

STATE OF CONNECTICUT FREEDOM OF
INFORMATION COMMISSION MEETINGS
COMPLAINT FORM

(To be used for alleging a meetings violation)

1. Today's Date: 06/20/2024

2. Name of person filing complaint: Ralph Celone

3. Street address: 348 Cedar Mountain Road

4. City, State, ZIP Thomaston, CT 06787

5. Phone 860-449-3425

6. E-mail address: ralph.celone@att.net

7. Date of alleged violation of FOI Act (denial): 05/21/2024

8. What was the date of the meeting you are complaining about? 05/21/2024

9. Provide the complete contact information for the agency that held the meeting

Name of Agency: Thomaston Board of Selectmen

Agency Address: 158 Main Street, Thomaston, CT 06787

Agency Phone Number: (860) 283-4421

Agency Email Address: emone@thomastonct.org

10. Please provide a brief summary of your complaint: (Box allows 700 characters)

On 5/21/24, the Thomaston Board of Selectmen met and voted to censure me. There was no notice of their plan to take this action on the agenda nor was the agenda amended to include this action. It was handled under "Land Use Enforcement Activities". If I had not already been there, I would not have known this action was being taken against me. I believe the BOS purposely obfuscated their true agenda. Under Thomaston code, in disciplinary matters, the subject staff or commissioner is to be given the option to have the matter discussed in executive session. I was given no choice and when I attempted to ask questions, I was not allowed to speak. I subsequently found out that there were members of the public who would have wanted to come and observe and possibly speak on my behalf, but they were unable to do so. The lack of clarity on this agenda appears designed to hide their actions rather than give notice to the public. As such, the BOS denied both me & the public at large the ability to participate fully in open and transparent government.

I believe the BOS violated FOI regulations by acting on a non-noticed item and I am requesting an investigation.

I am attaching the agenda, meeting minutes, and a letter I wrote documenting what occurred to this complaint.

Please contact me with any questions.



Signature

6/20/24

Date

Click Box Below to check for Accuracy.
If no errors popup, the form is complete

Complete

**REGULAR MEETING
BOARD OF SELECTMEN
Tuesday, May 21, 2024
Selectman's Conference Room
7:00 P.M.**

AGENDA

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes**
- 4. New Business:**
 - **Discussion/Approval - Revaluation Proposals – R. Dudek**
 - **Discussion/Approval - Streetlight Maintenance Contract**
- 5. Old Business:**
 - **Land Use Enforcement Activities**
- 6. Board/Commission Appointments/Resignations:**
 - **Accept Resignation of Kenneth Benoit from Recreation Comm.**
 - **Reappoint Matt Stancavage and Brian LaFontaine to Recreation Comm.**
- 7. Tax Refunds**
- 8. Communications:**
 - **May 16, 2024 – Griswold Letter**
- 9. Public Comment**
- 10. Adjournment**



Town of Thomaston

Selectman's Office
Town Hall
158 Main Street
P.O. Box 136
Thomaston, Connecticut 06787
Phone: 860-283-4421 Fax: 860-283-1378

DRAFT

THOMASTON BOARD OF SELECTMEN REGULAR MEETING TUESDAY, MAY 21, 2024

Roll Call:

Meeting was called to order at 7:00 p.m.

First Selectman Mone, Selectman Burr and Selectman Dunn were in attendance. Deborah Bournival, Administrative Assistant to the First Selectman, was available to take the minutes.

Pledge of Allegiance was recited by all.

Approval of Minutes:

Motion was made by Selectman Burr and seconded by Selectman Dunn to approve the minutes of the May 7, 2024 regular meeting as presented. Motion carries unanimously 3-0.

New Business/Discussion/Approval – Revaluation Proposals with R. Dudek:

Two bids were received; one from Tyler Technologies in the amount of \$78,000 and the other from Equality in the amount of \$70,000. Tyler is the company the town has been using for sometime now and the supervisor on-site who performs the reval has been with the company just as long. He knows the town. We already have the software and licensing needed. On the other hand, even though Equality's bid came in at \$70,000, we would have to purchase the software (\$6,000) and the licensing (\$2,000), bringing the total to \$78,000, same as Tyler's. In addition, all staff, including the new Assessor (when one is hired) would have to learn the program.

Bob Dudek recommends waiving the three-bid process and selecting Tyler Technologies. Selectman Burr commented we have always had a three-bid policy, but Bob indicated we never had three bids. Discussion ensued and motion was made by Selectman Burr and seconded by Selectman Dunn to waive the three-bid policy in this case as recommended by the Assessor. Motion carries unanimously 3-0.

Motion was made by Selectman Dunn and seconded by Selectman Burr to award the revaluation contract to Tyler Technologies for \$78,000 to perform reval services as recommended by the Assessor. Motion carries unanimously 3-0.

New Business/Discussion/Approval – Streetlight Maintenance Contract:

The Town had a Streetlight Maintenance Services contract with MJM Electric of Thomaston for a one (1) year renewable contract beginning on or around January 1st and ending on December 31st. Said period would be automatically renewed on a year-to-year basis for a total period not to exceed five (5) years. The five (5) year period ended December, 2023. MJM’s 2024 hourly rate schedule shows an increase from \$75.00/hour to \$90.00/hour for E2 electricians and an increase from \$65.00/hour to \$70.00/hour for Apprentices for day hours from 7:00 a.m. to 4:00 p.m. After 4:00 p.m. the rates increase.

Selectman Mone said MJM has always been very responsive to our needs and any issues in the field. Matt Stancavage is currently working with the manufacturer to replace some faulty LED lighting in the field which is still under warranty. Discussion ensued.

Motion was made by Selectman Burr and seconded by Selectman Dunn to enter into a new five (5) year Streetlight Maintenance Services contract with MJM Electric, renewing year-to-year ending December 31st. Motion carries unanimously 3-0.

Old Business/Land Use Enforcement Activities:

The Selectman’s Office received a written complaint regarding allegations of the storage of unregistered vehicles on residential property owned by Ralph Celone, Chairman of the Planning & Zoning Commission. A site inspection was then conducted by both the Assessor and Zoning official in which four unregistered vehicles were found. An agreement was made with Mr. Celone to remove or properly register three of the four vehicles with the State of CT by September 1 (per zoning regulations resident is allowed one unregistered on their property or they are in violation). This was documented in a letter dated April 26th. Discussion ensued as to the importance of ethics for those who enforce the regulations. Selectman Burr commented, saying Mr. Celone should voluntarily step down as chairman. First Selectman Mone asked Atty. Rybak for his opinion on the removal of Mr. Celone from the commission as chairman. Atty. Rybak said, “the allegations presented do not rise to the level of just cause for removal”.

Motion was made by Selectman Burr and seconded by Selectman Dunn to **cancel** Chairman Celone. Discussion ensued. Selectman Burr asked what it means to **cancel** a person. First Selectman Mone explained that to **cancel** someone means to formally disapprove of someone’s actions and their displeasure of such actions which breach the public’s trust.

During this time, Mr. Celone asked to speak about this situation as he was not first given an opportunity to speak in his behalf about the allegations being presented. First Selectman Mone asked him to refrain from speaking until “public comment” at the end of the meeting.

Board/Commission Appointments/Reappointments:

Motion was made by Selectman Burr and seconded by Selectman Dunn to accept the resignation of Kenneth Benoit from the Recreation Commission, with regret. Motion carries unanimously 3-0. First Selectman Mone will send letter thanking him for his years of service to the commission.

Motion was made by Selectman Burr and seconded by Selectman Dunn to reappoint both Matt Stancavage and Brian LaFontaine to the Recreation Commission for another three-year term ending May 31, 2027. Motion carries unanimously 3-0.

Tax Refunds:

A motion was made by Selectman Dunn to approve the tax refund submitted by the Tax Collector in the amount of \$162.46 to Toyota Lease Trust, vehicle sold June, 2023. Motion was seconded by Selectman Burr. Motion carries unanimously 3-0.

A motion was made by Selectman Dunn to approve the tax refund submitted by the Tax Collector in the amount of \$220.80 to Toyota Lease Trust, vehicle sold June, 2023. Motion was seconded by Selectman Burr. Motion carries unanimously 3-0.

A motion was made by Selectman Dunn to approve the tax refund submitted by the Tax Collector in the amount of \$572.11 to Toyota Lease Trust, vehicle sold December, 2022. Motion was seconded by Selectman Burr. Motion carries unanimously 3-0.

A motion was made by Selectman Dunn to approve the tax refund submitted by the Tax Collector in the amount of \$681.01 to Toyota Lease Trust, vehicle sold August, 2022. Motion was seconded by Selectman Burr. Motion carries unanimously 3-0.

A motion was made by Selectman Dunn to approve the tax refund submitted by the Tax Collector in the amount of \$690.26 to Toyota Lease Trust, vehicle sold October, 2022. Motion was seconded by Selectman Burr. Motion carries unanimously 3-0.

A motion was made by Selectman Dunn to approve the tax refund submitted by the Tax Collector in the amount of \$135.13 to Jane Rudolph, vehicle sold February, 2023. Motion was seconded by Selectman Burr. Motion carries unanimously 3-0.

A motion was made by Selectman Dunn to approve the tax refund submitted by the Tax Collector in the amount of \$53.33 to Toyota Lease Trust, vehicle sold August, 2022. Motion was seconded by Selectman Burr. Motion carries unanimously 3-0.

Communications/May 16, 2024 – Griswold Letter:

Ralph Celone of 348 Cedar Mountain Road – Selectman Burr should have recused himself from the vote.

Nancy Griswold of 24 Atwood Road – did Mr. Celone get an actual notice of violation? Selectman Burr said there was a written notice of violation.

Robert Dudek – did site inspection at which time found four unregistered vehicles.

Paul Yoos of 164 South Main Street – very disappointed with the Board of Selectmen for not removing Mr. Celone. Disagrees with the town attorney on this.

Selectman Burr said the courts are very defined in this area and we do not have just cause to remove.

Diane Labonte of 117 Bristol Street - is Mr. Celone still chairman of the commission? First Selectman Mone answered “yes” he is still chairman. The commission would have to make that decision.

Richard Iovine of 1 Waterbury Road – who is Atty. Byrne?

Ralph Celone of 348 Cedar Mountain Road – re: Nancy Griswold letter. Tax collector investigation – at least 20 vehicles and judgements made by court in favor of the town.

Nancy Griswold of 24 Atwood Road – why are there “no trespassing” signs on Mr. Celone’s property which were freshly installed? Mr. Celone asked if Ms. Griswold was stalking him.

Selectman Burr asked to accept the letter at the next meeting.

Motion was made by Selectman Burr and seconded by Selectman Dunn to adjourn the meeting. Diane Labonte said she still had a question. Motion was withdrawn.

Diane Labonte of 117 Bristol Street – she had an ambulance question. Why are they still sending bills to residents if they don’t have to pay. First Selectman Mone said this is an issue that continues. He will talk to the Ambulance Commission to direct the company to stop sending.

Motion was made by Selectman Burr and seconded by Selectman Dunn to adjourn the meeting at 7:54 p.m. Motion carries unanimously 3-0.

To: Thomaston Board of Selectmen

Fm: Ralph Celone

Re: Documentation of Prejudicial Treatment and Violation of Rights

Dt: 5/31/24

On April 12th, the Board of Selectmen received a complaint against me made by Nancy Griswold. The complaint was regarding unregistered motor vehicles on my property. She made this complaint via email and copied a plethora of other people. I responded to her that this was an oversight on my part and would be corrected as quickly as possible. I then requested that the Zoning Enforcement Officer and the Tax Assessor visit my property to document any issues. A visit was scheduled for April 16th.

Through documents obtained under various FOI requests, I learned that Selectman Mike Burr was to accompany the town employees on this visit. This is **NOT** standard procedure for a zoning violation. I also obtained a document under FOI quoting Ed Mone, First Selectman, saying "Mike Burr has decided to recuse himself from tomorrow's site inspection because of a conflict of interest".

The violations were remediated and the property brought into compliance by May 16th at which point I requested another visit from the Zoning Enforcement Officer and the Tax Assessor to document full compliance. This visit took place on May 20th and Notice of Compliance was issued by the Zoning Enforcement Officer stating "your property is now in compliance with the Town of Thomaston Zoning Regulations".

I personally attended Board of Selectmen meetings from the time of the original complaint letter. During this period, the item was listed under Communications as Griswold Letter, Land Use – Report on Enforcement Activities, etc. and simply noted that it existed on the agenda and that the town attorney was researching the issue. I was never asked or allowed to speak on my own behalf.

On the agenda for the May 21st Board of Selectman meeting, my issue was not even called out specifically but hidden under "Land Use Enforcement Activities". Had I not already been there, I would not even have known that my situation was a topic for discussion at this meeting. Anyone who wanted to speak on my behalf would have no idea that they should attend this meeting.

During the May 21st Board of Selectmen meeting, Ed Mone spoke at length about his opinion regarding the already remediated violations on my property and asked for a motion for censure. I tried to bring up the point that having Mike Burr participate in the proceedings while there was a conflict of interest documented by the First Selectman himself would violate my right to a fair and impartial hearing. However, I was cut off by the First Selectman and not allowed to speak. Mike Burr refused to recuse himself. Mike Burr then made a motion for censure and spoke at length about ethics and integrity. The motion then came to a vote with Jeff Dunn in favor, Ed Mone in favor, and, Mike Burr abstaining.

If my personal performance was going to be evaluated and I was at risk of any kind of discipline or censure under FOI it should have been identified clearly on the Agenda, I should have been given individual notice and the matter probably should have been discussed in Executive session unless I personally requested public session. On this basis alone the whole discussion is invalid.

In addition it was inappropriate because the Board of Selectmen had me tried, convicted, and sentenced and I was never allowed to speak on my behalf – depriving me of my right to due process.

Ironically, when I tried to speak on my behalf, I was silenced by Ed Mone and told to “respect the process”. I am left wondering what process he was speaking about.

Documents subsequently obtained under FOI rules and other publicly available sources show that Mike Burr also had a Building Code violation regarding Public Health and Safety on his property that he was allowed to remediate without being subject to a Witch Trial. The same documents also show what appears to be an on-going zoning violation on his property in the form of an unpermitted structure adjacent to his pool. Is he also to be censured?

Jeff Dunn also appears to have zoning violations in his backyard consisting of an unpermitted shed and a swimming pool that crosses the property line into his neighbor’s yard in violation of the Town’s setback regulations. Yet Jeff Dunn has not had to endure any adverse actions taken by the Board of Selectmen. Is he also to be censured?

It is my belief that Mike Burr has engaged in a year-long pattern of retaliatory behavior against the Land Use Administrator, the Planning and Zoning Commission, and myself as Chairman because he was required, as the chairman of the Opera House project, to follow the same procedures as any other person presenting a project of that size and that the Planning and Zoning Commission would not “bend the rules” for his benefit. I note that Mike Burr called me on my cell phone shortly before his project was to be presented in an attempt to dissuade the Commission from having a public hearing. This was an improper ex parte communication that ethics required me to declare on the record of the next Planning and Zoning meeting. It can hardly be considered coincidental that his pattern of retaliation started shortly thereafter.

I believe these points illustrate the Board of Selectmen’s prejudicial and discriminatory treatment of myself and their total disregard of their FOI obligations and my constitutional right to due process. The actions taken by the Board of Selectmen on May 21st were invalid and should be revoked. I specifically request that this documentation be made part of the public record at the next Board of Selectmen meeting.