

**AGENDA  
TOWN OF SOMERS  
BOARD OF SELECTMAN  
REGULAR MEETING MINUTES  
November 18, 2021  
Town Hall Lower Level Auditorium**

**A.) CALL TO ORDER: First Selectman Tim Keeney called the meeting order at 6:02pm.**

- a. Pledge of Allegiance: All members participated in the pledge of Allegiance.
  
- b. Roll Call: Members present First Selectman Tim Keeney, Selectmen William Meier III, Robert Schmidt, CFO Michael Marinaccio, Assistant Finance Director Brian Wissinger, DPW Director Todd Rolland, Police Administrator Kim Littig, Trooper Robert O'Connor, Officer Michael Hevey, Town Sanitarian Steven Jacobs and WPCA member Steven Getman along with several interested residents.

**B.) PUBLIC COMMENT:**

- a. Discussion and possible action on the creation of rules for public comment to Board of Selectman.  
First Selectman Tim Keeney explained the rules of Public Comment section. The board of selectmen will accept public comments during each meeting. Public comment will be limited to 3 minutes per speaker and the total time allotted for public comment will be 15 minutes unless extended by a majority vote of the board. The meeting clerk will serve as the official time keeper and will notify speakers when their time is up. Speakers must clarify state their name and address before speaking. The meeting chair will moderate public comment  
***Selectman W. Meier made a motion to adopt the public comment rules as presented, seconded by Selectman R. Schmidt. The motion passed.***
  
- b. Public Communications: Mr. Meier clarified that the rules for public comment will be placed on the website on the Selectmen's page and be published with the Town Clerks office.
  
- c. Public Comment: none

**C.). EXECUTIVE SESSION: NONE.** The next scheduled Executive Session will be on December 2<sup>nd</sup>. Attorney Carl Landolina will provide an update to the Board of Selectmen on all pending litigations.

**C.) PRESENTATIONS BY THE FIRST SELECTMAN**

- a. Informational items: First Selectman Tim Keeney informed the Board a list of priorities: WPCA with regards to the need to design and build a de-chlorination plant, replacement of the Town Engineer, Town Sanitarian and Health Officer, possible changes with the building inspector, Collective bargaining with the Fire Department beginning in January and fill numerous vacancies on Board and Commissions. First Selectman T. Keeney encourages residents to volunteer for Boards and Commissions. The intersection at Route 190 and Route 83 and possible Marijuana regulations. Additional priorities include: Ms. Roy the Town Zoning Enforcement Officer is putting together a draft proposal to be considered and there will be meetings for public comments before any actions are taken on any Marijuana

regulations. Both Selectmen agreed with Mr. Keeney and added their own comments.

#### **D.) CONSENT AGENDA**

##### **a. BOARDS AND COMMISSIONS: APPOINTMENTS/RESIGNATION**

###### **Resignations:**

Bill Shapiro resigned as an alternate Zoning Commission member with an effective date of November 8, 2021.

***Selectman W. Meier made motion the accept the resignation of Bill Shapiro as an alternate member of the Zoning Commission, seconded by Mr. Schmidt. The motion passed.***

Robert Schmidt resigned as the Democratic Registrar of Voters effective November 16, 2021.

Mr. Schmidt notified the Democratic Town Committee Chairman. The DTC will make the recommendation to the Board of Selectmen, The Board of Selectmen will then appoint the new Democratic Registrar of Voters (ROV).

***Selectman W. Meier made a motion to accept the resignation of Robert Schmidt as the Democratic Registrar of voters, seconded by Selectman R. Schmidt. The motion passed.***

***William Meier III notified the BOF of his resignation effective November 16, 2021. No vote was needed.***

Mr. Marinaccio explained the Board of Finance put out a notification on the Town website explaining that any interested residents wanting to serve on the Board of Finance, please send their request to Michael Parker they have until November 30<sup>th</sup>. The Board of Finance will then review all requests on December 1<sup>st</sup> and December 7<sup>th</sup> they will conduct interviews, and on December 14<sup>th</sup> the BOF will hold a special meeting to announce the new member.

Mr. James Botellio resigned from the WPCA with an effective date 12/22/21. Mr. Bottellio served as a member on the WPCA since 1968.

***Mr. Meier made a motion to accept the resignation of Jim Botellio, seconded by Mr. Schmidt. The motion passed.***

Mr. Charles Colby resigned from the WPCA with an effective date 12/22/21. Mr. Colby served as a member of the WPCA for over 40 years.

***Mr. Schmidt made a motion to accept the resignation of Charles Colby, seconded by Mr. Meier. The motion passed.***

***Mr. Keeney received a letter of support from Mr. Jim Barile the Chairman of the Republican Town Committee Recommending Glen Lemoine to fill a vacancy on the WPCA.***

***Mr. Schmidt a motion to accept the recommendation to appoint Glen Lemoine to fill the vacancy on the WPCA with a term expiring 12/22/21, seconded by Mr. Meier. The motion passed.***

***Mr. Keeney received a letter of support from Mr. Jim Barile the Chairman of the Republican Town Committee Recommending David McCaffrey to fill the vacancy on the Cemetery Commission.***

***Mr. Meier made a motion to appoint David McCaffrey to the Cemetery Commission due to the resignation First Selectman Keeney, Mr. McCaffrey term will expire on 12/23/21, seconded by Mr. Schmidt. The motion passed.***

**E.) OPPORTUNITY TO ADD URGENT AGENDA ITEMS – Mr. Meier made a motion to add an item to the agenda, he would like to have a discussion about an elected member of the Board of Finance that has not taken the oath of office as of today. Add it to new business, seconded by Mr. Schmidt. The motion passed.**

#### **F.) FINANCE REPORT**

Report and Update from the Chief Financial Officer – Mr. Marinaccio provided an update the annual audit, he expects to have a draft report by next week. Mr. Marinaccio explained that he has not heard any negative remarks. Mahoney Sabol the Town's auditing firm will be presenting the audit to the Board of Finance on December 14<sup>th</sup>.

Mr. Marinaccio explained that the Finance office is filling a vacant position with an Accounting Associate, the job is posted until the end of the month (November 30<sup>th</sup>) and they will continue to accept letters of interest and start interviewing in the beginning of December.

Mr. Marinaccio explained that employees receive a bi-annually pension statement. The statement provides the individuals benefits showing where they stand with the pension in terms of their contributions they made throughout their employment history. The statement also shows an estimate of what their benefit will be at full retirement.

**CIP Committee Update / Discussion:** Mr. Wissinger provided an update the next CIP will meet on December 6<sup>th</sup>. The Board of Finance re appointed the CIP Committee which now consist of Joe Tolisano, Kathy Devlin, Mike Marinaccio and Stephanie Levin from the Board of Education. ARPA Funding has been approved for two items the HVAC for the Schools and the other item was for a portable Heart monitor for the Fire Department, which has been received. The Finance Department is looking to get ARPA funding for Small Business relief due to COVID.

#### **Transfers/Amendments – None**

**Presentation and approval of appropriations -** Mr. Wissinger provided the appropriation to the Board of Selectman and list of employees for separation payout in the \$130,056.15.

***Mr. Meier made a motion to table the appropriation, seconded by Mr. Schmidt. Discussion followed. The motion passed.***

**Presentation and approval of scheduled payments:** The Board reviewed and discussed some items on the report.

***Mr. Meier made a motion to approve the authorization of scheduled payments in the amount of \$353,979.00, seconded by Mr. Schmidt. The motion passed.***

**Discussion and possible action on creation of a budget calendar and budget guidance for Town Departments for the 2022-2023 Fiscal Year Budget.** Mr. Wissinger recommended meeting every Thursday in January and February and there after meet the first and 3<sup>rd</sup> Thursday of the month for the remainder of the year.

Mr. Meier explained that there should be a unified template for the Directors to use for their budget presentation with direction from the First Selectman.

**Approval of IT Governance Committee Recommendations:** Mr. Wissinger presented the recommended proposal approved by the IT Governance committee. Mr. Wissinger explained that the information is with the Town Attorney for review. The Board of Selectmen reviewed the documents and a discussion then followed. The Board did not vote on this item, due to further review is needed.

#### **G.) POLICE DEPT BODY CAMERA PRESENTATION**

##### **Discussion and possible action on approving recommended Vendor:**

Ms. Littig presented to the Board the vendor they would like to use for the Body Cameras. A lengthy discussion followed. It was suggested by Mr. Meier that they look at the cost of tazurs and include them in them in the quote. The Board did not vote on this item, due to further review is needed.

#### **H.) UPDATES FROM BOARDS AND COMMISSIONS**

**Update from WPCA Commission, Steve Jacobs or Steve Getman** – Mr. Jacobs provided an update with regards to the challenges WPCA has been facing with Department of Energy and Environmental Protection (DEEP) on the de-chlorination system. The Scope of work has been approved in the draft permit. The estimated total expense for the design is \$114,000.00 and the cost for construction is roughly \$200,000.00. A discussion then followed.

#### **I.) PENDING BUSINESS**

Discussion and possible action on Health Department staffing- Mr. Jacobs provided an update on his duties as the Town Sanitarian and he is the liaison to the WPCA. Luigi Sartori is the part time Director of Health and is on call as needed. Mr. Jacobs explained that one of his duties is flood plain management, he reviews all projects for compliance with the flood regulations, which was just updated in the Zoning Regulations to address climate change.

**Discussion and possible action on State FOI Commission training for Boards and Commissions.** Mr. Keeney explained The reason the workshop/training session was scheduled. The Board of Selectmen met on 10/21/21 at their regular meeting in executive session **“Executive Session, Pending Claims and Litigation FOIC 2021-295 Barile v Town of Somers et al. Discussion with Town Attorney Re; Settlement Offer.”**

The Board of Selectmen came out of executive session and authorized Attorney Carl Landolina to contact Tom Hennick, Ombudsman from FOIC to arrange for a workshop session for town employees and Board and Commission members.

***Mr. Meier made a motion to authorize the First Selectman to schedule the FOI training for Staff and Boards and Commissions and a letter be sent to each Chairman informing them of the training, Seconded by Mr. Schmidt. The motion passed.***

#### **J.) NEW BUSINESS**

Appointment of Second Selectman:

***Mr. Keeney made a motion to appoint William Meier as the seconded Selectman based on the voting results he received, Seconded by Mr. Schmidt. The motion passed.***

**Discussion and possible action on personnel handbook revisions.** Mr. Keeney explained that this directly relates to the separation payouts and would like to amend the handbook that elected officials will not receive separation payouts. A lengthy Discussion followed.

***Mr. Meier Made a motion on behalf of the Board of Selectmen to appoint himself to work with the Town Labor Attorney to draft handbook revisions with regards to Sick and Vacation time payouts, seconded by Mr. Schmidt. The motion passed.***

Discussion and possible action on setting a date for a special meeting and executive session to discuss pending litigation against the Town of Somers.

**Mr. Meier recommended to schedule a special meeting on December 2,2021 at 4pm for Executive Session with Attorneys to update the Board on pending and ongoing litigation.**

Discussion and possible action on setting the Board of Selectman meeting schedule for 2022.

***Mr. Meier made a motion to meeting every Thursday in January and February at 6pm and there after meet the first and 3<sup>rd</sup> Thursday of the month at 6pm for the remainder of the year. Seconded by Mr. Schmidt. The motion passed.***

**Discussion and possible action on Town staffing and reorganization.** A brief discussion was had about the future needs of Somers. The First Selectman will take a look at the existing staff and their functions and report back to the Board of Selectmen.

**Discussion of Separation payouts –** Mr. Meier asked about the review of Time cards and who approves whose time cards and what the process is. The Board of Selectmen want to review the process with Finance. The Board will schedule with Finance independently.

**Action on designation by the Board of Selectman for purposes of processing FOI requests.**

Mr. Keeney would like to designate all FOI Request go through the Town Clerk's office, the responses will come through the First Selectman's office.

***Mr. Meier made a motion to designate the Town Clerk to receive all FOI request on behalf of the Town and that all responses shall be coordinated through the office of the First Selectman, seconded by Mr. Schmidt. The motion passed.***

Establishment of AD HOC Committee for Town Sanitarian Replacement and Land Use Support

**Mr. Meier made a motion to appoint an Ad Hoc Committee with the Charge to study the options for replacing the function of Land Use Support and the Town Sanitarian and report back to the Board of Selectmen within 30 days with a recommendation, and that the committee be Charged - to consider: cost, response to necessary services, work load, technical expertise & resources, regional cooperation & coordination, contractual commitment and the statutory public health functions and the following members be appointed,**

Kathy Devlin, Board of Finance

Dr. Paul Salva, member of previous investigation Committee

Brian Wissinger, Assistant Finance Director

Allyson Maynard, Director Social Services

Brian Czapla, Superintendent Somers School District

Patrice Carson, Previous Town Planner

**Seconded by, Mr. Schmidt, the motion passed**

**K.) INTRODUCTION OR APPROVAL OF ORDINANCES**

DISCUSSION AND POTENTIAL ACTION ON SEPARATION BENEFITS FUND ORDINANCE

***Made a motion to adopt the separation benefits fund Ordinance publication date is November 20, 2021 and the effective date is December 5, 2021, seconded by Mr. Schmidt. The motion passed.***

**L.) APPROVAL OF MINUTES**

a. Approval of minutes of November 4, 2021 regular meeting of the Board of Selectman.

a. The Board of Selectman waives the reading of the minutes of the regular meeting from November 4, 2021 and that minutes of said meeting be approved.

***Mr. Keeney made a motion to approve the minutes of November 4, 2021 as presented seconded by Mr. Schmidt. The motion passed.***

b. Approval of minutes of the November 17, 2021 public hearing of the Board of Selectman.

a. The Board of Selectman waives the reading of the minutes of the public hearing from November 17, 2021 and that minutes of said meeting be approved.

**The Board did not vote on the minutes for November 17, 2021 they would like to see the minutes to reflect who spoke and briefly what was stated**

**Mr. Meier made a comment about posting more information on line with regards to the Board of Selectmen agenda and have a deadline for the Directors to submit documents.**

**M.) ATTACHMENTS**

a. Monthly Department Reports to Board of Selectman- Monthly reports were provided to the Board of Selectmen

**N.) ADJOURNMENT**

***Mr. Keeney Made a motion to adjourn at 8:40pm, seconded by Mr. Meier. The motion passed.***