



TOWN of **THOMPSON**

Board of Selectmen

**Minutes: Regular Meeting
Tuesday, August 4, 2015
Thompson Hill Fire Department**

p. 1 of 10

The Pledge of Allegiance was recited.

First Selectman Paul Lenky called the meeting to order at 7:00 PM.

Present: Kerstin Forrester
Paul Lenky
Shaina Smith

Staff Present: Tina Fox, Recording Secretary

Also Present: Members of the Public

Approval of Minutes

I. Approval of Minutes

A. **Kerstin Forrester moved and Shaina Smith seconded the motion to accept the minutes of the July 21, 2015 regular meeting with the following corrections:**

1. Page 4, Section IV(G): Clarification that Wayne O'Brien stated that he asked about the trees at a Board of Education meeting.
2. Page 4, Section IV(J): Clarification that Ken Beausoleil was referring to the Putnam Industrial Park.
3. Page 5, Section IV(O): Should read "...precedent is set..." rather than 'sent.'
4. Page 6, Section VII(G): Shaina Smith abstained from the vote, rather than voting 'no.'
5. Page 7, Section X(A): "Ballard Rd." rather than 'Ballad.'
6. Page 2, Section II(C)(1): "Sergeant McCuster" rather than 'McAllister.'

Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes

The motion carried unanimously.

II. Correspondence

A. K. Forrester presented the following correspondence:

1. Email from Spectrum regarding a phone conference to install fiber optic cable.
2. Various emails from Nextiva regarding phone requirements.
3. Email from Marla Butts regarding the DEP July Newsletter which has an article about mattress recycling.
4. Email from Mary Ann Chinatti, regarding the Town's proposed ethics policy.
5. Email from Tina Fox regarding number of Board of Finance agendas and minutes posted on the Town website; why the numbers do not match one-for-one.
6. Email from Alison Bautaugh regarding talk at the library by Joe Lindley about his books this fall.
7. Email from Raphaela Delcostillo asking about C-PACE.

MUNICIPAL BUILDING

**815 RIVERSIDE DRIVE · NO. GROSVENORDALE, CONNECTICUT 06255
TELEPHONE (860) 923-9475 · FAX (860) 923-9897**

8. Copy of the letter awarding the Town of Thompson \$800,000 for the Gladys Green project, Phase IV.
- B. S. Smith presented the following correspondence:
1. Letter of request from graduating class of 2016.
 2. TEEG newsletter.
- C. P. Lenky presented the following correspondence:
1. Email from Joe Courtney to schedule a meeting with Paul Lenky and Mary Ann Chinatti at 11:30 AM on Friday, August 7th.
 2. Email from the CCM liaison for the Town of Thompson requesting a meeting.
 3. CLA Engineering meeting minutes regarding the Marianapolis project.
 4. There will be a roundtable discussion on August 24th at 9-11:30 AM with federal and state legal officials.
 5. Letter from Marla Butts regarding Phelps Pond.
- III. Selectmen's Comments
- A. K. Forrester presented the following Selectman's Comments:
1. In reference to a citizen's comment by Don Pimental (Page 4, Section IV(F) of the previous minutes) regarding the Board reading all letters of correspondence aloud, K. Forrester stated that the Board is waiting for legal opinion on the letter that he referenced, and the Board should not address matters until the legal opinion is received.
 2. In reference to a citizen's comment by Ken Beausoleil (Page 4, Section IV(J) of the previous minutes) regarding the Putnam Industrial Park, K. Forrester stated that the Board did discuss the Park at two BOS meetings, went through the details, and decided there was a very low return with a high risk of investment.
 3. K. Forrester stated she spoke to Jim Stratos about the website survey, and he is willing to help put the survey on the website. K. Forrester asked all citizens to participate by sending (via email to drebello@thompsonct.org) questions that they would like to see on the survey by August 11th. She also stated that Jim Stratos will be present at the next meeting to discuss upgrading the website.
 4. K. Forrester stated that she is working with the Town Planner on C-PACE to help businesses in Town.
- B. S. Smith presented the following Selectman's Comments:
1. S. Smith stated that she spoke to Leo Adams about getting a sign for outside the library, to which L. Adams said that we would check to see what signs he has that could be used.
 2. S. Smith asked if an official letter had been sent to Attorney St. Onge regarding the Assistant Town Clerk position, to which K. Forrester responded affirmatively.
 3. S. Smith asked if Mary Ann Chinatti had submitted a letter about the former TEEG building, to which P. Lenky responded that she had not done so yet.
 4. S. Smith asked about the letter sent to Sergeant McCuster and whether P. Lenky knows Sergeant McCuster personally. P. Lenky responded that he has not received information back from Sergeant McCuster yet, and that he does not know Sergeant McCuster personally.

5. S. Smith stated that she does not remember having someone give a formal presentation to the Board regarding the Regional Tech Park that Ken Beausoleil referred to at the previous meeting. K. Forrester stated that she did not say that the Board had a formal presentation, but rather the Board discussed the subject.
 6. S. Smith stated that she was told by someone at the library that the new phone system included putting in new phones at the library. K. Forrester answered that the 20 phones that were discussed included new phones at the library.
 7. S. Smith stated that she would like to see it in writing that the Labor Attorney that it is okay for K. Forrester to act as Interim Personnel. She stated that she saw an email that K. Forrester signed as 'Selectman/Interim Personnel' and that she doesn't want the two roles to get mixed up. She added that the Board did not vote to have an Interim Personnel, that usually when there is a temporary position, the Board votes to appoint an Interim.
- C. P. Lenky presented the following Selectman's Comments:
1. P. Lenky stated that Thompson Electric went to Rivermill Village and energized a line with a back-up system, and will begin working on street lights one at a time beginning on Friday.
 2. The equipment from the Eversource contract should arrive the third week of August.
 3. The State is finalizing their approval for Quaddick Bridge, with a project starting date of hopefully the end of October.
- IV. Citizens' Comments (Limit 3 Minutes)
- A. Kevin Walsh, Blain Rd., asked if the new phones for the library will be reflected in the library's budget. K. Forrester answered that, yes, there is a separate budget for the actual building that the phones will be reflected in. K. Walsh stated that, regarding the Industrial Park in Putnam, the Board talked about it, but it was apparent the Board collectively or independently had done their own research and presented it as a recommendation that the Town not get involved in that type of arrangement, and that it was not a general public discussion regarding Thompson becoming involved in a regional manner. K. Walsh stated that, in regards to the agenda item of the Town Attorney rate increase, he is wondering if the Town spend and exceeded its appropriations with the Town Attorney, and maybe there were excessive costs. In regards to number 12 on the agenda, the Executive Assistant, K. Walsh asked if the job posting had been posted in the media for folks to apply. In regards to agenda item number 6, K. Walsh stated that it has been a constant concern of citizens that the minutes that had been posted of all Commissions, Boards, and Committees that an anonymous volunteer spent hundreds of hours getting on to the website are now gone, and he wants to see those minutes back up on the website. He stated that he wants every single minute that was downloaded to be back up, and he would like the question on the survey worded in such a way that it would indicate that the people would have an opportunity to say 'yes' or 'no' if they want the minutes that were taken off the website to be put back on. In regards to agenda item number 12, K. Walsh stated he hopes we will discuss the concern as to whether this has been advertised publicly.

- B. Linda Jarmolowicz, 7 Denis Dr., stated that the way the Ethics Policy recusal policy reads now, half of the BOF would have to recuse themselves and there would be no Board. She stated it would be good to look at the State regulations, which are more lenient. She added that this is a small town, and it is hard enough to get people on Boards as it is.
- C. Sharon Recore, 46 Townes Ln., stated that at the previous BOS meeting, she asked for a specific reason as to why she was treated unprofessionally by Alvan Hill, ZEO. K. Forrester answered that she is still planning to meet with Greg Lee and John Rice, and that it is in progress.
- D. Don Pimental, 40 Starr Rd., stated that he spoke to the officer that P. Lenky sent the letter to and that he was told there will not be an investigation. He stated that the officer only received bits and pieces of the information, and that his office doesn't investigate that type of problem. He stated that he found the agency that does investigate this problem, and he sent the agency info, who will be contacting the Town of Thompson. He asked the Board if they are hiring for a position tonight. He stated that the position was a clerk position then changed to an HR position. He asked if the new position would be discussed tonight, and asked if it is a new position. P. Lenky answered that it is not a new position. He stated that he thought the clerk position already existed and then it was changed to HR.
- E. Cathy Thomas, Riverside Dr., stated that line 12 on the agenda is very ambiguous, and that the previous Executive Assistant was hired by the BOS, but nothing in the minutes indicates she was discharged. K. Forrester answered that the Board talked to the Labor Attorney and followed the correct procedure. She stated that the previous employee abandoned the position and did not answer letters sent to her. P. Lenky stated that the Board has it in writing from the Labor Attorney that the Board did not need to vote on her discharge, that the employee abandoned her position. C. Thomas stated that it seems what the Board is trying to do is to give the authority to hire to the First Selectman. C. Thomas asked how long an employees term lasts if the First Selectman hires that person. She asked if the next Board will be left with that person if the Board appoints somebody.
- F. Ken Beausoleil, Walker Dr., stated that K. Forrester was right that there was a discussion in reference to the Tech Park, and S. Smith was not at the meeting. He stated that when she did read it, it was a moot point because the deadline was gone, and that the Board did it after the fact just to appease the question that he had raised. He stated that they told all the towns that this was the economic development that they were doing at this time and they were not putting anymore money in the area in the future. He stated that everyone should have had a say, and the information should have come straight from Putnam.
- V. State of CT Master Municipal Agreement for Construction Projects
- A. P. Lenky read the resolution aloud.
- B. S. Smith asked if there were any specific changes, or if it was the same as last year. P. Lenky answered that it was the same.
- C. **Kerstin Forrester moved and Shaina Smith seconded the motion to adopt the resolution for the State of Connecticut Master Municipal Agreement for Construction Projects.**
- Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
- The motion carried unanimously.**

- VI. Website Survey
- A. K. Forrester again stated that she would like everyone's input for questions to put on the survey.
 - B. S. Smith suggested asking how far back the minutes should be on the website (2 years, 5 years, etc.). She also stated that if there are forms that residents use often, they should maybe be placed on the front page of the website.
- VII. Town Attorney Rate Increase Approval
- A. P. Lenky read a letter from Town Attorney St. Onge. He stated that the current fee is \$150 per hour and Attorney St. Onge is asking for it to be increased to \$165 per hour. He stated that there has not been an increase in ten years, and that most towns that Attorney St. Onge works for pay \$175 per hour.
 - B. **Kerstin Forrester moved and Paul Lenky seconded the motion to approve the request for Town Attorney Rate Increase from \$150/hour to \$165/hour.**
 1. S. Smith stated that perhaps Attorney St. Onge should have been requesting an increase more frequently at a smaller percentage instead of asking for a huge jump in his rate at a 10% increase. She stated that she understands he has many other towns he works for so his work load must be significant, but that she is not sure how speedy his responses have been, and she is not sure she feels comfortable increasing the fee by \$15 for those reasons stated.
 2. P. Lenky stated that Attorney St. Onge hasn't asked for an increase in ten years, and that it is a marginal increase compared to what other towns pay.
- Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- No

The motion carried.

- VIII. File Access Procedure
- A. S. Smith stated that this is the second draft after some changes were made and typos fixed. She stated that the sign-in/out books for all the departments should be similar, with a sign-in and sign-out time, and a place for the person to put their name.
 - B. K. Forrester pointed out one correction that needed to be made on page 4.
 - C. S. Smith clarified for residents that the Board had decided to come up with a file access procedure after they became aware of some missing files and documents, and that this was a way to keep track of who was coming in to Town Hall to make requests. P. Lenky added that it is a way to know who looks at what records and when, and to have any request for information in writing.
 - D. S. Smith asked if this could be up on the website soon, and perhaps for the Board to make a deadline for departments to have their sign-in sheet ready.
 - E. **Kerstin Forrester moved and Paul Lenky seconded the motion to accept the Access to Public Record Policy with corrections.**
- Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes

The motion carried unanimously.

- IX. Ethics Policy Discussion
- A. K. Forrester suggested looking into the State statute regarding requiring people to recuse themselves and the definition of family, and suggested seeking legal opinion on the matter.

- B. Ray Dewey stated that at the last meeting, the Board suggested adding the Saturday to the definition of a working day, but the definition only refers to the Commission itself, so that would not be appropriate. He added that the definition of family in the policy is identical to Putnam's, and that recusal of a family member is not mandatory. He stated a recusal form, which was provided, must be submitted in writing, which includes reasons for recusal or why the person doesn't need to recuse him/herself.
- C. Al Landry asked that when legal opinion is sought, the Board tells the attorney that ordinances cannot be less strict than the State, but can be more strict than the State.
- X. Opening Bids for Belding-Corticelli Property Brownfield Study and Appoint a Review Committee
- A. The following bids were opened:
1. Leggette, Brashers & Graham, INC., Farmington, CT: Standard billing rates listed with a final price of \$50,000-\$100,000.
 2. CME, East Hartford, CT: Standard billing rates listed.
 3. Facility Support Services, Hamden, CT: \$102,128.
 4. Triton Environmental, Guilford, CT: Standard billing rates listed.
 5. GZA Environmental, Glastonbury, CT: Standard billing rates listed.
 6. HRP, Farmington, CT: \$190,150.
- B. P. Lenky stated that they will need to appoint a review committee to go through the bids and make a suggestion to the BOS.
- C. K. Forrester recommended appointing the Belding-Corticelli Committee, if they have the appropriate members to understand the financials and be able to do the comparative analysis.
- D. P. Lenky stated that the Belding-Corticelli Committee has two engineers. He also recommended appointing the Town Planner with the Belding-Corticelli Committee to make a recommendation.
- E. S. Smith stated that the Board would have to reach out to those individuals and create or re-invoke that Committee to provide it with a new charge. P. Lenky stated that the Committee still meets regularly.
- F. **Kerstin Forrester moved and Shaina Smith seconded the motion to appoint the Belding Committee and Town Planner to review bids and make a presentation to the Board.**
 Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.
- XI. Permit Application for Driveway Access
- A. P. Lenky explained that when someone is applying for a building permit and they need to put in a driveway, they apply for a driveway permit. When the work is being done, there is a lot of mud and debris that breaks up the road and ends up on the roadway. Alvan Hill, ZEO, submitted a letter requesting that a stone tracking pad be required when applying for a driveway permit, at least 25 feet. He stated that most towns require a tracking pad before they go onto a corporate road. He stated that the current requirement is a 3 feet pad, but this will make the pad come to the roadway, so that the trucks would have to drive on the tracking pad. He stated that an approximate cost would be \$200-\$300, and that this would not be an ordinance.
- B. K. Forrester asked why the ZEO's name is on the letter, as opposed to the Building Inspector. P. Lenky answered that the ZEO proposed it.

- C. S. Smith asked who would be enforcing the requirement, to which P. Lenky answered that the Building Inspector would enforce it.
 - D. S. Smith suggested having Lee Post provide some insight as to what other towns require.
 - E. K. Forrester stated that the letter should have the Building Official's name on it, and not the ZEO.
- XII. Executive Assistant Selectmen's Office
- A. P. Lenky explained that this position was advertised for in January. A committee interviewed applicants at a Special BOS meeting, went through the resumes and discussed them, and then S. Smith made a motion seconded by P. Lenky to authorize the First Selectman to offer the position to a candidate. P. Lenky read a letter from Attorney St. Onge stating that if the BOS made a motion authorizing the First Selectman to offer the position to a candidate, that it was legal and appropriate.
 - B. S. Smith stated that the original position that was posted for was going to be under a position that is no longer there. She felt a new job description should have been drafted. She stated that the person did not originally interview with the notion that they would take on any HR issues. She stated it wouldn't be fair for the Board to ask someone to take on additional duties. She stated the motion that was made was for the original position, where that person was going to report to the Personnel Director.
 - C. P. Lenky stated the person won't be doing personnel work, but will report to the First and Second Selectman because they are handling personnel issues. He stated that in other Towns, the First Selectman is the Personnel Director, nothing in the Town's budget refers to an HR position, and there is no record that shows anyone was ever awarded an HR position.
 - D. S. Smith asked who would take on union contract research, to which P. Lenky answered that it is the job of the BOS. S. Smith stated that when the Board is given a legal opinion, it is up to the Board to decide what to do with the opinion. She stated that there should have been a step taken regarding the dismissal of the person who used to work in that office. She stated that there seems to be a lot of time spent in that office, but now the First Selectman is saying the Town doesn't need a Personnel Director or HR.
 - E. P. Lenky answered that the Executive Assistant can take on some of those responsibilities. S. Smith stated that the individual and others who interviewed did not know they would be taking on those responsibilities. P. Lenky answered that it is in the contract that they'd be taking on those responsibilities.
 - F. S. Smith stated that the contract says the person would be taking direction from the Personnel Director. P. Lenky answered that the Personnel Director is now the First Selectman or Second Selectman as needed. S. Smith stated that when the contract was originally written, the Personnel Director was someone other than the First Selectman, so it is her opinion that the contract and job description needs revisited. P. Lenky stated that if the Board doesn't honor the signed contract, there could be repercussions. He stated that a motion was made and seconded by the Board to authorize the First Selectman to offer the job to that person.

- G. S. Smith asked why the Board signed off on other hires. P. Lenky answered that the Board did this time, as well, with the motion previously pointed out. S. Smith stated that the Board signed documents after the fact in the past once the position was offered. She stated that she was under the impression that once the First Selectman was authorized to offer the position to a candidate, it would then go before the Board again to say 'yes' or 'no.'
- H. P. Lenky read another letter into the record for Attorney St. Onge. S. Smith asked if the First Selectman is going to be responsible for hiring and firing going forward. P. Lenky answered that the BOS had a discussion and made a decision to authorize the First Selectman to select the candidate in this particular case, and nothing else was changed.
- I. S. Smith stated that the interviews that were conducted were for a position that no longer exists because the position was for the Executive Assistant to the Personnel Director. P. Lenky answered that the Personnel Director is now the First of Second Selectman, and that it is the same job, with the same job description.
- J. S. Smith stated that she thought the Board would be going through the signed contract and making changes, and looking at what the Town needs for that position through the needs assessment done by John Filchak. P. Lenky answered that there is a person in that position, who was offered the position, doing the work of both positions right now, who has a contract, and the Town must honor that contract according to the legal opinions of the Town Attorney and Labor Attorney.
- K. S. Smith stated that this is a good example of hiring practices and procedures that should be followed by future administration for the Town. She suggested a hiring committee be appointed that are non-employees of the Town. She stated that she had asked the First Selectman to forward questions as to if the Board needed to sign something as a Board stating that the other person had vacated that position. P. Lenky stated that this position being discussed has nothing to do with the position that was vacated. He stated that the Board hired an Executive Assistant to take direction from the Personnel Director, which can be any First Selectman in the coming years. He stated that there is nothing left to vote on.
- L. S. Smith asked why the appointment was brought forward before if there was nothing to vote on now, P. Lenky answered that it shouldn't have been brought before the Board, that it was out of order, and that he accepts the mistake.
- M. S. Smith stated that the BOF approved funds as a temporary position until it was filled. P. Lenky stated when the person was offered the position and signed the contract, the position was filled. K. Forrester added that if you look at labor laws, the Board cannot hire people and let them go without reason. S. Smith stated that it was her understanding that the hiring process was to offer a position and then make a decision as a Board after the position was offered. P. Lenky stated that the decision was made as a Board when S. Smith made a motion seconded by P. Lenky to authorize the First Selectman to offer the position to a candidate.

XIII. Road Updates

- A. P. Lenky stated that Buck Hill has been completed, other than two strips of berm that will be finished at the same time Chase Rd. and Spicer Rd. are ready for berm work, to do all the berm work at once. They began working on Ballard Rd. and Azud Rd. Chip sealing is supposed to be done at the end of August, and work on the Lots should start in two weeks.

- B. K. Forrester stated that the Board had asked to receive a weekly list in writing from Leo Adams at the last meeting. P. Lenky stated that the list was received but that he forgot to bring it, and Leo Adams will continue to provide the list in the future.

XIV. Other Business

- A. **Paul Lenky moved and Shaina Smith seconded the motion to add 'Can Drive' under 'Other Business' on the agenda.**

Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes

The motion carried unanimously.

- B. Can Drive

1. **Kerstin Forrester moved and Shaina Smith seconded the motion to allow the dates listed for the project graduation can drive.**

Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes

The motion carried unanimously.

XV. Citizens' Comments on Agenda (Limit 3 Minutes)

- A. Linda Jarmolowicz, 7 Denis Dr., asked what could possibly be stated in a letter of recusal that would explain why a family member does not have a conflict of interest. She stated that the citizens voted for the current BOF and think that the current BOF represents the Town best, but the BOF wouldn't have a quorum following the current proposed ethics policy, which doesn't make sense. She stated that she really hopes the Board and the Town Attorney looks at that.
- B. Kevin Walsh, Blain Rd., stated that, in regards to agenda item number 5, he is concerned as to whether or not that agreement would narrow down to have potential candidates to take on jobs. P. Lenky stated that he will give a copy of the agreement to K. Walsh. K. Forrester stated that it is no different than the agreement signed every year. K. Walsh stated that he is talking about union vs. non-union. K. Walsh stated that he had asked if the hiring for the Executive Assistant position had been posted. P. Lenky answered that it had been posted in January, and that if he said we would re-post it, he was wrong. K. Walsh stated that it is an issue of nepotism and favoritism, and it is something that the Board brought upon themselves. He said he questions the First Selectman's judgment in regards to what is right for the Town, because this was not right for the Town.
- C. Ken Beausoleil, Walker Dr., stated that as CEO, the First Selectman should not have put the Town or the Board in this position.
- D. Linda Jarmolowicz, 7 Denis Dr., stated that if you refer to the State's definition of what a family member is, spouse, children, or relatives in the person's household, then there is no conflict of interest because the person being discussed does not reside in the Second Selectman's household.
- E. Cathy Thomas stated that in January, the Board signed a contract for a position that there was no line item for, and the BOF stated that it would take care of it, but there was no line item there. She stated that it was a different position that was in the budget and the Board turned around and changed it in the budget that they have. She stated that it would only make sense to hire for that position on July 1. She asked if the Board is allowed to appoint someone beyond the length of the Board's term. She added that it is fundamentally wrong what they Board has done because the Second Selectman's daughter is answerable to her.

XVI. Tax Refunds

A. **Kerstin Forrester moved and Shaina Smith seconded the motion to approve the following tax refunds:**

1. John Henry and Debra A. Castonguay: \$224.44
2. Karen D. Cournoyer: \$44.35
3. Timothy Durand: \$47.72
4. George B. Grauer: \$136.31
5. Joan F. or Benno Lebkuchner: \$111.87
6. Michael J. Martin: \$164.73
7. Nancy J. Newell: \$23.98
8. Patricia A. Sadowsky: \$22.32
9. Brian Arthur Tittle: \$24.72
10. Kevin Todd Walker: \$9.52
11. Julie A. Wheeler: \$154.53
12. Kathleen and Dean R. Wilga: \$95.38
13. Terry L. Lewis: \$9.84
14. Maryann or Joseph J. Whalen: \$12.37
15. Cory James Carlson: \$20.01

Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes

The motion carried unanimously.

XVII. Adjourn

A. **Shaina Smith moved and Kerstin Forrester seconded the motion to adjourn.**

Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes

The motion carried unanimously.

B. First Selectman Paul Lenky adjourned the meeting at 9:14 PM.

Tina Fox
Recording Secretary