Board of Selectmen

Special Meeting Minutes

Monday September 23, 2013

7pm Clifford B. Green Memorial Center

Present: Austin Tanner, Bob Kelleher, Drew Dionne

Also Present: Matthew Lohbusch, Peter Janus, Steve Dana, Mike Gaudreau, Gene Michael Deary and other public attendees

1. Call to Order: Mr. Tanner called the meeting to order at 7:11pm.
2. Appeal of Termination of the Parks & Recreation Director/ Executive Session to Hear and Discuss the Dismissal of Parks & Recreation Director:

Under State Statute, Mr. Lohbusch has the right to require such discussion in open session, and chose to do so. Mr. Tanner introduces Peter Janus, the Town labor attorney, who will be conducting the meeting to ensure it is impartial and done correctly. Mr. Janus introduces himself and ensures he is only conducting the meeting and plays no part of the decision making that is strictly the Board of Selectmen.

Mr. Janus explains the proceedings will begin with opening the floor to Mr. Lohbusch, who filed the appeal to the Board of Selectmen regarding his termination, to present any information for the board to consider and the board to ask any questions and then allowing Mr. Tanner to present a response. Mr. Lohbusch requests the only items for discussion will be the ones he was terminated for. This was agreed upon.

Mr. Lohbusch reads the letter of termination given to him by Mr. Tanner; “Your employment as Recreation Director in the Town of Brooklyn is terminated effective September 15, 2013.

Your lack of implementing progress because you will not operate with the structure provided is unacceptable. Furthermore, your lack of action to get and keep facilities on line is also unacceptable.

Please return all keys to the First Selectman’s office prior to departure.”

Mr. Lohbusch states although detailed reasons are not in the termination letter, he was given three reasons verbally in his termination meeting and Mr. Tanner also voiced them publically. The three reasons were that Riverside Park’s volley ball court was ready for use in April; it took too long to fix the basketball backboard at Prince Hill Park; and it took too long to fix the Prince Hill play scape last year. A fourth reason also given in the meeting by Mr. Tanner was that Mr. Lohbusch was holding the Town hostage in moving forward on issues and programs. Mr. Lohbusch refers to the Recreation and Park Commission ordinance, section 2-20.2 Organization and Duties and 2-20.3 Appointment of the Director of Recreation and Parks. This defines the duties of the director and the charge of the commission.

Mr. Lohbusch comments the volleyball court in Riverside Park could not be ready for use in April because the budget is not passed until July 1 and money was put into the next budget for volleyball equipment. This is described in the minutes from the Recreation commission of March 11. Also, the Town did not take ownership of the property while the contractor was still working; therefore, it would become a liability to open this up to the public. There was also an issue with a soil sample.

The backboard issue at Prince Hill was that one of the four started to crack on the bottom. Mr. Lohbusch made a phone call to the company subbed out to get the backboards and stated it would be need to be replaced at some point. The backboard finally broke on July 5 and Mr. Lohbusch contacted his maintainer immediately to remove it. Mr. Lohbusch then had an approved week of for vacation and was contacted by Mr. Deary on July 18 stating the company was going to replace all four backboards. Authorization was given on July 29 to order and install and the bill was paid on August 16. In the recreation minutes from May 14, it states the play scape at Prince Hill Park was shut down because of a 4x4 platform that was broken and the replacement piece was going to cost $1,554. The minutes of May 24 reflect the decision to replace the play scape with Treks and it will be replaced as soon as the special order comes in. June 11 minutes reflect the wrong clamp was shipped, then shipped back and was replaced when the new one was received.

Mr. Lohbusch reports there were 42 programs ran in 2008 from spring to fall; 2009 they increased to 43 programs; 2010, 48 programs; 2011, 52 programs and in 2012, 69 programs, that were offered in the Recreation department. Mr. Lohbusch continues to discuss an article in the newspaper from March 18 regarding the Probate offices moving to the current recreation office space, which he was called into Mr. Tanner’s office to about. Mr. Tanner was not happy with the article or contents of it, Mr. Lohbusch kept record of the conversation in fear of retaliation. The probate lease went to a town meeting on August 20 and was voted down, and on August 26 when Mr. Lohbusch returned from vacation, he was terminated. Mr. Lohbusch reflects to the revenues from 2008-2009 totaling $84,555 and the current 2012-2013 revenues $136,550 and feels this proves the department has not held the town hostage at moving forward with programs, but the complete opposite. Mr. Lohbusch feels his termination was not based on performance but because he was outspoken about the move of probate and also personal issues with Mr. Tanner.

Mike Gaudreau, recreation commission chairman, states when he became chairman, Mr. Tanner asked him to meet more often and do more work, which he complied with. Mr. Gaudreau states everything Mr. Lohbusch stated regarding what the recreation department does correct. It is in the budget and recorded in the minutes. Mr. Gaudreau states Mr. Tanner told him after the probate lease town meeting that he was holding the town hostage and then told Mr. Lohbusch that as well. Mr. Gaudreau feels the termination was a personal decision because the numbers and the minutes speak for themselves and Brooklyn lost the best director they had.

Steve Dana, recreation commission member, feels the department has come a long way in fifteen years and is terrific. The finances and numbers show the town is on an upward spiral and will only continue to grow.

Drew Dionne, Selectman, asks with the bracket delay, when was the play scape actually repaired?

Mr. Lohbusch states the shipping date was June 27 and it was fixed as soon as it came in.

Mr. Tanner recites minutes stating the full time position for the recreation assistant was denied, and could be done with part time help. Mr. Tanner feels these programs did not go forward because we don’t have the extra hours; it is because the extra hours are not structured as Mr. Lohbusch wants. The extra hours are available and the office could be stronger with different help and branch out. Mr. Tanner states $10,000 was returned to the general government budget at the end of the fiscal year from recreation and a few hundred dollars could have been found for volleyball equipment. Mr. Tanner states Mr. Lohbusch has done a good job and a lot of programs through the years, but has lost his passion and/or desire and not looking at the whole issue of what he could have done. He could have moved the volleyball forward if he used the structure that was there or the money in the budget that was available. Mr. Tanner feels the town is suffering because of the way he has decided to structure his department. It is stated in a few different minutes the hours are available for part time use. Mr. Tanner reiterates it is not that he has not ran more programs but that he has lost his ability to move forward and he’s holding the position of more hours and refuses to do anything until he get more hours for the assistant. Mr. Tanner reads a letter from Cliff Green dated December 13 stating “Effective immediately, Clifford B. Green and Sons is unlocking the gates to the above referenced project. It is now the Town of Brooklyn’s responsibility for any damage done within the project limits.” Mr. Tanner also references a letter from Janet that reads “I spoke with Bucky this morning and there are two main items to wrap up, field turf and utilities. The recreation commission is concerned that the turf in the infield did not take. Could we please meet at the site next Tuesday (April 23) for the purpose of inspecting the turf and discussion mowing and fertilizing requirements? Utilities easement was obtained. It was my understanding that Scott Cormier was waiting for the Town to pay CL&P to commence on the work. When that is all set, perhaps we will be on schedule for a separate utility meeting. The residents are anxious for the gates to be unlocked, Bucky and discussed the project should be 100% complete by Memorial Day unless the Rec Commission or Selectmen request the gate be opened before that. The only other minor items are signs and plastic fence crown. The fence crown was installed after I last inspected. Let me know if next Tuesday works, which is 4/23.” Mr. Tanner states the program and the project are two different things. The project probably won’t be signed off for another few months if we have to fight with the dirt and the infield pass, but that shouldn’t affect use of the boat launch or the volley ball. The gates were opened after the meeting with Janet, Bucky, Mike and everyone.

Mr. Tanner states as far as the basketball backboard, it is stated in the minutes from February that they were cracked and will be immediately replaced. February 19 minutes reported that one of the baskets at Prince Hill is split and may need to be replaced. This was not addressed until the backboard fell down July 5. Mr. Tanner states there were backboards in the barn that could have been put up temporarily the day he took it down instead of leaving one court without a basketball hoop. That would not have interfered with the inspection of the other boards or warranty. It seems he was dragging his feet, dragging things out instead of moving forward to make this available for the residents, which happened with the volleyball court as well.

Mr. Tanner recognizes Mr. Lohbusch stated previously they were waiting on a clamp for the play scape, the point is before the May 14 meeting the director should have a made a decision to fix this instead of waiting until the next rec meeting. What we need in a Recreation Director that can make decisions and take charge instead of wasting time. Secondly the treks that were put on could have been put on without taking the platform off and put on and done in a few days. Again, the Recreation Director did not take action; he waited for the rec commission. He constantly goes to them for management decisions that are beyond what they do and should be expected from volunteers.

Mr. Tanner comments on the revenue and states the actual picture there is net revenue. Mr. Tanner not bring his figures with him, but states this year’s figure were around $100,000 and jumps to $148,000 which is actually more cost to the Town. All figures need to be looked at, not just revenue figures.

Mr. Tanner states Mr. Lohbusch’s termination was a matter of poor decision, poor passion, poor trying to do the best he can with programs and stuff. He has put off, not gone through and uses the excuse we don’t have the hours when we do. We want the best we can for the citizens and he has not done that. He has done a lot of good in the past but at this time some new blood would get the passion back into the programs.

Mr. Lohbusch disputes any money was in the budget for part time positions to add programs. Mr. Lohbusch states his responsibility as the director to come to the commission and take recommendations on where we should go. As a commission, a solution to the play scape was found and the $1,500 fix was not spent unnecessarily as well as with the backboard. Mr. Lohbusch also expresses his passion for his job as well as the kids he is able to reach out to.

Mr. Tanner reiterates there was money left in the budget from supplies that could have been used towards the volleyball. It is the bottom line that needs to meet, that could have been used for part time hours.

Rick Ives, Board of Finance chairman, comments it was passed at a town meeting to include hours in the rec budget for the assistant to become full time, twice. Mr. Tanner does not disagree, but states in any budget you can move the funds around as long as the bottom number is the same.

Mr. Kelleher questions a letter that referenced to the reasons of termination because he has not seen it. A letter was sent to the recreation commission from Mr. Tanner that broke down the reasons of termination. Mr. Lohbusch provides his original for review.

Drew Dionne made a motion for purpose of discussion to uphold the appeal of the termination of the Parks & Recreation Director. Bob Kelleher seconded for the purpose of discussion. Mr. Dionne states two of the three reasons given happened over a year apart and the third reason didn’t warrant termination. Mr. Dionne feels at the maximum, a warning should have been issued, not termination. Mr. Kelleher agrees that the Rec commission is in charge of programs and without a complaint from them stating the director was not doing what they wanted, it does not merit termination. Mr. Kelleher does not see Mr. Lohbusch’s actions as insubordinate, but a difference of opinion on how the play scape should have been fixed. Mr. Tanner states he may not have gone about this properly, but it is a combination of issues that have been going on since prior to him (Mr. Tanner) being in office. Motion failed 1 (Tanner)-2 (Kelleher, Dionne) Mr. Tanner appreciates the input, even if he didn’t agree with it and all the people who came and hopes this does not interfere with the working relationship. Mr. Lohbusch is reinstated immediately.

Adjourn: Drew Dionne made a motion to adjourn the meeting at 9:00pm Bob Kelleher seconded the motion. Motion passed 3-0.

Respectfully Submitted;

Melissa J. Bradley

Secretary