

TOWN OF HEBRON
BOARD OF SELECTMEN
October 15, 2009 – Regular Meeting
Town Office Building

RECEIVED

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Ann E. Hughes
HEBRON TOWN CLERK
Asst

Members Present: J. Watt, G. Mulligan, B. O'Connell, M. Stuart, W. Moorcroft

Staff Present: M. O'Leary, D. Lanza, A. Tierney

Guests: S. Griffiths, T. Tremont, M. Leichter, E. Griffin, S. Hushin, P. LoBianco, R. Calarco, B. Rudis, L. Bordick, D. Ferree, J. Day, R. Griffin, K. Strid, M. Hazel, M.A. Leichter, J. Clark, A. Novak, P. Moon, G. McGrath, C. Redfern, R. Musson, K. Kraynak, R. Siminski

The meeting was called to order at 7:40 p.m.

Special Recognition: J. Watt stated that Joel Rosenberg, AHM Youth Services, has received the Laura T. Brown Career Achievement Award, which is the most prestigious award he could receive from the State of Conn.

M. O'Leary read a letter, dated 10/15/09, addressed to the Board of Selectmen from the Management Team. In their letter they concluded that they will only serve as an interim appointment until the Board concludes its search for a permanent Town Manager. At that time, they will return to their previous positions.

Public Comment: K. Strid stated that Resident State Trooper Kraynak will be leaving the Town on 10/30/09 and wanted to acknowledge her for all her hard work in Hebron.

Appointments/Resignations:

Ethics Study Committee: M. Stuart moved that the Hebron Board of Selectmen appoint Charles Redfern as a citizen-at-large to the Ethics Study Committee. The motion passed unanimously.

M. Stuart moved that the Hebron Board of Selectmen appoint Glenn McGrath as a citizen-at-large to the Ethics Study Committee. The motion passed unanimously.

W. Moorcroft moved that the Hebron Board of Selectmen appoint Donna Ferree as an elected official to the Ethics Study Committee. The motion passed unanimously.

Resignations:

Hebron Housing Authority: G. Mulligan moved that the Hebron Board of Selectmen accept the resignation of Laura Mund from the Hebron Housing Authority and express thanks for her service to the Town. The motion passed unanimously.

Old Business:

Approve Connecticut Commission on Culture and Tourism Historic Restoration Fund Grant Application for Rehabilitation of the Horton House: M. O’Leary noted that this was previously brought to the Board’s attention and that the Board requested that staff write this grant.

M. O’Leary stated that a group comprising J. Summers, D. Rioux, L. Bordick and himself put together the grant. M. O’Leary noted that this is a matching grant and the package needs to be sent to the State by the end of October.

B. O’Connell moved that RESOLVED, that the Interim Town Manager, Andrew J. Tierney, is authorized and directed to file an application on forms prescribed by the Connecticut Commission on Culture and Tourism for financial assistance in accordance with the provisions of C.G.S. Section 10-392 and C.G.S. Section 10-411 of the Connecticut General Assembly, in an amount not to exceed \$32,000 and upon approval of said request to enter into and execute a Grant Contract and Preservation Restriction with the state for such financial assistance to this municipality or non-profit organization for the rehabilitation of the Horton House. The motion passed unanimously.

M. Stuart noted that he is not in favor of converting any more historic facilities into municipal offices because of the accessibility issue.

Approve Supplemental Appropriation for Village Green Infrastructure Improvements and Review Timeline: M. Stuart moved that BE IT RESOLVED that the Hebron Board of Selectmen recommends a supplemental appropriation in the amount of \$281,624 for Village Green infrastructure improvements as outlined in the Development Agreement to the Board of Finance for their approval and referral to a Special Town Meeting. The motion passed unanimously.

Town Manager Position – Next Steps: G. Mulligan read a statement she prepared regarding this noting that the Management Team has done an exemplary job for the Town and have handled their additional job responsibilities with the utmost professionalism and dedication. In addition, G. Mulligan felt that the Town needs to proceed with the search for a permanent Town Manager.

W. Moorcroft thanked the Town Management Team and felt that the Board should reconvene the Town Manager Search Committee and move forward. B. O’Connell stated that he has the greatest respect for each of the members of the Town Management Team.

The Board members expressed their appreciation for all the Team has done for the Town. J. Watt recommended waiting until after the November election to identify the Interim Town Manager and the search committee.

New Business:

Adopt Resolution – Rails to Trails Stone Dust Grant: R. Calarco stated that the 20% match will be through in-kind services.

B. O'Connell moved that BE IT RESOLVED that it is in the best interest of the Town of Hebron to enter into contracts with the Dept. of Environmental Protection. In furtherance of this resolution, Andrew J. Tierney, the Interim Town Manager, is duly authorized to enter into and sign said contracts on behalf of the Town of Hebron, for the Stone Dust Application of Gormer Colchester-Hebron Spur Grant in the amount of \$22,950. The Interim Town Manager is further authorized to provide such additional information and execute such other documents as may be required by the state or federal government in connection with said contracts and to execute any amendments, rescissions, and revisions thereto. The motion passed unanimously.

Award Bid for Electrical Service at Burnt Hill Park Pavilion: R. Calarco stated that there were two bids were received. R. Calarco noted that he had budgeted \$15,000 for this phase of the project.

G. Mulligan moved that the Hebron Board of Selectmen award the bid for electrical service at Burnt Hill Park Pavilion to D&R Gagnon Electric, LLC in the amount of \$9,070. Further that Interim Town Manager, Andrew Tierney be authorized to sign appropriate contract documents. The motion passed unanimously.

Participation in Central Connecticut Solid Waste Authority: G. Mulligan moved that WHEREAS, the municipalities constituting the Mid-Connecticut Project have been researching solutions for a long term solid waste disposal when their contract with Connecticut Resource Recovery Authority expires in 2012; and

WHEREAS other municipalities in the Litchfield Hills Council of Elected Officials and elsewhere have expressed interest in joining efforts with the Mid-Connecticut Project municipalities to find long term solid waste disposal solutions; and

WHEREAS the Capitol Region Council of Governments has performed a regional solid waste options analysis and successfully tested the presence of alternatives in the private market through a Request for Information for Integrated Regional Solid Waste Management Services covering Transfer, Transportation, Disposal and Processing/Recycling Services; and

WHEREAS, the Capitol Region Council of Governments Executive Committee has authorized CRCOG staff to facilitate the forming of a solid waste management authority to represent municipalities interested in conducting an RFP and negotiating for long term solid waste disposal services; and

WHEREAS the Town of Hebron has expressed preliminary interest in taking part in the solid waste authority formed by the Capitol Region Council of Governments, the “Central Connecticut Solid Waste Authority.”

NOW, THEREFORE, BE IT RESOLVED that the Town of Hebron Board of Selectmen does hereby preliminarily endorse the above referenced Central Connecticut Solid Waste Authority and authorizes Andrew J. Tierney, Interim Town Manager, to sign all necessary agreements and take all necessary actions to allow the Town to pay a fee of \$500 to help defray the professional fees necessary to draft a model ordinance which the Town would then adopt if it decided to become a member of the Authority, as well as other costs of creating the Authority.

The motion passed unanimously.

Discussion on RHAM Flooring Short Term Note of \$500,000: J. Watt provided background on this issue and noted that the Board may wish to take a position on the disposition of the remaining balance of \$200,000. J. Watt indicated that back in 2004 there was discussion around some flooring issues and costs in place. Both the Building Committee and the Finance Director were talking to the RHAM BOE about an option of \$500,000 to help defray the costs to fix the flooring. In December 2004, the RHAM BOE made a resolution to set a Special District meeting to approve a \$500,000 short term note to help fix the floors. It was sent to referendum and approved. There was a lot of work with the vendor and a settlement was received. In 2006 there was an understanding that the actual settlement amount be used to fix the floors and help reduce the bond.

S. Griffiths stated that the RHAM BOE will be discussing this on Monday night and noted that if the money is to be used on something other than flooring repair, it has to go to a district meeting. S. Griffiths indicated that this was obtained from a legal opinion.

The Board felt that the money should be used to repay the short term note. M. Hazel questioned if Region 8 could call the note and there would be no other options but to pay off the note. J. Watt stated that the intention was that the note was to help the district and if there was any money left from the settlement, it would go to pay off the note.

J. Watt requested that the RHAM BOE contact the Town as to any action that they make regarding this.

December 2009 Reappointments: The Board was provided with a list of appointed positions with terms expiring in December. D. Lanza stated that they will be sending out

letters to the appointed committees to see if they are interested in continuing to serve. It was noted that CIP and the Panel of Moderators will be looking for new members and the Police Officer reappointments will be done at the recommendation of the Resident State Trooper and Town Manager.

November 5th Proposed Agenda: J. Watt requested that the Board submit any changes to D. Lanza.

The Board recessed at 9:35 p.m.

The Board reconvened at 9:50 p.m.

Personnel Matter – Finance Director: A. Tierney read a letter, dated 10/15/09 regarding J. Day's employment. A Tierney went over a history of J. Day's employment. It was noted that concerns arose from long term employees and J. Day was put on long term probation and was given three goals to achieve. A. Tierney indicated that peer reviews were conducted and it was found that J. Day's overall score was less than satisfactory. The Management Team destroyed the peer reviews because those employees wished to remain anonymous. J. Day stated that he had the right to know who was rating him and provide feedback. J. Day also stated that he did not feel he should have been put on probation from the beginning because of his previous experience.

M. Stuart stated that in the private sector at the end of a probationary period for a new employee, the employer can just let that employee go, but the Management Team felt there were some concerns and wanted to work with J. Day to keep him on.

Andrew Tierney stated that the management team is recommending that J. Day be terminated or afforded the opportunity to submit a letter of resignation effective immediately.

B. Rudis stated raised a concern that no disciplinary action was used on J. Day. N. Grelo stated that the process to date has been legitimate.

J. Watt moved that based on the recommendation of the Management Team and in accordance with Article IX (Probationary Period) Section 1D (Discharge) of the Employee Handbook of Personnel Policies and Procedures, the Hebron Board of Selectmen discharge James Day as Finance Director effectively immediately and in accordance with Section 701 of the Hebron Town Charter. The motion passed unanimously.

The Board recessed at 11:42 p.m.

The Board reconvened at 11:45 p.m.

J. Watt moved that the Hebron Board of Selectmen appoint Elaine Griffin as the Interim Town Treasurer effective 10/16/09. The motion passed unanimously.

Review of Jim Day's Letter of 10/8/09: It was noted that this letter was regarding items related to the Board of Selectmen and the Board of Finance. M. Hazel stated that he has asked that those items be put on their agenda for the next meeting.

J. Watt requested A. Tierney to look into some of these items for the next meeting.

T. Novak stated that he was appalled by the allegations in the letter and asked for any information be preserved until he has been able to get to the bottom of this.

M. Stuart moved that the Board of Selectmen direct Town staff that all steps to preserve all documents, emails, notes and that these documents be released to Anthony Novak as soon as possible. The motion passed unanimously.

The meeting adjourned at 12:10 a.m.

Tricia Schiavi
Board Clerk

TO THE BOARD OF SELECTMEN

- Discovered deficit of \$61,000 Village Green Steep Road Const. Fund and presented resolutions to apply for supplemental appropriations.
- Worked with the Finance Board to remove illegal supplemental fund (Modular) where the town budgeted \$50,000 per year to repay back money.
- Set up budget controls for a Small Cities ADA Elevator project to prevent going over budget. Uncovered violations of Small Cities grant.
- Prepared adjusting entries covering six years of convoluted trial balances and "Due To" and "Due From" accounts within 10 funds.
- Prepare solutions to the State Fiscal Stabilization Funds included in the level funded state
- ECS grant for 2009-2010 with the RHAM Finance Director.
- Prepared various resolutions for the Board of Selectmen and the Board of Finance.
- Applied for and received \$9.100 pass through grant for resident trooper.
- Working on ARRA pass through energy grant for the Director of Parks.
- Applied for and received \$214,850 of LOCIP monies to cover CIP Road Resurface Project for The 2009-10 and a prior fiscal year.
- Help present and work with both Boards, the Executive Asst. Financial Administrator and some Dept. Heads to get the budget approved after the former Town Manager resigned in April.

Since February 2009, all I have tried to do is my job. One of my main goals is to protect the assets of the Town of Hebron, CT and to help the Professional Town Manager run an open and honest government for the residents and taxpayers of Hebron. This ideology has worked very well in Columbia and Killingly. I have followed the Town Charter and State and Federal Statutes. In addition, the Town of Hebron has included in my job description and duties to act as the Town's Treasurer. As an officer of the Town, I must follow the statutes as a Treasurer.

That being said, let's go back to August 12, 2009. Apparently there was an executive meeting to discuss my permanent appointment. No Board of Selectmen agendas indicated that discussion. I was not made aware of any such discussion, nor was I invited under law to have the option to attend this discussion to place me on extended probation. Looking at what I have accomplished for the Town of Hebron in six months, I find it hard to believe I was not invited. Why was I placed on extended probation? The Team members worked along side me for 2 and half months and four months with the Team as a temporary Town Manager Team until they hired a Professional Trained Town Manager.

I have never been on extended probation, nor should I have been placed on extended probation based on my track record in Hebron and past experience. I know that the Team extended my probation period in retaliation for trying to run an open and honest government by forcing me to be a team player with them. I am a team player, however, it has to be the right team.

I know the Chairman told the press it was because the Team needed more time to work with me. Or did the Team want me to work as a Team Player, following their method of running the Town. In other words, hide mistakes, budget over runs, treat vendors like family, and never argue with the Team. I have argued over the past 8 years with a 1st Selectmen, Town Administrator and Town Manager. I'm not always right, however, when it comes to the Charter and State Statutes, I'm usually right. As a Dept. Head I have the right to argue with my staff as well. None of this is allowed under the Team Management.

No other employee will speak out against the Team for fear of retaliation. That is why I'm disappointed in the Board not having several Workshops on the Team Management. The workshops were few and far apart.

Time limits on the workshops don't make any sense. The survey form never went out to get an honest evaluation of how the employees feel without retaliation.

As you know from the letter I mailed the Boards, there are problems with this Team. Yet, you have given them authority and no venting. And yet you put trained professional people through very thorough interviews.

I've been placed on paid, administrative leave due to an investigation. I was not told what I was being investigated for. Friday Andy said he was doing an investigation. No mention of an Administration Leave. This happened after I sent the Boards my concerns as a citizen. I guess freedom of speech does not apply to employees in Hebron. I do find it strange that CCM on Oct 13th mailed the Board of Finance a notice of an upcoming workshop on Ethics, Accountability for Elected Officials, Town Managers, and personnel directors.

According to Donna Lanza, all of the following is true during our conversation on October 9th:

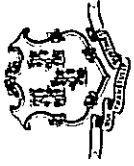
I asked who designed the new evaluation forms for my review and who authorized the Team to use an a Average score and then destroy the reviews from the four individuals and the Team. She told me in front of Andy that the Board of Selectmen designed it. The Board instructed them to do an anyomous evaluation so I would not know the scores from each individual. I did not know who answered the negative follow up questions. Then Donna said, the Board of Selectmen told the Team to destroy the evaluations from the Team and the individuals. Personnel evaluation forms cannot be destroyed until 30 years after the termination of the employee. Documents that can be destroyed have to be requested from the state. Once approved by the State, they can destroy them.

Who is really guilty of breaking the law?

I will ask the Team one more time, who told you to destroy these documents?

All three of my reviews starting in August were negative. No goals, and the follow up reviews had no positive remarks. Another dept. head agreed with me that I was being set up for removal from employment with Hebron by the Team.

STATE AGENCIES' RECORDS RETENTION/DISPOSITION SCHEDULE
S2: PERSONNEL RECORDS
 (Revised: 06/2009)



STATE OF CONNECTICUT
 Connecticut State Library
 Office of the Public Records Administrator
 231 Capitol Avenue, Hartford, CT 06106
www.eslib.org/publicrecords

Approved (State Archivist): Mark H. Jones (signature on file)	Date: 06/30/09	Approved (Public Records Administrator): Eunice G. DiBella (signature on file)	Date: 06/30/09
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- AUTHORITY:** The Office of the Public Records Administrator issues this retention and disposition schedule under the authority granted it by CGS § 11-8 and § 11-8a.
- SUPERSEDEENCE:** This schedule supersedes all previously approved *State Agencies' Records Retention Schedules: S2: Personnel Records*.
- FORMAT:** Retention periods listed on this schedule apply to the record, regardless of physical format. Records may be either hard copy or electronic. If the record is electronic, the custodian of the record must be able to interpret and retrieve the data for the minimum retention period listed for the records series.
- DISPOSAL AUTHORIZATION:** This schedule is used concurrently with the *Records Disposal Authorization* (Form RC-108). The RC-108 must be approved by the agency Records Management Liaison Officer (RMLO), State Archivist, and Public Records Administrator *prior* to the destruction of public records.

Item #	Records Series Title	Description	Retention	Disposition	Notes
S2-010	Affirmative Action Plans and Reports	Consists of affirmative action plans and reports used to monitor the implementation of plans.	5 years, or until superseded, whichever is later	Destroy after receipt of signed Form RC-108	
S2-020	Affirmative Action Records	Consists of records that document affirmative action initiatives and policies.	2 years, or until superseded, whichever is later	Destroy after receipt of signed Form RC-108	
S2-030	Applications for Employment -Hired	Consists of records that document the application process for hired employees. Including but not limited to: applications, cover letters, references, and résumés.	Duration of employment plus 30 years	Destroy after receipt of signed Form RC-108	
S2-040	Applications for Employment -Not hired	Consists of records that document the application process for employees that were not hired. Including but not limited to: applications, cover letters, references, and résumés.	2 years from date position filled or closed	Destroy after receipt of signed Form RC-108	
S2-050	Arbitration Decisions	Consists of records that document the employee arbitration process.	5 years from date of decision	Destroy after receipt of signed Form RC-108	Original arbitration decisions are filed with the Office of Labor Relations. Office of Policy and Management.
S2-060	Background Survey for Employment -Hired	Consists of records that document background checks for hired employees. Including but not limited to: polygraph tests, psychological profiles, and credit reports.	Duration of employment plus 30 years	Destroy after receipt of signed Form RC-108	

State Agencies' Records Retention Schedule S2: Personnel Records (Revised: 06/2009), Page 4 of 6

Item #	Records Series Title	Description	Retention	Disposition	Notes
S2-220	Leave Donation Records	Consists of records that document the donation of leave from one employee to another employee. Including but not limited to: leave donation requests, advance of sick leave letters, and related documents.	Duration of employment plus 30 years	Destroy after receipt of signed Form RC-108	
S2-230	Leave Request Records	Consists of records that document employee requests to take time off of work. Including but not limited to: requests, reviews, and related documents.	1 year from date of review	Destroy after receipt of signed Form RC-108	Employee copy is a duplicate reference copy and can be destroyed at will.
S2-240	Leave Request Records -- Educational	Consists of records that document employee requests to take time off of work for educational purposes (sabbatical). Including but not limited to: requests, reviews, and related documents.	Duration of employment plus 30 years	Destroy after receipt of signed Form RC-108	
S2-250	Medical Records	Consists of employee medical records, as well as Family and Medical Leave Act (FMLA) and Military Family Leave records. Including but not limited to: designation and notices, requests, medical certifications, and notices of rights and responsibilities.	Duration of employment plus 30 years [29 CFR §1910.1020 (d)(1)(i)]	Destroy after receipt of signed Form RC-108	Does not include Worker's Compensation records, health insurance claim records, and first aid records for one-time treatment.
S2-260	Military Service Records	Consists of records that document employee service in the military. Including but not limited to: active military duty status reports (DD-214) and service purchase records.	Duration of employment plus 30 years	Destroy after receipt of signed Form RC-108	
S2-270	Overtime Equalization Records	Consists of records that document employee overtime accruals and acceptance or refusal to work overtime.	1 year from date of report	Destroy after receipt of signed Form RC-108	
S2-280	Performance Evaluation Records	Consists of records that document employee service ratings and performance evaluations.	Duration of employment plus 30 years	Destroy after receipt of signed Form RC-108	
S2-290	Personnel Action Records	Consists of records that document personnel changes to individual employees. Including but not limited to: job position changes, job hour changes, and working out of class.	Duration of employment plus 30 years	Destroy after receipt of signed Form RC-108	

§ 3-157. Impairment, removal, mutilation of records, falsification, etc. Any person who, wilfully and corruptly, takes away, alters, mutilates or destroys any book, record, document, archive or other property in the possession or custody or under the control of any institution, board, commission, department or officer of the state or any county or municipality or court, or who counterfeits the seal of this state or the seal of any court or public office entitled to have and use a seal, and makes use of the same, or, with evil intent, affixes any of the said true seals to any document, or who has in his possession any such counterfeited seal, and wilfully conceals the same, knowing it to be falsely made and counterfeited, shall be imprisoned not more than ten years.



Wednesday, November 5, 2009
East Hartford Community Cultural Center
East Hartford, CT
9:00a.m. - 12 noon

To register [Click Here](#)

or e-mail ccmtraining@ccm-ct.org
 or call the CCM Training Hotline at 203-498-3018

What do conflicts of interest have to do with ethics?

Public service is always about protecting the common good, which may be defined as the common conditions that are important to the welfare of everyone: police, fire, parks, libraries, and other public services. A public servant must always put the common good ahead of any personal, financial, or political benefit he or she might receive from a decision about such matters as where to situate a park or who should collect the garbage.

Also, conflicts of interest interfere with the basic ethical principle of fairness - treating everyone the same. A public official should not take unfair advantage of his or her position by voting on a matter that could benefit him or her at the expense of others.

Finally, conflicts of interest undermine trust. They make the public lose faith in the integrity of governmental decision making processes.

This program will outline best practices in developing an ethics commission and tips on avoiding conflicts of interest. An interactive discussion will provide answers to some tough questions: 1) can you accept gifts, and if so, what are the limits? 2) Is it

acceptable for a Mayor or First Selectman to hire or appoint a family member even if the appointee is the best person for the job? Bring your questions to the session and learn how to manage the tough stuff.

Why Attend?

- Learn how to establish and operate an ethics commission.
- Outline steps to develop a code of ethics for your town or city.
- Learn how to avoid and resolve conflicts of interest.
- Find out what's legal, appropriate, and fair regarding gifts, travel expenses, outside employment, and nepotism.

Who Should Attend?

- Mayors, First Selectmen
- Town/City Managers
- Council and Board Members
- Town/City Clerks
- Municipal Attorneys
- Personnel Directors

CCM Presenters


Michael LaVelle, Esq., Partner
Pullman & Comley

Meredith Trimble, Director of Education
Office of State (CT) Ethics

Cancellation Policy:

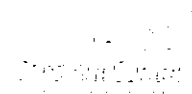
Please notify us within 24 hours prior to the workshop if you cannot attend, or a cancellation fee of \$10 will be incurred. No Shows will also be billed at \$10 per person. Substitutions are always acceptable.

[Instant Email](#)

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