

Town of Marlborough

Board of Selectmen
Deb Bourbeau, Chair
Gregory Lowrey
Joseph Asklar
Betty O'Brien



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BOARD OF SELECTMEN MEETING MINUTES TUESDAY, FEBRUARY 21, 2023 TOWN HALL 7:00 p.m.

1) Call to Order

Chairperson Deb Bourbeau called the meeting to order at 7:07 pm

Present were Deb Bourbeau, Betty O'Brien, Greg Lowrey, Joe Asklar and Amy Traversa-Interim Town Manager.

2) Acceptance of Minutes

- a) February 1, 2023 Town Meeting
- b) February 7, 2023 Special BOS Meeting
- c) February 7, 2023 Regular BOS Meeting
- d) February 8, 2023 Special BOS Meeting
- e) February 10, 2023 Special BOS Meeting
- f) February 13, 2023 Special BOS Meeting

Mr. Lowrey motioned to accept minutes from:

- February 1, 2023 Town Meeting
- February 7, 2023 Special BOS Meeting
- February 7, 2023 Regular BOS Meeting
- February 8, 2023 Special BOS Meeting
- February 10, 2023 Special BOS Meeting
- February 13, 2023 Special BOS Meeting

Ms. O'Brien seconded. All approved and motion carried.

3) Additions to the Agenda

Ms. Bourbeau asked to add the following two items to the agenda:

- 5.a.1 Fife & Drum Corps

Mr. Asklar motioned to add this item. Mr. Lowrey seconded. All in favor and motion carried.

- 5.h. Compensation for DPW Supervisor

Mr. Asklar motioned to add this item. Ms. O'Brien seconded. All in favor and motion carried.

Ms. Traversa asked to add the following to the agenda:

- 5.i. Update on EDC/C&EDC

Ms. O'Brien motioned to add this item. Mr. Asklar seconded. All in favor and motion carried.

4) Public Comments

Christopher Barella 16 Hidden Woods Dr. – Mr. Barella (BOF Alternate) speaking as an individual. Mr. Barella can no longer sit by and stay silent while our towns people are continually disrespected. He is frustrated by a lack of transparency with the current town leadership. He commented on the articles in the Rivereast. He addressed that agendas and minutes are only available by request and the town books are in disarray. Mr. Barella went on to address specific members of the BOS regarding the town manager search. He further spoke about February 16th memo delivered to the BOF mid meeting. He also expressed his displeasure with appointing a Town Manager involved with the current employee litigation. Mr. Barella believes a new Interim Town Manager should be appointed ASAP.

Ken Hjulstrom 181 So Main Street – Mr. Hjulstrom (BOF member) speaking as an individual. He reviewed the letter he sent to the BOS February 20th regarding the transfer request for the Foley vs Town of Marlborough settlement. Mr. Hjulstrom referenced the memo dated February 16th submitted to the BOF. His letter spells out multiple concerns and feels the way the BOS is trying to piecemeal the funds for the settlement violates the charter and public trust. He also is displeased with the Town Manager search. Mr. Hjulstrom feels the search committee meetings should be posted for the public to attend if they are not executive session. He feels this is being done in secret and no one will know how they came to their recommendations.

Kerri Barella 16 Hidden Woods Dr (via ZOOM) – Ms. Barella commented on the lack of transparency and ability to get meeting minutes and agendas. She feels the town hall staff time would be better spent than responding to emails, better use of their time and tax payor money. Additionally, Ms. Barella noted that tonight public comments came after item 3. Additions to the Agenda. She feels having public comments after item 3. Additions to the Agenda, is a moot point as the BOS is not able to hear from the constituents about what additional agenda items could be added.

5) New Business

a)1. Fife & Drum Corps

Wayne Seidel spoke about what is being planned for fife and drum corps. Would like BOS to sponser a muster. They have a committee which is putting together plans. Mr. Sydell shared a flyer to have a muster at Blish Park in September. The committee is planning for 20 – 30 corps to participate. There is open registration in April for corps to sign up. Mr. Asklar asked if camping will be offered. Mr. Seidel confirmed camping would be handled the same as previous musters. Mr. Asklar asked what was expected from the BOS and Mr. Seidel replied nothing financial only

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support for the corps. Ms. O'Brien and Ms. Bourbeau are pleased to have the muster again and glad the public is invited to attend.

- a) Employee Resignations / New Hires
Mr. Lowrey asked if Amanda Klar was voted on. All agreed the vote was not done. Mr. Lowrey motioned to accept Amanda Klar for the position of Finance Director. Ms. O'Brien seconded. All in favor and motion carried.
- b) Boards & Commissions: Resignations / Appointments/ Applications
None
- c) American Rescue Plan – Allocation
Peter Hughes-Director of Planning & Development joined the meeting. ARP transfer – Mr. Hughes asked the board to reallocate funds to specific items. Mr. Lowrey motioned to reallocate funds per Mr. Hughes recommendation. Ms. O'Brien seconded. All in favor and motion carried.
- d) 2023 LOTCIP Application – North Main Street Reconstruction Phase I
Mr. Hughes reported we will be submitting application 2/22/23. He reviewed the work to be completed. CRCOG will evaluate the project by May. If award is not received for 2023 application will be resubmitted in 2024. Ms. Bourbeau asked duration of the project. He said it would be approximately three months. Mr. Asklar – can legislators assist getting approval for the grant. Mr. Hughes replied no and explained funds are awarded by a point system. We would not work between December and March. If awarded in June 2023 construction would happen in 2024.
- e) Transfer from Fire Department Reserves – Truck Replacement EHT #17 1991 Mack
Mr. Hughes requested transfer \$50,000 of FD reserve funds so the FD can make a commitment letter for 1991 Mack replacement. Once they get a commitment letter they can lock in a price for the vehicle.
Mr. Lowrey motioned to make a request to the BOF to transfer \$50,000 from FD reserves to capital item for the replacement of the 1991 Mack at the BOF March meeting. Ms. O'Brien seconded. All in favor and motion carried.
- f) Policy for Use of Town Vehicles
Ms. Bourbeau does not remember receiving a vehicle policy, requested when she was on the BOF, when the Fire Chief's vehicle was ordered and brought in. This is not the only town vehicle. She noted we need a policy in place about usage and policy should be discussed in depth at another meeting (March). Mr. Asklar asked about Jay Kehoe, Director of Public Safety Services - was it discussed if he could take the vehicle home. Ms. Traversa said it was not a part of the compensation package, it was discussed after the hiring. The thought was because he was not a town resident he could return to town quickly if necessary. This has never happened. It will be parked at FH 2.

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- g) Amend Transfer Request for Town Manager Search (reduction)
Ms. Bourbeau reported originally requested \$30,000 from BOF. Due to the amended search plan for reduced services she feel the request should be reduced to \$10,000. Mr. Lowrey motioned to approve the town manager search cost reduction to \$10,000. Ms. O'Brien seconded. All in favor and motion carried.

Mr. Lowrey was reminded how up to \$2,000 was authorized from the contingency to get through the year on payroll. He wants to make sure the BOS does not double book. Brief discussion on the monies and BOS determined \$10,000 would cover both.

- h) Compensation for DPW Supervisor
Ms. Bourbeau feels Jim Grossmann is an excellent hire and has saved the town an amazing amount of money. She would like to see Mr. Grossmann made 100% whole now instead of waiting until July 1st. Ms. Traversa reviewed the reasoning behind this request.
Ms. O'Brien motioned to increase Mr. Grossmann's salary now instead of waiting until July 1st. Mr. Askler seconded. All in favor and motion carried.

Mr. Asklar believes it is smart to invest in our employees to assist with staff retention. Ms. Traversa reminded the BOS it has been put it in front of John DeVito, this is pending approval by AFSCME. It will take effect once approved.

- i) Update on EDC/C&EDC
Ms. Traversa spoke about the merging of the CDAC and EDC along with the reasoning for this. We would be renaming an existing ordinance. There was discussion about adjusting the number of commission members. The new commission would be the Community & Economic Development Commission. Mr. Asklar presented his experience when he was chair for EDC. This needs to be explored further.

6) Unfinished Business

- a) Town Manager Search Process Update
Ms. Bourbeau reported the search committee is working very hard. The next meeting is February 27th with BOS, search firm and search committee. Shortly after this meeting the BOS will leave the search in their hands.

7) Interim Town Manager Updates – Amy Traversa

- We are working on the proposed budget. Fiscal year is not closed out, audit not done, and found some journal entries were not made for some of the projects retired last year. We have been in touch with the auditors, and they are not concerned. The town has received the necessary extensions.

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- She received call from Colin McNamara, Superintendent RHAM, they have a budget surplus of ~\$300,000. RHAM has the ability to put those funds for future capital needs or they can vote to give back to the town. Mr. McNamara is leaning towards paying for some of the capital items he proposed for the FY 22/23 budget. Mr. Asklar asked if purchases now would provide savings based on inflation. Ms. Traversa replied this has not been discussed.
- Requests related to employment litigation has taken up much of her time.

8) Selectmen Updates

- Ms. Bourbeau reported the Arts Center performance Friday, February 24th.
- Ms. O'Brien requested the following be read into the minutes:
Regarding the February 1st town meeting. I believe the citizens who voted at that meeting thought they were voting to either fund the employment litigation settlement or to support going to a jury trial. During the public discussion our attorney frequently emphasized the risks of a jury trial. The majority voted not to settle. On February 10th the BOS decided to settle and appropriate the money over two years. I voted to support the voters decision. The motion passed 3 to 1.

Although I feel the vote at the town meeting should have settled the matter, I know the other board members had the best interest of the town in mind when they voted and I respect their majority decision.

This has been an extremely difficult and time consuming situation, first, as a personnel matter, and then as a legal matter bringing us to this point. We realize we have to communicate better and earlier. We have reached a solution that protects our town, and now I think it is time for everyone to move forward and work together to support this wonderful town we all live in.

Ms. Traversa took the opportunity to address the correspondence received regarding the employment lawsuit. She presented town charter sections 6.6, 6.6.1, and 6.7.2 and the email response from Ken Slater, Halloran Sage about how to fund the proposed settlement. She clarified there is no signed agreement. There is an extension to March. They must come up with a solution acceptable to both sides or go back to court. Ms. Traversa wished to be clear the only question for the town vote was if the constituents supported the special appropriation of up to \$250,000 to settle the pending employment litigation. We are in a stalemate waiting for where the funding will come from. Ms. Traversa would like approval for Chairperson Bourbeau and her to go back to the BOF to approve appropriation of contingency funds.

Mr. Lowrey motioned to request a special appropriation of \$60,000 from contingency to legal. Ms. O'Brien seconded. All in favor and motion carried.

Mr. Lowrey feels it is a good idea to put in place holders even if not needed. Ms. Bourbeau has heard concerns from the public there would not be funds for equipment purchases, and staff salaries. Ms. Bourbeau said the town will not be hurt financially.

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9) Department Reports

a) Budget/Financial

b) Tax Refunds

Mr. Lowrey motioned to authorize refunds as submitted by Barbara Murray, Tax Collector. Mr. Asklar seconded. All in favor and motion carried.

c) Building Permit Refunds / Activity Report

10) Correspondence

Ms. Bourbeau reported on the letter received from Ken Hjulstrom which he read from during the public comments.

11) Public Comments

Hal Whitney 20 Ogden Lord Road (via ZOOM) – Listening to the meeting tonight he feels Ms. Traversa is being disingenuous and trying to rationalize the proceedings after the February 1st meeting. The lawyer spoke for 30 minutes and it was plain to Mr. Whitney if we don't approve the funds it would go back to trial. 59 people voted not to fund settlement and then BOS decided to settle. He feels it was a sham of a meeting.

12) Adjournment

There being no additional public comments, Chairperson Bourbeau adjourned the meeting at 8:21 pm.

Respectfully submitted,

Tracy Monterville
Board Clerk

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