

Marlborough Board of Finance  
Marlborough Elementary School Cafeteria  
And via Zoom and Speaker Phone  
Public Hearing  
February 1, 2023  
6:30 p.m.

**Call to Order**

Chairman Nastri called public hearing to order at 6:30 p.m. Present and seated were Mike Nastri, Jack Fidler, Liz Gorgoglione, Ken Hjulstrom, Jeff Plourde, and Robert Mirabal. Alternates Karen Pakulis Paul, Chris Barella, and Sal Sena were also present.

The public notice that was printed in the *Rivereast News Bulletin* was read aloud.

Town Attorney Glen Duhl took over the meeting and explained the process of what had transpired up to this point with litigation. Mr. Duhl told the public that CIRMA has covered the attorney fees up to date so this hasn't been a burden to the town budget.

This lawsuit goes back many years from a terminated employee who was denied FMLA leave. The question the residents will vote on immediately following this hearing is "Should the Board of Finance recommend to the Town Meeting that a special appropriation to pay up to \$250,000 be approved to settle this lawsuit?"

The attorney continued to say that if it is voted that the town goes to trial with this employee, CIRMA will continue to cover legal fees, unless the town loses the lawsuit. It is known the cost will be \$250,000 if town settles with the former employee. If the town goes to trial and loses, the cost is unknown. The former employee could seek higher payout, plus the town would cover legal costs. Not knowing the outcome is what the risk is.

**Public Comments**

Bob Ragusa, asked how does the cost go up if this case is based upon lost wages? How can it go from \$250,000 to \$1,000,000? The attorney replied that the former employee is asking for wages lost from termination through trial. The front pay is forty years. The defendant's attorney will probably cost between \$500-\$700 per hour.

Dave, 70 Jerry Daniels Road, said that if someone had done this legally, the town wouldn't be in this position today. He asked if someone didn't follow the rules. He asked if legal advice was sought and not followed. The attorney replied that he felt that she was given good advice and followed it. A question was asked regarding how much money has been spent over the years in legal fees so far. Nobody had that answer.

Riva Clark, 9 Hall Trail, asked what does the vote cause. If the authorization goes forward, approved, the town is authorized to spend up to \$250,000. If the vote is denied, the town will go to trial, CIRMA won't cover fees, the town is on its own.

Mike Nastri confirmed that the General Fund balance has enough money to cover costs.

Evelyn Godbout, Edstrom Road, asked from the phone what the risk is if the town settles and then if we are setting a precedence so that if other employees don't like their job at town hall, they'll just sue the town too? Attorney Duhl replied, no, this would not be setting a precedence. Everything falls on the facts and the law.

Diane Dunn, Saner Road, said there are thousands of documents that need to go before the trial. There are lots of good documentation for the town. The attorney said that the former employee may want to settle for less. We just don't know.

John Benedetto, asked if we settle, can the former employee still take the town to trial. The attorney replied that he has already signed all the pages in the agreement. The town hasn't signed because they needed to go through the public hearing and town meeting vote process. Mr. Benedetto asked if mitigation measures have been put into place so that this doesn't happen again. Mr. Duhl replied, yes. CT FMLA and other new laws have come out since this. Perception is reality so he can't promise anything.

Bob Ragusa said this more of a lesson learned situation. Is this a union position? Could arbitration have occurred to avoid this, and would that have been less expensive? Has what gone wrong been figured out so it doesn't happen again? Attorney Duhl replied that many cases out there that go through arbitration aren't fair to the employee. State and federal laws don't follow union rules.

Christine Vardining asked where the money is coming from. She doesn't want money taken out of other budgets. Are there repercussions for this staff's mistake? This is not a town choice. We are not here to assume the liability for people who make poor choices. It's not fair to use my tax money to pay for someone's mistake. My son worked for the town, and he had to pay out of his pocket for the mistake he made.

John Planeta asked if there was a union contract and if there is an arbitration provision. The attorney replied that there is a union but it doesn't cover this type of situation. Mr. Planeta said this seems like a personal vendetta.

Greg Lowrey spoke as an individual, not a member of the BOS. He asked that the public keep their words soft and tender. This must be paid. Please support this special appropriation.

Evelyn Godbout said to vote no to settling.

Cliff Denniss, Cheney Road, was a selectman in 2018-19. They discussed this case based upon facts and legal input. We voted to terminate the employee. Now we know the cost. If we go to trial, we don't know when or if this will end.

Jo Johnson asked if the town loses will the employee have to pay the town costs and fees. First the attorney said no, but then said yes. No to attorney fees, but yes to other costs.

The public hearing was closed at 7:12 p.m.

The same Board members were present and seated.

**MOTION:** Mr. Plourde made a motion, seconded by Ms. Gorgoglione, to approve the \$250,000 special appropriation to send to the Town Meeting for the residents to vote on.

**DISCUSSION:** Ms. Gorgoglione said she will vote yes, only because it is in the best interest of the town. Mr. Hjulstrom said that this vote only sends the question to the Town Meeting for public voting.

All voted in favor of the motion.

At 7:15 p.m. the room was cleared for everyone to go back out into the hall to walk into the meeting room to be verified as a registered voter and get a paper ballot.

Respectfully submitted,

**Debby Rihm**

Debby Rihm  
Board Clerk