amended the motion to include Town Attorney, Bill Ryan.

At 7:08 p.m. the Selectmen returned from executive session. Mr. Freda stated that over the course of the past several months the Town has been in litigation and has determined that it is probable that litigation will continue moving forward. It is his opinion that the Town needs to look to reconcile. The litigation to date has taken a lot of Town resources and we have spent a lot of money in legal fees. They have come up with a solution that he believes is the right thing to do for the Town of North Haven.

Mr. Doheny motioned to authorize the First Selectman, Michael J. Freda, to execute a settlement agreement between the Town and Robert Burns as discussed in executive session.

Discussion took place with Mr. Fontana expressing his appreciation for the efforts made to resolve the legal issues the Town is facing, but is troubled by certain elements of the agreement and will be voting against the agreement.

Mr. Doheny stated that they did have a lively and informed discussion in executive session and although he respects Mr. Fontana's position, he will be supporting these motions. He feels in any settlement there is going to be give and take and parts that are less amenable than others, but on the whole, he is supportive of both settlements.

Vote: Freda – yes, Doheny – yes, Fontana – no

Mr. Doheny then made motioned to authorize First Selectman Michael J. Freda to execute a separation agreement between the Town and David Maiden as discussed in executive session.

Discussion ensued, and Mr. Fontana again expressed his feelings has to why he can not support the motion.

Vote: Freda – yes, Doheny – yes, Fontana – no

Mr. Doheny read the following resolutions,

WHEREAS, the Town of North Haven (the "Town") has established and maintains the Town of North Haven Pension Plan (the "Plan") for the benefit of certain eligible employees of the Town Government and the Department of Education; and

WHEREAS, the Town's Board of Selectmen (the "Board") has the authority to amend the Plan from time to time; and

WHEREAS, the Town has determined that it is in the best interest of the Town and its employees to permit certain members to receive credit for future years of service and to fully vest such members in their retirement benefits, regardless of the member's current employment status.

NOW, THEREFORE, BE IT:

RESOLVED: The board hereby authorizes the Town to amend the Plan following execution of an enforceable Settlement Agreement with the Town to provide that Robert Burns be treated as though he terminated from employment with the Town on the date he would have reached ten (10) years of service and that, for purposes of calculating the retirement benefit, Final Average Compensation shall be determined as of the actual date of his termination from employment.

Mr. Freda explained that this resolution allows the employee to purchase the bridge to be able to get their pension. Mr. Doheny feels that it makes sense for the Town. Mr. Fontana expressed that this is the part of the agreement he opposes. Mr. Freda sees no alternative for the Town. He feels without this agreement the Town will be exposed to lengthy and costly litigation.

Vote: Freda – yes, Doheny – yes, Fontana – no

RESOLVED: The Board hereby authorizes the Town to amend the Plan following execution of an enforceable Separation Agreement with the Town to provide that David Maiden be treated as though he terminated from employment with the Town on the date he would have reached ten (10) years of service and that, for purposes of calculating the retirement benefit, Final

Average Compensation shall be determined as of the actual date of his separation from employment.

Mr. Freda again explained that this resolution gives Mr. Maiden the opportunity to purchase the bridge to his pension. Mr. Doheny again stated that although he respects Mr. Fontana's opposition, it is his belief that this is in the Town's best interest to avoid further litigation.

Vote: Freda – yes, Doheny – yes, Fontana – no

Mr. Freda asked for public comments.

Ann DeMatteo, New Haven Register, asked if the financial comparison was made between the payout of the pensions versus the expenses of the litigation. She also asked when they will take effect.

Mr. Freda stated that he needed to be careful in his discussion until the resolutions discussed in executive session have been agreed to by all parties. He noted that there will be savings to the Town on the budget side since the positions will not be replaced.

Ann DeMatteo asked what the status of the Building Department investigation was. Mr. Freda stated that he has a draft of the forensic audit and it was shared with Mr. Fontana and Mr. Doheny in executive session and it will be turned into a report over the next several days and shared with the public.

There being no further business Mr. Freda moved for adjournment at 8:20 a.m.

Vote: Freda – yes, Doheny – yes, Fontana – yes