

PRESENT: Calouro, Sweeney, Tyska, Parella and Stuart

ALSO PRESENT: Steven Contente, Town Administrator
Andrew M. Teitz, Esq., Assistant Town Solicitor

The Council met in special session on Thursday evening, April 5, 2018 in the Town Hall, Council Chambers, beginning at 6:36 o'clock PM, Council Chairman Calouro presiding:

1. Public Service Interviews/Appointments
 - a. Reference Abstract Waypoysset Bylaws re Board of Directors Membership

The Clerk noted an earlier question of the Council concerning the membership structure of the Trust and explained that this structure is explained in the portion of the Trust bylaws provided. He further explained that the number of Trust members is determined by the bylaws and that according to these, the Town may appoint three members (two by Council, one by Administrator), the Bristol Narrows Improvement Association also appoints three members as does the Pokanoket/Wampanoag Tribe for a total of nine members.

The Clerk also explained that only the Trust may amend its bylaws and that there is an amendment procedure outlined within them.

- b. Waypoysset Trust (term to expire January 2020)
 1. Bryan Leffingwell, 4 Massasoit Avenue - interest/reappointment
 - i. Steven Johnson, Treasurer, Waypoysset Preserve Trust re Recommendation
 2. Gary Leib, 1281 Hope Street - interest/appointment

The Council took no action on this matter. The Clerk noted that the matter is already placed on the agenda of April 11, 2018 and that the Council may take action at that time.

Mr. Leffingwell appeared before the Council and explained that he is a full-time lifelong resident of the Town and that he is also an Eagle Scout associated with Troop 6.

Mr. Leffingwell explained that he volunteers for the Town Fourth of July Committee and assists with the annual Orange Crate Derby.

Mr. Leffingwell noted that the Waypoyset Trust Lands is a conservation area and it one of the few remaining unspoiled tracts of land in Bristol. He added that he is thankful that the land will be available for future generations and that he enjoys participating in its preservation.

Council Chairman Calouro noted that there have been recent incidents concerning the illegal deposit of rubbish on the land and that the Town Department of Public Works since added some barricades to prevent the entry on to the property by trucks.

Mr. Leffingwell explained that the Trust intents to install some gates to also prevent the illegal entry.

Council Chairman Calouro asked to know how long Mr. Leffingwell has been a member of the Trust board of directors with Mr. Leffingwell responding that he is a relatively new appointee and has served for three or four years.

Councilman Sweeney asked Mr. Leffingwell to describe his likes and dislikes as a member of the Trust with Mr. Leffingwell explaining that the Trust has three partner groups, the Town, the Narrows Improvement Association and the Pokanoket tribe. He noted that this structure is sometimes problematic since the tribe does not regularly participate in the meetings.

Council Chairman Calouro asked to know if there is a problem establishing a quorum for meetings with Mr. Leffingwell explaining that there is a need to have a quorum to transact business and that there has been a problem establishing a quorum.

Councilwoman Parella asked to know if the tribe is not interested in participating with Mr. Leffingwell explaining that it is his understanding that the tribe does not wish to change the property and supports its preservation in a "natural" state. He added that the tribe members are notified of the Trust's meetings and that Chief Joseph never attends.

Councilwoman Parella asked to know if the property is open to the public with Mr. Leffingwell responding that it is, indeed, open to visitors and that the Trust would like to place a "welcome" sign to reinforce that the property may be visited.

Councilwoman Parella noted that the other applicant, Mr. Leib, was instrumental in the acquisition of the property as open space and that it would be advantageous for him to participate with the management of the property somehow. She suggested that

the Board may wish to consider adding an alternate member to its ranks.

Councilman Stuart thanked Mr. Leffingwell for his service on the Board and stated that he appreciates contribution of Eagle Scouts to the community.

Councilman Tyska also noted the accomplishments of Bristol Troop 6. He noted that Mr. Johnson's letter mentions Mr. Leffingwell's involvement with BankNewport and asked to know details of this involvement.

Mr. Leffingwell explained that BankNewport holds the Trust's funds and that it has a good relationship with the bank.

Gary Leib also appeared before the Council and reminded its honorable body that he served for 30 years as Town Planner and Director of Community Development. He explained that as Director of Community Development he became involved with the Waypoysset property and wrote the grant for its preservation. He noted that Champlin Foundations provided approximately \$120,000 for some work on the property to make it accessible.

Mr. Leib reported that he spoke with Waypoysset treasurer Steven Johnson who informed him that the Trust was "still trying to figure it out." He added that he may be able to help with this task.

Councilman Tyska asked to know how Mr. Lieb might wish to spend the grant funds with Mr. Leib explaining that he thought the funds would allow for some walking paths and historical markers.

Council Chairman Calouro recalled that Mr. Leffingwell reported that the board has difficulty achieving a quorum to transact business.

Councilman Stuart suggested that the Council may wish to provide the board members with a respectful "nudge" letter.

Council Chairman Calouro agreed that a letter may be useful and the Council agreed to ask the Clerk to identify the Trust members and to send a letter to each encouraging them to convene a meeting where all members might participate.

2. Workshop re Benjamin Church Senior Center

Parella/Stuart - Voted unanimously to include this matter on the agenda of

the Regular Town Council Meeting Agenda
for April 11, 2018.

Prior to the vote taken, Council Chairman Calouro noted that this workshop was initially planned for March 13, 2018 and had to be postponed due to a winter storm. He explained that Town legal counsel advises that the persons employed at the Senior Center should not be Town employees if these persons do not report to the Town and that the Council determined that its budget in support of the Senior Center should be included in the Human Resources section of the Town budget during its budget workshop deliberations.

Council Chairman Calouro noted that the Provisional Budget includes \$146,000 for senior center employees and expenses.

Ralph M. Kinder, representing the Benjamin Church Trust provided a packet of handout materials. He explained that the Town's new relationship with the senior center provided a "difficult transition." He noted that the funds that the Town plans to provide to the senior center represent a 20% reduction in its previous support.

Mr. Kinder noted a letter from Town Treasurer Goucher addressed to the senior center along with a check for monthly expenses. He also noted that the Town released the senior center employees effective April 1 and asked to know why this date was important since the budget year does not conclude until June 30. He suggested that the Town has breached its agreement based upon the adopted budget from 2017-2018.

Mr. Kinder explained the documents provided in his packet of handout materials items 1 through 12.

Mr. Kinder also explained that the senior center does not know the Town's plan for providing services for senior citizens and suggested that the Bristol Housing Authority which owns the current Benjamin Church Senior Center building does not want it for anything else.

Mr. Kinder reported that the Benjamin Church Trust has been responsible for the building in the past and that the Trust's investments have been doing better in recent years as compared to its past performance. He explained that the Trust is not a "million dollar trust" and that its proceeds have been used to "fill in" for what might be needed and not paid for by the Town.

Mr. Kinder expressed concern that the elevator in the building is not currently working and that the Town does not plan to

repair it. He added that the Trust will likely have to pay for the current repair to the elevator.

Mr. Kinder suggested that the current changes to the employment status of the senior center employees has resulted in anxiety and that these have also caused disruption.

Town Treasurer Goucher noted that the funds provided in the recent check should cover the senior center's monthly expenses. She noted that the check contains a \$600 surplus which could be applied to an elevator repair.

A discussion ensued regarding the senior center and the reasons for the changed status of the employees.

Councilman Stuart stated that he takes exception to Mr. Kinder's portrayal of the Town as "villainous" and recalled that the former director presented herself as a "department head" of the Town of Bristol and that all department heads report to the Town Administrator.

Councilwoman Parella expressed concern that there seems to be confusion since the parties are mixing a certain facility with a program. She also expressed concern that the senior center board wishes for senior center employees to receive Town salaries and benefits while rejecting any type of Town supervision.

Councilwoman Parella expressed concern that the Town's Senior Services Director was refused use of the Director's office in the senior center.

Councilwoman Parella also noted that the senior center board appeared before the Council during a recent budget workshop and indicated that they could make the suggested allotment "work" after the Council agreed to include funding for health benefits. She expressed concern that now the board, through the testimony of Mr. Kinder seems to indicate that this is now not workable.

Councilwoman Parella suggested that the problem would cease if the senior center would agree to allow the employees to report to the Town.

William O'Gara, the Town's labor attorney, noted that the problem was challenging since the persons employed were Town employees but that it was unclear as to who controlled their employment.

He explained that the senior center would be better to employ these persons itself since the board appears to have ideas as to what the employees should do.

Mr. O'Gara explained that it is inappropriate for the Town to employ someone who it does not direct since it is not beneficial to either party.

Mr. Kinder suggested that the problem is in that the board did not have input into the hiring of the Senior Services Coordinator.

Councilwoman Parella noted that the former senior center board chairman was involved in the process of hiring the Senior Services Coordinator.

Diana Campbell stated that she was the former board chairman and agreed that she was involved in the hiring of the Senior Services Coordinator.

Councilwoman Parella noted that the current board is objecting to the process solely because they do not approve of the outcome.

Councilman Stuart noted that the Town's concern was raised and that the current situation was precipitated because the former director of the senior center's action caused concern for future liability.

Maria Doherty stated that she represents all of the senior citizens present and that these persons are concerned because they cannot get straight answers from the Town. She suggested that inquiries to know the Town's "vision" yields four separate answers. She asked to know why the Town passed the Senior Services Coordinator ordinance.

Council Chairman Calouro noted that the Town had an agreement for many years to provide employees to work at the senior center and that there were no problems in the past. He noted that the problems with the most recent former director made the Town realize that it is unwise to employ persons which it does not direct. He added that this problem led to the ordinance which clarifies a reporting structure for a Senior Services position.

Town Administrator Contente agreed with Council Chairman Calouro and noted that the former senior director who was supervised by the board of the private non-profit agency was identified for impropriety with a large amount of public funds.

Assistant Solicitor Teitz note that the board was responsible to oversee this employee and that it did not adequately do so. He noted that the Town cannot ignore what happened and must take some corrective action.

Mr. Kinder suggested that the former director was reporting to both the non-profit board and the Town at the same time.

Ms. Doherty asked to know why the senior center cannot be treated the same as the Rogers Free Library since its board hires and supervises its director.

Council Chairman Calouro explained that the Council appoints the library board and in doing so it has the ultimate authority over the employees at the library. He also explained that the Town has no control whatsoever over the selection of the senior center board since this is a private non-profit agency.

Ms. Doherty stated that she was told by the Town that nothing was going to change with the senior center and suggested that there were many changes after April 5.

Town Administrator Contente recounted the hiring process used to determine the new Senior Services Coordinator who was intended to be also the senior center director. He noted that there was a senior center board representative involved throughout the interview and hiring process.

Town Administrator Contente recalled that he brought the Senior Services Coordinator to the senior center and introduced her to the staff. He noted that he shortly thereafter received a message from her that there was no office for her. He added that the staff and board at the senior center provided the new "director" with no office, no work space and no key to the building. He added that he was concerned based upon this action that the Town was going to lose its meal program.

Town Administrator Contente explained that after these incidents he contacted the Town's labor attorneys and that there was a decision made that the Town will continue with its commitment to the senior center and will honor everything in the lease.

Town Administrator Contente also expressed concern that there has been a good deal of bad information and that those who provide the bad information should cease to do so.

Ms. Doherty suggested that Town Administrator Contente should have asked for the key himself.

Councilwoman Parella stated that she was concerned that several members of the board have recently resigned since they are dissatisfied with the board's position.

Ms. Doherty expressed concern as to what will happen when the lease expires in 2020.

Councilwoman Parella suggested that nothing will happen to the Town's support of the senior programs. She added that the former director and current assistant director appeared before the Council in the past complaining that the senior center building was inadequate. She noted that the two advocated for the construction of a new building that would be located in a place with better parking, etc.

Ms. Doherty noted that the senior center applied for a strategic planning grant.

A discussion ensued regarding the proposal for a new building and senior program sharing.

Ms. Doherty expressed concern that the Parks and Recreation center is offering programming similar to that offered by the Senior Center.

Council Chairman Calouro noted that the Town provided Benjamin Church Senior Center with operating funds and that the employees were removed from the employ of the Town. It was explained that the senior center may employ these persons on its own.

Council Chairman Calouro also noted that the Town is willing to help the senior center with this transition.

Ms. Doherty stated that the Town sent a letter on April 1 that terminated the Town's relationship with the employees and that a check was received from the Town shortly thereafter. She suggested that the letter provided no instructions.

Town Treasurer Goucher asked to know if Ms. Doherty received the letter with Ms. Doherty responding that she did receive the letter but that the letter was lacking specific information.

Town Treasurer Goucher noted that it would be difficult to include everything in the letter but rather that she offered in the letter to have an open dialogue with the senior center to help with the transition.

Ms. Doherty suggested that the time frame was too short and that the senior center should remain as "a part of the Town" until July 1, 2018.

Councilman Sweeney suggested that the parties might create a comprehensive transition plan.

Town Treasurer Goucher noted that the check provided to the senior center included all of the remaining operating funds in a lump sum.

Council Chairman Calouro noted that the Town will agree to help with the transition and that Ms. Doherty should speak to Town Treasurer Goucher about this.

Ms. Doherty claimed that the Town's senior citizens are unaware of the Town's "vision" and that the senior center is grateful for the funds it receives from the Town.

Richard Ruggiero suggested that there is a lack of trust between the Town and the senior center and that it will be difficult to regain the trust formerly enjoyed by the parties. He also suggested that it was not wise to place the budget for the senior center in the Human Resources budget since the senior center would have more credibility if its budget appeared as if it was a Town department.

Councilwoman Parella noted that the Town moved the budget into Human Resources because the senior center does not wish to report to the Town.

Mr. Ruggiero suggested that the problem was caused "by one person" and that it appears to him that the Town took the current action in retaliation for the inappropriate action of that person.

Councilwoman Parella noted that the Town passed the ordinance creating the Senior Services Coordinator because there was no clear reporting structure under the previous arrangement.

Elizabeth Harvey questioned why the system was changed after 45 years.

Town Administrator Contente noted that he tried to work on the problem for some time. He noted that there was resistance to utilize the Town senior bus to pick up seniors from Franklin Court and that he eventually had to order this to be done. He noted that the Town purchased the bus for senior transportation in general and found that it was not being used this way.

A discussion ensued regarding the availability of the bus and the limitations of the driver's time.

Ms. Doherty asked that the employees should keep their status as Town employees until July 1, 2018.

Karen (inaudible surname) stated that she has been a resident for 25 years and noted that the situation between the Town and the senior center was disheartening and that she would prefer to be neutral. She explained that she was pleased with the Town's senior benefits and that she recently signed up to attend a program. She added that she was alarmed to be picked up in the personal automobile of the Senior Services Coordinator and questioned the suitability of this type of public transportation.

Rita Ayres-Gaulin noted that she was the first director of the senior center which was established through a grant in the early 1970s. She noted that the Town provided funding beginning in 1976 when the grant ran out.

Ms. Ayres-Gaulin reported that the senior center board hired the personnel and held monthly meetings and that the Town provided funding. She added that the Town was always very supportive of the senior center and that she had an excellent relationship with the Administrator and Council.

Ms. Ayres-Gaulin expressed concern that there appears to be no policies and job descriptions since she left these in place when she retired as director.

Ms. Ayres-Gaulin noted that she always attended budget workshops with the Council alone and that she never bothered the seniors with that type of matter since "they do not need to worry about that." She added that she never considered herself to be a department head and that she experienced 38 years in the position with no trouble whatsoever.

Ms. Harvey asked the Council to return the funds to budget 807.

Mr. Hewett stated that he knew only what he read in the newspaper and asked to know what the Town would consider as structure for the senior center employees.

Town Administrator Contente noted that the employees should be reporting to the Town and that they can work along with the board to plan activities and events. He explained that it is difficult to operate with employees who do not have a clear

reporting structure and that the Town's attorneys agree that the reporting must be clearly defined.

Councilwoman Parella noted that the former director Maria Ursini continually asked to be considered as a department head.

A discussion ensued regarding the reporting structure for the senior center employees and the possibility of allowing the employees to remain employees of the Town until July 1, 2018 as a transition period.

Mr. O'Gara noted that the mechanics of having a set of Town employees who do not report to Town management is impractical.

Assistant Solicitor Teitz noted that there has been a draft interim operating agreement and that the senior center board never agreed to the terms of this agreement.

Mr. O'Gara noted that the Town worked for many years in a "gray area" and that this led to much confusion recently.

Council Chairman Calouro noted that both of the Town attorneys agree that Town employees should report to the Town.

Councilman Tyska suggested that the Council should not act solely upon the opinions of the attorneys since he is concerned that severing the Town relationship with the senior center would "pull the rug out from under it."

Councilman Stuart asked to know how long it takes to set up a payroll system with Town Treasurer Goucher noting that setting up a payroll system for three employees through a company like ADP would be very fast.

Olivia Germano noted that the senior center board was setting up a system for employee payroll and that it takes 7-14 days to set up.

Mr. Kinder suggested that the Senior Services ordinance needs revisiting.

Council Chairman Calouro suggested that the parties should meet again and come up with a recommendation to the Council.

Councilman Stuart asked to know if it should be on the next Council agenda with Council Chairman Calouro suggesting that it may be preferred to have a special meeting.

Parella/Stuart - Voted unanimously to include this matter on the agenda of the Regular Town Council Meeting Agenda for April 11, 2018.

3. Adjournment

There being no further business, upon a motion by Councilman Stuart, seconded by Councilman Sweeney and voted unanimously, the Chairman declared this meeting to be adjourned at 9:30 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk