



**TOWN of
THOMPSON
Board of Selectmen**

SELECTMEN'S MEETING via Zoom

Tuesday, May 5, 2020

MINUTES

The meeting was called to order at 7:00 PM by First Selectman A. St Onge.

Roll Call: First Selectman Amy St Onge and Selectmen Ken Beausoleil & Susanne Witkowski. Others: Frank McGarry and Aileen Witkowski (Registrars of Voters), Town Department Heads, Board/Commission members, members of the public, Recording Secretary Dotti Durst.

- I. **Motion A. St Onge seconded by S. Witkowski to approve the BOS Special Meeting minutes of 03-24-2020, with the transcript of Agenda Item 4, Electricity Contract to be attached, carried unanimously.**
Motion A. St Onge seconded by S. Witkowski to approve the minutes of the Regular Meeting 04-21-2020 carried unanimously.
- II. Correspondence
 - A. Pesticide Application by P & W Railroad will take place on or after May 19. Members of the public with questions may contact the Selectman's office.
- III. Selectmen Comments:
 - S. Witkowski: none at this time
 - K. Beausoleil: the BOF is doing their due diligence to build the budget. Even with technology issues, they are moving ahead with the process.
 - *Today the Governor announced that schools will remain closed for the year; parents and families will be impacted, especially if some have the chance to return to work.
 - A. St Onge: it has been confirmed that there cannot be any form of budget referendum; the Governor placed that responsibility solely in the BOF hands.
 - *Thanks go out to the town Department heads who found additional ways to reduce the proposed budget.
 - * The public is stressed about the budget process this year but the town is doing everything possible to alleviate the concerns about public participation, input and comments. A new email address has been established exclusively for public budget-related input and comments. The messages go to the First Selectman, who forwards them directly to the BOF members. The address is budget@thompsonct.org.
 - * The schedule for the budget process: May 7, Thursday, the final BOF Budget Workshop. A week later, May 14, an electronic Public Hearing will take place, exclusively for the BOF to hear citizen's comments and input. All citizens are encouraged to participate. Then it will be two full weeks before the BOF will meet to pass the budget and set the mil rate. This schedule provides continuing, ample opportunities for comments to the BOF.
- IV. Citizen Comments: A. St Onge reviewed the three ways a citizen could participate in this meeting in real time.

– Dick Trudeau, 192 Wagher Dr: commends the Town Hall management and employees for putting forward budget cuts for Thompson.

- V. Fire Department Tax Rebates: it was confirmed that the rebates are for personal property and/or real estate taxes that Fire Department staff have paid.

Motion A. St Onge seconded by S. Witkowski to accept and apply the tax rebates for eligible fire department members, as requested, carried unanimously.

- VI. Discussion and Possible Action - Ordinance 10-009 Conflict of Interest concerning the provision of food for voting day workers. A. St Onge recused herself from participation. -K. Beausoleil reached out to Attorney Ken Slater to determine if there is a conflict of interest in that G7 Caterers, owned by First Selectman A. St Onge and her husband, customarily provide meals to workers on voting days. Attorney Slater on April 27, 2020 noted: the BOS has no role in the selection of the food provider on voting days; that falls to the Registrars of Voters. There is no conflict. S. Witkowski finds the Attorney memo to be specific, noting the last sentence, and agrees there to be no conflict. K. Beausoleil agrees

Motion K. Beausoleil seconded by S. Witkowski to accept the interpretation provided by Attorney Ken Slater of any Conflict of Interest, that there is none, carried, with K. Beausoleil and S. Witkowski voting yes.

A. St Onge rejoined the meeting.

- VII. Other Business: none

- VIII. Citizens Comments:

- Frank McGarry, 225 Chase Rd: The Registrars of Voters have requested from the BOS a waiver in writing of some provisions of the Ordinance 10-009; he asked the BOS to place their request on the agenda at the next meeting.

- IX. Tax Refunds: none

- X. **Motion to adjourn by S. Witkowski seconded by K. Beausoleil carried unanimously. First Selectman A. St Onge adjourned the meeting at 7:18PM.**

See/hear the meeting on Zoom. Copy and paste to your Search bar:

https://us02web.zoom.us/rec/share/7Oh6MJjv3D1IWpH39lPwHbI8JsfZX6a81igfq_tbzBtXBIMqXLCqfIT5jiiMAZQ4

Password: 3c^##r6o

Respectfully submitted by Dorothy Durst, Recording Secretary *Dorothy Durst*

These minutes have not yet been approved by the Board of Selectmen. Please refer to next month's meeting minutes for approval of and/or amendments to these minutes.

Attachment 1). Text: Item IV, March 24, 2020 BOS meeting- Electricity Contract

Attachment 2). Memo April 27, 2020 from Attorney Ken Slater concerning a possible Conflict of Interest regarding the provision of food for voting-day workers.

ATTACHMENT ONE:

Thompson BOS 03-24-2020 Meeting

Text of discussion Agenda IV, Electricity Contract, taken from the recording

At 11 minutes, 4 seconds into the meeting:

Amy St Onge- Finance Director Orla McKiernan-Raftery recommends the Electricity contract goes to Constellation, our current provider, for 2 years.

Ken Beausoleil- I have reviewed it and favor this recommendation. But Fort Hill Farms is putting in a digester, with the designation of 300 KW hours to the town, and I do not want to jeopardize that.

Amy St Onge- so just a one-year contract?

Susanne Witkowski- with the economy so volatile, she questions whether a 2-year contract could cost more than necessary as time goes by.

Amy St Onge- one year offers no substantial price difference

Ken Beausoleil- yes, only 8/100th of a cent. Entering into a 1-year, I can agree with that. The street lights are the biggest power consumption. When Fort Hill begins electricity generation, we want to be ready.

Susanne Witkowski- one year then?

Ken Beausoleil- yes, based on the cost difference, that would be acceptable.

ATTACHMENT TWO:



April 27, 2020

Kenneth R. Slater, Jr.
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Ken Beausoleil, Selectman
Thompson Town Hall
815 Riverside Drive
P.O. Box 899
North Grosvenordale, CT 06255-0899

**Re: Municipal and State Ethical Requirements Municipal Contracts with Public
Officials or Their Businesses
Our File No.: 26164.0001**

Dear Selectman Beausoleil:

I am in receipt of the attached letter from the Registrars of Voters of the Town of Thompson ("Town") and associated documents regarding personal and financial conflicts of interest contained in the Town's code of ordinances and documents regarding certain state ethical requirements. You forwarded them as the representative of the Board of Selectman charged with obtaining our opinion on the subject of the letter.

In accordance with our discussion, the Registrars' letter arises from the following facts. A catering company owned or owned in part by First Selectman Amy St. Onge, G-Seven Catering Company, has long provided catering services to the Registrars of Voters and the Registrars wish to continue to use its services. It is my understanding that the contract is not directly approved by the Board of Selectmen and that First Selectmen St. Onge has not voted. on any matter in which the decision was made to engage her catering company. Based on those facts, it is our opinion that there is no ethical constraint against her catering company providing services to the Registrar of Voters and that she has not acted in violation of the Code of Ordinances or the General Statutes related to municipal official conflicts of interest.

The Town municipal ordinance on ethics, Ordinance-10-009, does apply to contracts between the catering company and the Town and its agencies and officials. The language of the 10-009 is very similar to the language contained in the General Statute regarding municipal official conflicts of interest which provides, in relevant part:

*Notwithstanding the provisions of any special act or municipal charter . . . No member of any [municipal] commission or board **shall participate in any hearing or decision of the board or commission of which he is a member upon any matter in which he knowingly has a pecuniary interest.** In the event of such disqualification, such fact shall be entered on the records of the commission or board and any municipality may, by ordinance, provide that an elector may be chosen, in a manner specified in the ordinance, to act as a member of such*

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commission or board in the hearing and determination of such matter, except that replacement shall be made first from alternate members of such commission or board designated pursuant to the general statutes or any special act or municipal charter or ordinance, if any.

Conn. Gen. Stat. § 7-148t (emphasis added).

The documents of the Office of Legislative Research of the Connecticut General Assembly accompanying the Registrars of Voters letter relate to state officials but similarly include language referring to the fact that the state code of ethics prohibits certain state officials from "*taking an official action*" for which the official has a personal financial interest. Nothing in that document states that a state official cannot have an interest in a business that provides services to the State of Connecticut. It simply mandates that disinterested persons make the decision to engage such a company to perform services for the State.

The Town has the authority to adopt ordinances regarding municipal ethics under the general authority granted to municipalities by Conn. Gen. Stat. § 7-148 (c) (10) which specifically includes adopting codes of ethical conduct. Having the power to adopt an ordinance containing such a code, the Town has the power to enforce the ordinance including imposing fines provided that statutes regarding the municipal imposition of fines are followed. Conn Gen. Stat. § 7-148h authorizes a municipality to establish a board or commission to investigate allegations of unethical conduct, corrupting influence or illegal activities levied against any official, officer or employee of a town. The Town has not established such a board or commission so that statute is inapplicable.

While not using exactly the same language as the state statute, the effect of Town Ordinance 10-009 on public officials is virtually identical to the statutory prohibition set forth in 7-148t which prohibits persons from taking action on matters in which they have a personal or financial interest. The ordinance, in relevant part states that:

No employee of the Town of Thompson elected or appointed official or member of any Town board, commission or committee shall:

- 1) Participate in any manner concerning the Town by contract or otherwise in which the individual has a personal financial interest specifically including any contract or purchase order for supplies, materials, equipment, or contractual services furnished to or to be used by the Town or any Town board or agency*

Both that ordinance and the state statute regarding ethical responsibilities of municipal officials, prohibits those public officials from participating in municipal decisions in matters in which they have a personal or financial interest. Neither the statute nor the ordinance prohibits



TOWN of
THOMPSON

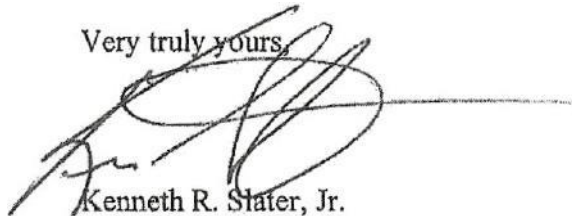
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public officials or their businesses from entering into contracts to provide goods or services to the Town or its boards or officials in their official capacity provided that all decision-making regarding such contracts were made by only persons who lacked a personal or financial interest in the decision. In that First Selectmen St. Onge played no role whatsoever in the decision to engage her catering company to provide services to the Registrars of Voters, it is our opinion that it is permissible for her company to provide the services to the Registrars.

Please contact me if the Board of Selectman have any additional questions on the subject.

Very truly yours,



Kenneth R. Slater, Jr.