



TOWN of THOMPSON

Board of Selectmen

**Minutes: Regular Meeting
Tuesday, March 3, 2015
Merrill Seney Room, Town Hall**

p. 1 of 10

The Pledge of Allegiance was recited.

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

Present: Kerstin Forrester
Paul Lenky
Shaina Smith

Staff Present: Tina Fox, Recording Secretary
Mary Ann Chinatti, Director of Planning and Development

Also Present: Members of the Public

1. Approval of Minutes
 - a. **Kerstin Forrester moved and Shaina Smith seconded the motion to accept the minutes of the February 17, 2015 budget session meeting as written.**
Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.
 - b. **Kerstin Forrester moved and Shaina Smith seconded the motion to accept the minutes of the February 17, 2015 regular meeting with the following corrections:**
 1. At the bottom of page 2, Alison should be spelled with only one 'l' (originally written as "S. Smith talked to Allison").
 2. On page 6, three quarters of the way down the page, where it was written "S. Smith responded saying...", S. Smith specified that she was referring to the oath, reading the oath only took about five seconds.
 3. Page 6, "S. Smith stated it's how..." should be "S. Smith asked..."
 4. On page 7, "P. Lenky stated that if it is supposed to be the State of Connecticut..." should be "P. Lenky stated that if it was proposed by the State of Connecticut..."
Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.
 - c. **Shaina Smith moved and Kerstin Forrester seconded the motion to accept the minutes of the February 19, 2015 budget session meeting as written.**
Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.
 - d. **Kerstin Forrester moved and Shaina Smith seconded the motion to accept the minutes of the February 20, 2015 budget session meeting with the following correction:**
 1. Mr. Lafayette's name should be with an 'e' on the end rather than an 's.'
Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.

- e. **Kerstin Forrester moved and Shaina Smith seconded the motion to accept the minutes of the February 23, 2015 budget session meeting with the following correction:**
1. Under heading "1202 Data Processing," the first bullet should be "Professional service."
Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.
- f. **Shaina Smith moved and Kerstin Forrester seconded the motion to accept the minutes of the February 24, 2015 budget session meeting with the following corrections:**
1. On page 5, discussing hydrant line item, "...the town is paying a high amount and not able to use the hydrants when necessary as the departments have to call the water company each time one is needed to access water for fire emergencies." Should read: "...the town is paying a high amount and, because of the low water pressure, not always able to use the hydrant when necessary..." Also, the department has to call the water company to report that they used them, not to access the water for fire emergencies.
 2. On page 6, first full paragraph under 'Community,' "That includes repairs of the gears," should be "That includes repairs of the personal protective gear."
 3. Also on page 6, in the last full paragraph, the word should be 'Shipman' rather than 'Shipment.'
Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.
- g. **Kerstin Forrester moved and Shaina Smith seconded the motion to accept the minutes of the February 25, 2015 budget session meeting with the following corrections:**
1. On page 2, first paragraph, add "...the equipment," after 'Mr. Adams has been looking at renting...'
 2. Top of page 1, it should state "Paul Lenky called to order..."
Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.
- h. **Kerstin Forrester moved and Shaina Smith seconded the motion to accept the minutes of the February 26, 2015 budget session meeting with the following correction:**
1. On page 1, the last bullet under 1301, there should be no 'g' on 'MMartin.'
Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.
- i. **Kerstin Forrester moved and Shaina Smith seconded the motion to accept the minutes of the February 27, 2015 budget session meeting with the following corrections:**
1. Under 'Discuss Assessor Position,' the first bullet, '...Shopper's Guide and The Bulletin next week.'
 2. First bullet on page 2, ",of FOI..." should be added after "...checked with Tom Hennick"
Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.

- j. **Kerstin Forrester moved and Shaina Smith seconded the motion to accept the minutes of the March 2, 2015 budget session meeting with the following corrections:**

1. March is written as 'Marcch.' There should only be one 'c.'
2. Under 6101, add "...by the Planning and Zoning Commission" after "...appointed at the February 23, 2015 meeting."

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

The motion carried unanimously.

2. Correspondence

- a. K. Forrester presented a survey from the Thompson Public Library regarding plan of conservation and development.

- b. **Kerstin Forrester moved and Paul Lenky seconded the motion to move the four pieces of correspondence regarding the bidding for the engineer to 'Other Business' on the agenda.**

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

The motion carried unanimously.

- c. P. Lenky stated that a map was sent to the Town Planner, regarding a piece of property that two gentlemen would like to donate to the town. The property has a water front on Quaddick Lake. This will come up in a future meeting.

- d. K. Forrester presented an update from the National League of Cities Utility Services, and Northeast CT Transit District audited financial statements. Both are available in the Selectman's Office.

- e. **Kerstin Forrester moved and Paul Lenky seconded the motion to move the letter from Kathy Thomas, Thompson Democratic Town Committee Chair regarding an appointment to 'Other Business' on the agenda.**

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

The motion carried unanimously.

1. S. Smith specified that she had requested this item to be on the agenda and that it was not.
- f. P. Lenky presented information from Attorney St. Onge regarding property off of Thatcher Road. St. Onge advised that this has to go to town meeting for approval.
- g. P. Lenky mentioned the situation regarding 915 Riverside Dr., the old Jim's Hardware Property.
1. K. Smith stated that she believed tax liens had priority and asked if more information could be presented at the next meeting.
 2. P. Lenky stated that he will speak to Attorney St. Onge to get more information, and this discussion will go on the agenda for the next meeting.
- h. P. Lenky discussed a letter the Town Planner received from Attorney St. Onge regarding the footbridge replacement. The letter states that there should be no liability to the town if the project is done. The Town is going to support the engineering cost of it.
- i. P. Lenky mentioned the Interstate Reliability Project. They are going to be installing structures around Quaddick Town Road and are asking for extended hours so they can clean the snow and put the ices down.
- j. P. Lenky presented the plaque for the non-battered veteran's conference room, which will be placed on the door of the new conference room.

3. Selectmen's Comments

- a. K. Forrester stated that the Board has spent the previous two weeks going over the budget, and has come up with many good questions and answers.
- b. S. Smith mentioned that she is working on the Darkness to Light Program, and would like to have that in force by April. She discussed the possibility of going on WINY to make them aware of the program, and to see if donations could be received that way. S. Smith mentioned that Tom Filchak, Executive director of NEECOG had stated that he had been working with the Town of Sterling for their audit and needs assessment at the Town Hall. Mr. Filchak gave an approximate cost of \$2,500 to do a needs assessment for Town Hall. He anticipates the task only taking one month to complete. There was a consensus that Mr. Filchak should come to the next Board meeting.
- c. S. Smith asked if the property owners of those who are not in compliance with Thompson's snow removal ordinance had been identified. P. Lenky stated that those individuals had not yet been identified.
- d. S. Smith asked if salt and sand were still being made available to the public, with more snowfall being anticipated. P. Lenky stated that they are being made available.
- e. S. Smith asked if there is any information that could be shared publicly regarding the Human Resources Director position. K. Forrester answered that the position is vacant.
- f. K. Forrester discussed looking at the overnight policy for the Community Room at the library in order to ensure that financial barriers are not being put up for groups like the Girl Scouts. She brought up that if janitors are used overnight, that have to be paid by payroll and not by a third party. The janitors would need to be scheduled for those hours and punched in during those hours. K. Forrester stated that she would like to look at the policy and figure out fees that need to be charged by the end of April.
- g. K. Forrester asked if a set was date for the hazmat yet. P. Lenky responded that the date has not been set, and that the date is dependent on when Winston is available.
- h. K. Forrester asked S. Smith where she received the information that the road list had been formulated by the previous Finance Director and the ZEO. S. Smith responded that she got the information from Leo Adams.
- i. P. Lenky mentioned that the Planning Department is going to be moving downstairs. The wiring was completed for the computers. The telephone company still has to come in and re-do the connections for the telephones.
- j. **Kerstin Forrester moved and Shaina Smith seconded the motion to add "Appoint Executive Assistant Personnel to report to the First Selectman for the position that has been vacated" under 'Other Business' on the agenda.**
 1. S. Smith stated that the job description that was created was for the position to serve under the First Selectman and the HR Director, and that the job description should be changed now that the HR Director position is vacant. S. Smith further stated that the Board did not have an open discussion about the job description to begin with. S. Smith assumed that the job position would be taking on more Human Resources responsibility than was previously thought by the hiring committee.
 2. K. Forrester stated that the job description has a lot of Human Resources responsibility already moved to that position.

3. S. Smith believed that because new duties would be added for this position that were not previously in the job description, the Town would be hiring someone who does not know the exact scope of the position. She stated that she has a problem with that.
4. P. Lenky stated that the Board did have an agreement with a person to take that position, and that person has all the rights to that position.
5. K. Forrester mentioned that the issue has become political and totally out of proportion. S. Smith felt that the issue is a matter of ethics.
6. K. Forrester stated that she talked to two people on the Ethics Committee, and they said it would be virtually impossible for the Town of Thompson to say that a relative of K. Forrester's cannot work in that position. She added that the position reports to the First Selectman.
7. S. Smith mentioned that the job description states that the position reports to the Board itself. K. Forrester stated that the description states the position reports only to the First Selectman. S. Smith clarified that the description states the position supports the Board of Selectmen.

Kerstin Forrester- Yes

Paul Lenky- Yes

Shaina Smith- No

The motion carried.

4. Citizen's Comments (Limit 3 minutes)

- a. Kevin Walsh commented that it is the current Board that put this situation [re: Executive Assistant Personnel Position] in the current arena. Because of the Board's decisions, there was a legitimate public response. He thinks the public is completely entitled to discuss the ethics of that particular topic. He asked if there was any more information as to the question he asked previously in regards to the money that was appropriated to retain the former Finance Director. K. Forrester stated that there was a line for consulting fees for Mr. Martin. After he retired, he has been paid out of compensation, the validity of which is being questioned. The numbers for travel were not all put together, but it is slightly over what was anticipated. K. Forrester officially apologized that the numbers were not given to the Board yet, and further mentioned that the question was raised during budget session.
- b. Ken Beausoleil stated that the Town Garage has security cameras if the Board is worried about the salt and sand being taken. He also mentioned that the webpage still has issues in that he was looking for minutes that were not on the website but that he did find in the Town Clerk's office. In regards to the job description for the Executive Assistant Personnel/Secretary Clerk, there has not been an active public meeting for that job description, and that would have to be voted on by the Board in an open meeting. He lastly stated that the budget for snow removal has been expended, and that once the budget has been exceeded, the Board should be putting a freeze on discretionary spending. He believed that the budget was exceeded two weeks prior.
- c. Kathy Thomas, Riverside Dr., thanked Shaina Smith for bringing up the correspondence from the Democratic Town Committee regarding the position on the Board of Assessment Appeals. She was surprised to discover that the Town has a volunteer application; she had not known that the application existed. She did not understand why that position [on the Board of Assessment Appeals] would need to fill out a volunteer application because the position is for an elected official.

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K. Thomas further asked if any Board member had contacted Representative Rovero regarding House Bill 68-18 [re: electronic tolls]. P. Lenky stated that he will be contacting CCM. K. Thomas also stated that there was a meeting at Town Hall the previous night and the doors were locked. P. Lenky admitted that the problem was his fault, that he had not checked the calendar to see if there was a meeting that night so he had locked the door when he left in the evening. K. Thomas asked if she could be emailed the job description of the Personnel Director, which K. Forrester had referred to a number of times at the Board of Finance meeting. K. Forrester stated that there is no job description for that position, but that the position has existed since 2003. K. Thomas stated that the position in 2003 was not Personnel Director, but rather Executive Assistant to the First Selectman, with some Personnel and Human Resource duties.

- d. Kevin Walsh, Blaine Rd., respectfully requested that the Board work more on the hiring of the position in controversy before the Board makes any other votes. He requested full disclosure and clarification from the Board because he does not feel the Board has been forthright in providing all of the necessary information.
- e. Jared Lockwood, Fariway Dr., asked if it is a matter of public record who served the position previously, to which P. Lenky and K. Forrester answered in the affirmative.
- f. Don Pimental, Starr Rd., stated that he has road records from 1950 that indicate Starr Rd. is .15 [of a mile, in length]. He wants to know how Starr Rd. became .339 [of a mile, in length] in 2014, referring to a July 29, 2014 document. He would like to know where the document came from and why Starr Rd. is listed as .339. He would like to know at the next Board meeting where the document came from.

5. Resolution- Quaddick Road Bridge Replacement

- a. **Kerstin Forrester moved and Shaina Smith seconded the motion to approve the Resolution as read for the Quaddick Road Bridge Replacement.**

Kerstin Forrester- Yes

Paul Lenky- Yes

Shaina Smith-Yes

The motion carried unanimously.

6. Engineering Services- Quaddick Road Bridge Replacement

- a. P. Lenky stated that CLA Engineering proposed a budget of \$37,600 with a possible \$1,600 for an easement map. Some of the fees may be eliminated if the Town can do some of the work on their own. CLA has done a lot of work that they have not charged the Town for.
- b. **Shaina Smith moved and Paul Lenky seconded the motion to move the discussion of the four pieces of correspondence regarding the bidding for the engineer from 'Other Business' to 'Engineering Services- Quaddick Road Bridge Replacement' on the agenda.**

Kerstin Forrester- Yes

Paul Lenky- Yes

Shaina Smith-Yes

The motion carried unanimously.

- c. K. Forrester discussed whether or not the Town has to go out to bid for the engineering services. The Board had voted on a bid policy (not ordinance) that any item over \$10,000 must go out to bid, and that the Board can choose to not go out to bid if the Board discusses and votes to do so at any Selectmen's meeting. Attorney St. Onge's opinion (stated by K. Forrester) is that the Town does not have a formal bidding ordinance, only a Selectmen's Policy. An ordinance is a matter of local law, whereas a Selectmen's Policy is more narrowly construed.

- d. P. Lenky stated that the project is in a good place to get the engineering done in August. If the Board waits any longer and decides to go out to bid, the project could be pushed into the school season.
- e. K. Forrester stated that getting the bridge done so that it does not get closed down is in the very best interest of the Town.
- f. P. Lenky mentioned that the project will be funded by both the Town and grant money from the state. The ratio would be about 49% covered by the grant, 51% covered by the Town.
- g. S. Smith stated that she would not like to see the Board make a practice out of this [not going out to bid] but that the Board sees an urgency in this case. She asked P. Lenky if CLA has discussed their timeframe.
- h. P. Lenky mentioned that CLA has been at the bridge doing a lot of the preliminary work on their own. CLA took initiative to help the Town of Thompson.
- i. K. Forrester referenced emails from Mary Ann Chinatti indicating that the State has no objection with the Town not going out to bid for the engineering.
- j. **Kerstin Forrester moved and Shaina Smith seconded the motion to approve going forward with the Engineering Services for the Quaddick Road Bridge Replacement using CLA Engineers, Inc. and not go out to bid for the engineering portion of the project.**
 Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.

7. 2015 CDBG Small Cities Funding- Award Consultant

- a. P. Lenky stated that there are two proposals, one from Wagner Engineering Associates, Inc. (Wagner) of Waterbury, CT, and the other from Lisa Lowe and Associates (Lisa Lowe) of Oxford, CT.
- b. K. Forrester had a question regarding the fee proposals. The Lisa Lowe proposal indicates that there is no out-of-pocket cost to the Town because all fees are paid through the awarded grants. The Wagner proposal provides more detail on costs, but K. Forrester asked if those fees are also covered by the grants. P. Lenky answered affirmatively.
- c. S. Smith mentioned that the recommendation from the Director of Planning and Development indicated that Wagner is already familiar with the project, and S. Smith agreed with that assessment.
- d. K. Forrester mentioned that Wagner did Phase 1, 2, and 3 of the Gladys Green Project, but she questioned using Wagner just because the Town has always used them.
- e. M. Chinatti stated that the total for what has been paid to Wagner is slightly over \$63,000 for three phases, and Lisa Lowe's proposal is \$81,000 for Phase 4. She further stated that Wagner's fee for this phase would be the same as previous phases: \$3,000 fee to submit the application provided the grant gets funded. If the grant does not get funded, there will be no cost to the Town. K. Forrester clarified that would be true for both Wagner and Lisa Lowe.
- f. S. Smith asked P. Lenky which proposal he favored, to which he answered that he favored Wagner.
- g. **Paul Lenky moved and Shaina Smith seconded the motion to award the consulting to Wagner Engineering Associates, Inc for Phase 4 of the Gladys Green Project.**
 Kerstin Forrester- Yes Paul Lenky- Yes Shaina Smith- Yes
The motion carried unanimously.

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8. Endorse Appointment of Alvan Hill as ZEO for Planning and Zoning Commission

- a. P. Lenky stated that the Planning and Zoning Commission chose Alvan Hill as Zoning Enforcement Officer, and clarified that PZC appoints the ZEO.
- b. **Kerstin Forrester moved and Shaina Smith seconded the motion to accept the appointment of Alvan Hill as Zoning Enforcement Officer.**

- 1. S. Smith stated that when the Board interviewed for the ZEO position, no action was taken because the Board wanted to gain insight as to the position, such as who the ZEO reports to. It was her understanding that the Board was waiting on more information for the job description. P. Lenky stated that the information he received from PZC is that PZC itself is supposed to appoint the ZEO.
- 2. K. Forrester mentioned that she found two legal opinions from Attorney St. Onge in the former ZEO's file indicating that PZC appoints the ZEO.
- 3. S. Smith indicated that she did not know that PZC had discovered the information stating that PZC itself appoints the ZEO. She asked if in the past the appointment for the ZEO had been brought to the Board or to PZC, to which K. Forrester replied that she was unsure. S. Smith asked for a copy of the letters from Attorney St. Onge. She asked for clarification that the ZEO position is still proposed at 15 hours per week. P. Lenky responded that the position is still 15 hours per week. S. Smith further asked if PZC is requiring that the ZEO be licensed, and if that would come out of the PZC budget. P. Lenky indicated that the ZEO would have to be certified, and that it would come out of the PZC budget. K. Forrester stated that she believed the current ZEO, Alvan Hill, is already licensed.

Kerstin Forrester- Yes

Paul Lenky- Yes

Shaina Smith- Yes

The motion carried unanimously.

9. Appointment of Recording Secretary for Board of Selectmen, Board of Finance, and Economic Development Commission- Tina Fox

- a. **Kerstin Forrester moved and Shaina Smith seconded the motion to appoint Tina Fox as Recording Secretary for the Board of Selectmen, Board of Finance, and Economic Development Agency.**

Kerstin Forrester- Yes

Paul Lenky- Yes

Shaina Smith-Yes

The motion carried unanimously.

- b. S. Smith noted that Tina Fox was previously hired as Recording Secretary for the Planning and Zoning Commission and Zoning Board of Appeals.

10. National Pain Care Providers Day Proclamation

- a. S. Smith explained that the US Pain Foundation is collaborating with Dr. James Murphy of Kentucky in an effort to recognize people who have assisted chronic pain patients throughout their pain journey. She felt this would shed a positive light on people who support others suffering from chronic pain. She read a proclamation prepared by the US Pain Foundation and Dr. Murphy.
- b. **Kerstin Forrester moved and Paul Lenky seconded the motion to approve and recognize March 20, 2015 as Pain Care Providers Day.**

Kerstin Forrester- Yes

Paul Lenky- Yes

Shaina Smith- Yes

The motion carried unanimously.

11. Review Ordinance for Town Meeting

- a. P. Lenky stated that he would like to have the ordinances ready to send them to the Ordinance Committee.
- b. S. Smith asked if the Board should propose the bidding ordinance now. K. Forrester believed the bidding ordinance should be discussed with Attorney St. Onge first.
- c. K. Forrester indicated that PZC wants to drop their member number to 9. Also, there was a question as to how to enforce the control of animals, specifically who sets the fines and how much. She suggested that the Board writes a note on the ordinance indicating a recommendation of a consistent fine and enforcement.

12. Road Updates

- a. P. Lenky stated that Porter Plain, the Lots, and Buck Hill are set to be paved this fiscal year.

13. Other Business

- a. P. Lenky read a letter from the Democratic Town Committee recommending Daniel Santerre to fill the vacancy on the Board of Assessment Appeals. He stated that there are only three people on that Board, two democrats and one republican.
- b. K. Forrester believed that both parties should have an opportunity to submit a recommendation. She stated that the Board should give the Republican Town Committee (RTC) an opportunity to nominate someone.
- c. S. Smith indicated that the voters had spoken that they wanted a Democrat in that position.
- d. P. Lenky stated that he has no objections to Mr. Santerre being on the Board, but that the RTC should have an opportunity to submit something by the end of the week.
- e. S. Smith reiterated that the voters indicated that they wanted a Democrat to sit in that position. She specified that she would feel the same if the voters had indicated they wanted a Republican in that position.
- f. **Shaina Smith moved and Paul Lenky seconded the motion to appoint Daniel Santerre for the Board of Assessment Appeals until the November elections based on the letter of recommendation received from the Democratic Town Committee.**

Kerstin Forrester- Yes

Paul Lenky- Yes

Shaina Smith- Yes

The motion carried unanimously.

- g. P. Lenky stated asked if there was a motion to appoint Dianna Rebello to the Executive Assistant Personnel Position. K. Forrester recommended that Mr. Lenky talk to Attorney St. Onge to get a legal opinion on the matter. S. Smith asked for clarification on what the Board would be asking Attorney St. Onge. P. Lenky stated that he would be asking Attorney St. Onge if the Board can appoint the person that was already interviewed. S. Smith felt that Attorney St. Onge should also look at the hiring process and the job description.

14. Citizen's Comments on Agenda (Limit 3 minutes)

- a. Kathy Thomas asked who put the job description together for the Executive Assistant position. P. Lenky indicated that it was the labor attorney and the HR Director at the time. K. Thomas further asked if the job description was approved through a motion. P. Lenky stated that he would look back at the minutes and let K. Thomas know the answer.

15. Tax Refunds

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

Baublitz, Roberta J. and Mark A. - \$16.01

Berthiaume, Thomas A.- \$3.10

Honda Lease Trust - \$25.30, \$41.49, and \$28.93

Wallwork, Roswell C. - \$40.83

Kerstin Forrester- Yes

Paul Lenky- Yes

Shaina Smith- Yes

The motion carried unanimously.

16. Adjourn

- a. S. Smith stated that there was a Town Meeting scheduled for the following night regarding the oil spill, and a public hearing and budget presentation Thursday, March 5, 2015 at the auditorium.
- b. **Shaina Smith moved and Kerstin Forrester seconded the motion to adjourn the meeting at 8:50 PM.**

Kerstin Forrester- Yes

Paul Lenky- Yes

Shaina Smith- Yes

The motion carried unanimously.

Tina Fox

Recording Secretary