

July 22, 2015

The Stonington Board of Selectmen held a regular meeting on this date at the Stonington Police Department at 7:00 p.m. Present were First Selectman George Crouse, Selectman Rob Simmons and Selectman Michael Spellman. Also present were members of the public and press.

(1) Call to Order

Mr. Crouse called the meeting to order at 7:02 p.m.

(2) Approval of the Minutes

- A motion was made by Mr. Simmons and seconded by Mr. Crouse to approve the June 22, 2015 Board of Selectmen special meeting minutes with two addendum items. Discussion: Mr. Simmons that the meeting was with regard to pesticides at 8:00 in the morning. He stated that it was not professionally recorded and on the basis of that he requested at the last meeting that they table it so that he would have an opportunity to add some bullet point recollections of the meeting because he felt it was an important meeting and he sees that the bullet points have been added. The vote was 2-0 in favor of approving the minutes. Mr. Spellman opposed the minutes stating that they unprofessionally transcribed and were altered on numerous occasions.
- A motion was made by Mr. Simmons, seconded by Mr. Spellman and voted unanimously to approve the July 8, 2015 Board of Selectmen regular meeting minutes.

(3) Comments from the Public

- Ms. Celeste DiGesare stated that she would like a clarification from each of the Selectmen. She stated that the Board of Selectmen charter states that at each regular and special meeting of the Board, there shall be set aside a time for public participation during which time any member of the public may address the Board concerning any matter. Ms. DiGesare stated that she understands it that the public can bring comments, concerns or ideas. She asked if this is a correct indication of what she is reading. Ms. DiGesare stated that in the minutes from the last meeting, she found it very disheartening to read that Mr. Ed Hart had to ask before coming before you with questions or comments if he should have a lawyer present. Ms. DiGesare stated that it is very disturbing to her as a tax payer. She stated that she wholeheartedly agrees with Mr. Simmons that it is time for an Ethics Committee to be formed. She stated that when citizens don't feel that they can comfortably come before this board and offer comments, complaints, concerns, ideas without possible retribution that is not a good climate for the citizens of this town.
- Mr. Ed Hart stated that the Board should put comments from the public back at the top first before approval of the minutes. He stated that one thing he thought was left out was probably the most important in regard to the potential lawsuit that the town's facing. Mr. Hart stated that he made specific mention to the one over in New London where we got dragged into a case that the town shouldn't really be in. Mr. Hart stated that is something the Board should think about, get the town attorney's opinion on that and see if you can get us out of that mess.
- Mr. Bill Sternberg stated that State statutes on Ethics Commissions only deals with fiduciary matters and conflicts of interest of a financial nature. He stated that what is

going on here has nothing to do with the State's Ethic Statute. Mr. Sternberg stated that he doesn't believe calling for an Ethics Commission makes any sense whatsoever. Mr. Sternberg stated that he was very disheartened to see a lot of really negative comments and criticism about our Director of Public Works on Facebook by public officials and private individuals. He stated that private individuals certainly have first amendment rights to say whatever they want. Public officials have fiduciary responsibilities to this town to not to things increase liability to this town. He stated that last summer he needed help preparing an RFQ to hire an architect for the schools and Barbara McKrell was tremendous asset to him. He stated Barbara looked at it and caught a glaring omission. Mr. Sternberg stated that his assessment of her based on 31 years of working with some of the most government engineers, scientists and managers is she would fit right in where he works.

- Mr. Ed Hart stated that the Town of Stonington doesn't have a Facebook page.
- Mr. Sternberg stated that public officials posting things on Facebook that are critical of our Director of Public Works.
- Mrs. Cynthia DiCesare stated that this afternoon she was finally able to obtain a copy of the harassment complaint that was filed by Ms. McKrell. She stated that she has been repeatedly requested to come in for an interview with Mr. Pacileo. She stated that she read the document three times and there is no mention of her in it anywhere. She stated that she has no idea why she is being dragged into this. Mrs. DiCesare stated that document does indicate any involvement what so ever on her part. She stated that she can only assume it is because she asked questions about pesticides. She stated that she knows what a herbicide is and she knows what a pesticide is but she still doesn't know what Primo Max is. Mrs. DiCesare stated that by all indications all it says is that it is a growth regulator. She asked why are we using the product. Mrs. DiCesare stated as to the complaint that document offended her on such a personal level that it's not even funny. She stated that she knows for a fact that over the course of the last year prior to her husband's firing on April 30, 2015 by Ms. McKrell there were at least 6 to 10 e-mails over the course of last year where Lou begged you, Mr. Pacileo, Ms. McKrell and before you Ed Haberek to have a meeting with all parties involved to come to a resolution to problems that he was having with Ms. McKrell which ironically sound very familiar.
- Ms. Lynn Schroeder stated that she was at the meeting because of the pesticide issue that was just raised. She stated that she is very concerned about the use of pesticides in town. She stated that the second reason why she was there is because of the coverage in the New London and things that she has been reading on Facebook she does have questions about transparency and the effectiveness of the 3 of you in terms of working together. Ms. Schroeder stated that it seems like people are not communicating effectively.

(4) Executive Session

Discuss Pending Litigation with Michael Satti, Esq., Town of Stonington Labor Counsel

A motion was made by Mr. Simmons, seconded by Mr. Crouse and voted unanimously to go into executive session at 7:15 p.m.

A motion was made by Mr. Simmons, seconded by Mr. Spellman and voted unanimously to come out of executive session and reconvene the regular meeting at 8:08 p.m.

(5) Correspondence Received from Attorney Michael P. Lynch on Behalf of Selectman Spellman

Mr. Crouse took in correspondence received from Attorney Lynch and Attorney Satti.

(6) Correspondence

- Mr. Crouse took in correspondence from Van Riley, Superintendent with regard to the baseball field funding and proposal.
- Mr. Crouse took in correspondence from William Lyman expressing his interest to serve on the Plan of Conservation and Development Implementation Committee.

(7) New Business

Approval of Letter in Support of UConn Center for Land Use Education and Research Sea Grant

A motion as made by Mr. Simmons, seconded by Mr. Spellman and voted unanimously to approve the letter in support of UConn Center for Land Use Education and Research Sea Grant.

Horses Healing Humans, Inc. request for Special Use Permit and Groundwater Protection Permit Fee Waivers

A motion was made by Mr. Simmons, seconded by Mr. Spellman and voted unanimously to approve the request for a special use permit fee waiver in the amount of \$500.00 and a groundwater protection permit fee waiver in the amount of \$250.00.

FEMA Flood Insurance Discussion

- Mr. Crouse stated that Scot Deledda, Town Engineer, is now the new Flood Plain Manager.
- Mr. Simmons stated that it was his understanding that with the changing of the personnel and other issues this matter fell through the cracks. He stated that he doesn't think there is any point to looking into it any further than that. He asked Mr. Deledda if there is a path to a solution and if so, what might that be.
- Mr. Scot Deledda, Town Engineer, stated that he has been reaching out daily to CRS and the FEMA coordinator. He stated that he has been going through files and sent out letters to the property owners. Mr. Deledda stated that he is waiting to hear back and then assess the properties individually to find a course of action to move forward.
- Mr. Simmons stated that the Town has no authority to compel the structure owners to do what is necessary for compliance.
- Mr. Deledda stated that he was not sure. He stated that we have to first conduct site visits, confirm what is out there and then discuss our options.
- Mr. Crouse stated that he talked to Wayne Greene, Building Official, and he has to go through every file. He stated it is a tedious process but the town is moving very quickly. He stated there is going to meeting on Friday. Mr. Crouse stated that the town might find simple recordings or elevation certificates.
- Mr. Deledda stated that FEMA has requested information from us.
- Mr. Simmons stated that the \$2,000.00 stipend has been restored. Mr. Simmons asked Mr. Deledda if he has the resources to get this done.
- Mr. Deledda stated that he has a lot of help but the town needs to find the deficiencies first.

- Mr. Tom Norris stated that he would like to see the plan in writing to get us out of this mess that we're in. He stated that he would like to share an exhibit (see Attachment 1) with people that there are 3 parties involved, number one the Town of Stonington, number two FEMA and number three the policy holders. Mr. Norris stated that the Town of Stonington said they share the blame for this failure, FEMA said they share the blame for this failure but the policy holders have no blame at all. He stated if you then take a look at who's been penalized you see that the Town of Stonington is not penalized, FEMA is not penalized. Mr. Norris stated that the policy holders are being penalized to the tune of \$109,000.00 for this year alone. He stated if you take that \$109,000.00 increase for the next ten years it brings this loss to the policy holders \$2.6 million dollars. Mr. Norris stated that something is wrong if the 2 parties that failed are not held accountable. He stated he wants something in writing. Mr. Norris stated that the Town should send the residents a reimbursement.

Field Maintenance Discussion

- Mr. Simmons stated that he thought it was a useful meeting. He stated that they went out to the Stonington High School baseball field we were in the company of Mr. Osborne who is an organic expert he gave us an hour a lot of good in field safety organic treatments that we can take under consideration. He stated there is a lot of controversy on each side of the question but if we can listen to what's being said and come up with a program which will be discussed next Monday at the school headquarters. This will be an interesting experiment to see if we can use some of these organic methods to maintain our fields.
- Mr. Crouse stated that Mr. Riley and the Board have volunteered the baseball field to the Pilot test for the use of the non-pesticides. He stated he is very happy with this is and is looking forward to the results. Mr. Crouse stated that he talked to Mr. Crowley and at this time Mr. Crowley feels and the Recreation Board feels that their fields are in great shape and he does not want to participate in this Pilot program. Mr. Crouse stated that Mr. Crowley is content with the procedures that the town is doing. Mr. Crouse thanked Mrs. DiCesare for her efforts. He stated that the efforts have produced a Pilot Program. Mr. Crouse stated that he would like to table this until the next meeting because the town has consulted with Dr. Jason Henderson a professor at the University of Connecticut in response to some of the questions raised pertaining to pesticides. He said he would be happy to attend the meeting and respond to the questions to the Board and public.

A motion was made by Mr. Simmons, seconded by Mr. Spellman and voted unanimously to table the discussion until the next meeting.

Discussion Re: Bridge Located on Lantern Hill Road over Whitford Bridge

- Mr. Crouse stated that grant is \$333,259.52. He stated that Ledyard has taken the lead in this because their reimbursement is 48% and Stonington is only 22%. Mr. Crouse stated that this is underway and the grant money is sitting there. This process is we approve, we go to the board of finance, they approve it and we go to a town meeting. He stated that this has to go to town meeting by the end of August.
- Mr. Simmons asked if it is a state or a town road.
- Mr. Deledda stated that it is a town road.

- Mr. Simmons stated that it has been experience from the past is when the state is involved with the funding, the small town roads and small town bridges they come in and require a very dramatic increase in the size of the bridge and sometimes the bridge that they want us to replace is not in character with the community.
- Mr. Deledda stated that the local bridge program funded by the State helps provide up to 50% of reimbursement. He stated that what he's been told by some of the engineering consultants who were also looking at the other bridge in town, the North Stonington Road bridge the construction would still be the same. Mr. Deledda stated that the final product will still look the same whether they went with the State funding or just through local funding. Mr. Deledda stated that the difference is they have to do additional analysis and design but the final product would essentially be the same. He stated that another benefit of the local bridge program is that they propose to extend the span of the bridge to 20 foot or more. Mr. Deledda stated that the benefit of that is you get inspections provided by the State in the future. He stated that it's not that the town has to inspect and even maintenance comes into play in the future if you are over 20 feet.

A motion was made by Mr. Simmons to approve this request for funding subject to the review and decision by the Board of Finance, seconded by Mr. Spellman and voted unanimously to approve the request.

(8) Comments from the Public

- Mr. Dennis Regan stated that he wanted to reiterate what Mr. Norris has talked about the loss of community rating system. He stated that flood insurance has a direct effect on property values in Stonington. Mr. Regan stated that any help that the community rating system that any help with property values. He stated that what happened in the past, happened in the past.
- Mr. David Brown stated that somebody should be held accountable. He stated that it is nice to say that we are going to move forward but somebody really dropped the ball here. He stated that this is going to cost some people a lot of money.
- Mr. Crouse stated that he could apologize but the only thing we can do is try to fix it.
- Mrs. Cynthia DiCesare stated that she takes a little issue with the fact that the problem is supposedly from 2007. She stated that many of us who have flood insurance have enjoyed that 5% discount up until this coming year. Mrs. DiCesare stated that she respectfully disagrees that this is a 7 year old problem.
- Mr. Crouse stated that FEMA has picked out 8 structures and the problems that stretch back to 2007.
- Mr. Deledda stated that they conduct an audit once every 3 to 5 years and that's why that timeframe was picked up during the last audit. He stated that's why it wasn't caught. Mr. Deledda stated that's why it goes back to 2007.
- Mr. Spellman stated that he wants to make sure that information is available to the rest of the board because he wants to monitor that closely to make sure that we have an effective mitigation strategy for the tax payers.
- Mr. Crouse stated that there is a spreadsheet with what each person needs to apply and every day we are checking off what we have done.
- Mr. Spellman stated that he would really like to see that spreadsheet.
- Ms. Celeste DiCesare asked if there was an update on the all-purpose fields.

- Mr. Crouse stated that either the contractor has to fix it or refund our money.
- Mrs. Barbara McKrell, Director of Public Works, stated that there was a meeting on July 21st with our attorney, the bonding attorney and the representative from the agency that we hold the bond with. She stated that we are working towards a resolution for them completing construction by December 1st.
- Mr. Crouse stated that if they complete it, it saves us a lot of money.
- Ms. Celeste DiCesare stated that if this happens December the fields won't be ready until next August.

(8) Comments from the Selectmen

- Mr. Crouse updated the Selectmen and the public on the hiring process for the Director of Planning. He stated that we had 7 applicants apply for the Director of Planning position. Mr. Crouse stated that of these 7, as of today there are 4 that remain, 1 was not qualified, 1 withdrew and 1 accepted another position. He stated that they will have 6 people on the panel. Mr. Crouse stated that the position itself was advertised in the Westerly Sun. He stated that we advertised in print on June 13th, 14th, 20th, 21st with a closing date of June 30th.
- Mr. Simmons asked who is on the panel.
- Mr. Crouse stated Fran Hoffman, himself, Amy Arruda, Vincent Pacileo, a planner from SCCOG and Whit Davis's son, Larry.
- Mr. Simmons asked if the interviews will be done by the panel members?
- Mr. Crouse stated yes.
- Mr. Simmons stated that this spring the Board and Planning and Zoning and community partners have been very involved in the POCD.
- Mr. Crouse stated that each candidate will be given the POCD and the questions will be based on the POCD.
- Mr. Simmons stated that the Town of Stonington with a large population as we have with the tourist attractions we need a Director of Planning so that our development falls within the character of the town but can also meet the needs for school construction and various other expenditures.
- Mr. Spellman stated that he wanted to congratulate Officer Greg Howard on his heroism for saving a Pawcatuck resident from drowning and he should be recognized by this Board. Mr. Spellman stated that there would be a Shine a Light on Heroin presentation at Fitch High School Groton tomorrow. He stated that he has spoken with a Mashantucket Pequot Tribal member Steven Daggett who has expanded the initiative to the tribal nation in Ledyard after a recent tragedy and he praised Stonington for its support and leadership on this issue. He stated heard Mr. Sternberg speaking about something that occurred on Facebook and he wanted to give a positive that occurred on Facebook. He stated he is a strong supporter of Stonington Unified Sports. He stated that he attended the banquet and he thinks it's a great initiative for our children. He reached out to a law enforcement training personnel for interaction on a positive nature with autistic children. He stated will ensure that is available to Stonington.
- Mr. Simmons stated that he has been concerned with a complaint that has been filed by a town hall employee that involves Selectman Spellman and others. He stated that he wanted to make it very clear that he is not in a position and he does not want to place himself in a position of adjudicating the complaint. Mr. Simmons stated that he thinks

that's a process that needs to go forward and needs to be resolved. He stated that he has a concern and his concern is that the employee policies for the Town of Stonington state specifically that the town will keep complaints and the terms of their resolution confidential. He stated that complaint is in the public domain. Mr. Simmons stated that the complaint has been covered in some detail by the Westerly Sun. He stated that complaint has been the subject of a Freedom of Information request by the New London Day and apparently that request has either been denied or has not yet been approved. Mr. Simmons stated that it his understanding that Mr. Spellman and the other people involved in the complaint have not seen the complaint. He also stated that he thinks it is profoundly unfair to the individuals involved in the complaint that they have not seen it. Mr. Simmons stated that it is being held as confidential when in fact the complaint has been discussed in the pages of the New London Day. He further stated on that basis he would move that we release the complaint to Mr. Spellman and to other interested parties to include the Day subject to the approval by the town attorney.

- Mr. Crouse stated that he would go along with that as long it is approved by the town attorney.

(9) Adjourn

There being no further business to come before this Board, the meeting was adjourned at 8:50 p.m.

Kristine Bell
Recording Secretary

Attachment 1
Responsibility Matrix

Something is Wrong!!!!!!

Party	Extent of Responsibility for Failure*	Financial Penalty (One Year)	Compounded Over 10 Years
Town of Stonington	50%	0	0
FEMA	50%	0	0
Flood Insurance Policyholder	0	\$109,000	\$2,654,071

*Responsibility Admitted