

**DRAFT**

9-30-20  
9:38 a.m.  
Karen Mowad  
TOWN CLERK  
WOLCOTT, CONN.

**Please Note:** A digital recording of this meeting is on file in Wolcott Town Hall, Commission Secretary's Office.

Chairman Valletta called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Attendance was taken; a quorum was present.

**MEMBERS PRESENT:** Chairman David Valletta, Vice-Chairman Roger Picard, Domenic Angiolillo, Joseph Membrino, Donald Charette, Debbie Golden, Jason Stark, and Francis Masi

**MEMBERS ABSENT:** Rachel Wisler

**ALSO PRESENT:** Mayor Thomas G. Dunn, Municipal Finance Officer Susan Hale; Town Attorney Tynan; Raymond Mahoney, Planning & Zoning Commission Chairman; Attorney Roger Harbanuk, Borghesi, Harbanuk & Wilson, LLC; et al.

### **Discussion of Planning & Zoning Issues Including Possible Removal of a Commission Member:**

At this time, Chairman Valletta asked if Mr. Mahoney would like to come forward and address the questions that the Town Council has.

Attorney Harbanuk questioned what the charges are against his client. Chairman Valletta advised that they do not have charges against Mr. Mahoney and added that they have been trying to get Mr. Mahoney to attend the last two meetings. Not only has he not attended but he has never offered any alternative dates.

At this time, Mrs., Golden stated that she has been fielding questions with regard to P&Z for the past 80 days and that the public has a feeling of no confidence with regard to the Commission.

Mrs. Golden next inquired if Mr. Mahoney has read the Police Dept. report with regard to David Kalinowski, at which time he stated yes.

Mrs. Golden next referenced a property (**inaudible**).

Lengthy discussion followed with regard to the particular property.

Mrs. Golden Questioned if it was Mr. Mahoney's decision, after reading the Police Dept.'s report with regard to Mr. Kalinowski, that it was in the best interest of the Town of Wolcott to appoint him. She next questioned the status of the two new applications for ZEO.

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Mr. Harbanuk stated that it is the Commission's decision of who to hire as a ZEO.

At this time Mr. Membrino stated that Mr. Mahoney was too busy to meet with the Council, however, he found the time to have an off-site meeting with Mrs. Wisler & Mr. Picard at Mrs. Wisler's private residence.

Mr. Mahoney stated that he received a phone call from Rene Wisler who asked him to pick up Christmas trees for the Lions Club. When he walked into her house he asked if he was being ambushed.

At this time, Mr. Stark made the following inquiries: (**JS = Jason Stark, RM = Raymond Mahoney, ARH = Attorney Roger Harbanuk**)

- **JS:** Do you think character matter in a ZEO?
- **RM:** Absolutely.
- **JS:** Did you read the entire Police Report with regard to Mr. Kalinowski?
- **RM:** Yes.
- **JS:** (Mr. Stark next read through various complaints)
- **ARH:** Attorney Harbanuk advised that Mr. Mahoney will not answer these questions as the case was never tried; he does not know the facts behind it.
- **JS:** Complaint #7- Mr. Kalinowski used town owned topsoil for personal use and acknowledged he did so.
- **RM:** I decline to answer.
- **JS:** Complaint #22- Mr. Kalinowski used a town account to purchase a battery for his wife's car but it could not be pursued due to the Statute of Limitations.
- **ARH:** Charges were not pursued for 24 charges; that complaint is dead.
- **JS:** Complaint #23- Use of town freon by himself and others; Mr. Kalinowski acknowledges he did so.
- **ARH:** Mr. Mahoney already stated that he read the report.
- **JS:** Did Mr. Mahoney read this or not?
- **JS:** Do you think that someone who has repeatedly been accused of these claims against him should be working for the town?

**\*\*INAUDIBLE DISCUSSION\*\***

Several people speaking at once

- **JS:** Should someone that has been accused of and that has admitted to these crimes be hired to work for the Town?

**\*\*INAUDIBLE DISCUSSION\*\***

Several people speaking at once

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- **ARH:** The entire Commission voted to appoint Mr. Kalinowski.
- **JS:** That is not the question.  
There was no reply.
- **JS:** Were you aware that Mr. Kalinowski retired from the Town despite being ineligible for full retirement benefits when the Police report alleging his crimes was released?
- **ARH:** Mr. Mahoney was not aware of that.
- **RM:** I was told by the Mayor that Dave was staying on.
- **JS:** Are you aware that the Town has received an invoice from Mr. Kalinowski for hours billed at \$80/per hour?
- **RM:** Are you aware that I had the Town Attorney present to the Commission the contract for Consulting Town Engineer, Mark Possidento to find out what they were paying a person that works by the hour? That's how they came up with the number.
- **JS:** Are you the person who set his level of compensation?
- **RM:** No I never said that. **\*\*INAUDIBLE\*\***
- **JS:** Do you believe that the Planning & Zoning Commission has the authority to set compensation for the ZEO?
- **RM:** Do you think you do?
- **JS:** I'm asking you a question.  
**\*\*INAUDIBLE DISCUSSION\*\***
- **JS:** At any time did you discuss that level of compensation with Mr. Kalinowski?
- **ARH:** Mr. Kalinowski billed the Town without having any input from Mr. Mahoney.
- **JS:** Mr. Mahoney just stated that he asked for what the appropriate amount would be to pay Mr. Kalinowski
- **ARH:** Mr. Mahoney never received a figure.
- **JS:** Did the Planning & Zoning Commission hire an attorney at your last meeting?
- **ARH:** No, they had a consultant. They had an attorney from a group of towns that they send questions to.
- **JS:** Did he appear at the executive session?
- **RM:** No.

At this time, Mr. Angiolillo stated that what he was looking for here was the ability of Mr. Mahoney to work with the Mayor and other Boards & Commissions for the benefit of the town. He is also looking to see if Mr. Mahoney faithfully adhered to his oath of office, FOI laws and the Town Charter.

Mr. Angiolillo next made the following inquiries: (**DA = Dominic Angiolillo, RM = Raymond Mahoney, ARH = Attorney Roger Harbanuk**)

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### **\*\*INAUDIBLE DISCUSSION\*\***

- **DA:** I'm asking the questions.
- **RM:** If I'm not going to be allowed to talk than I'm leaving. You guys can fire me and I'll see you in court. That's where we're at.
- **DA:** Can you do a me favor and please calm down? Mr. Mahoney please calm down.
- **RM:** Don't tell me to calm down. If I have the courtesy to answer your questions, you should extend the same courtesy to me. I had to take time off from work to be here.
- **DA:** After I ask my questions, you can ask the Council your questions but there's a decorum here that you have to follow.
- **DA:** How long have you been on the zoning board Mr. Mahoney?
- **ARH:** 12 years.
- **DA:** Listen, we are here to ask Mr. Mahoney questions and I find it entirely improper that the attorney is answering for him.
- **DA:** What are your qualifications to be on the Board?
- **ARH:** The fact that he's been on the Board for 12 years and is a taxpayer of the Town of Wolcott like you.
- **DA:** Have you knowingly or unknowingly violated your oath of office?
- **RM:** No.
- **DA:** How would you categorize your relationship with the Mayor?
- **RM:** Everything was fine up until this point.
- **DA:** Have you now or in the past had any financial dealings with Mr. Kalinowski?
- **RM:** No.
- **DA:** Between May 15<sup>th</sup> and June 2<sup>nd</sup> how many zoning permits had to be reviewed?
- **RM:** More than 10.
- **DA:** Do you remember the date that you decided to rehire Mr. Kalinowski?
- **RM:** We had a meeting to discuss it.
- **DA:** Was that the June 2<sup>nd</sup> meeting?
- **RM:** Correct.
- **DA:** Did you approach him or did he approach you?
- **RM:** I called him. I was under the impression that he was staying on.
- **DA:** Would you consider the Town an Equal Opportunity Employer?
- **RM:** What does that have to do with anything?
- **DA:** Did you discuss the appointment with anybody else prior to your decision?
- **RM:** He talked to the Town Attorney. He's the one who advised him to have a meeting.
- **DA:** Did you consider anyone else other than Mr. Kalinowski for the position?
- **RM:** No, I said I thought he was staying on.

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- **DA:** On 5/29 you sent a letter to the zoning board saying you wanted to appoint Mr. Kalinowski
- **RM:** I didn't send a letter.
- **DA:** I have the letter right here.
- **RM:** Let me see the letter. Yes, I wrote it.
- **DA:** Some of the members replied yes.
- **RM: Inaudible**
- **DA:** Well, on surface it looks like it could be a violation of the FOI rules.

### **\*\*INAUDIBLE DISCUSSION\*\***

Several people speaking at once

- **DA:** Is it correct that the zoning board approved the \$80.00 per hour?
- Ray Mahoney refused to answer.
- **DA:** Can you show the Council in the Charter where it gives the zoning board the authority to approve contracts?
- **RM:** It's not a contract.
- **DA:** Who determines the number of hours that Mr. Kalinowski works?
- Ray Mahoney refused to answer.
- **ARH:** He's not refusing to answer. He had asked the Town Attorney to present him with the same type of agreement as other people who worked for the Town on a consulting basis.
- **DA:** Between June 2<sup>nd</sup> and today approximately how many applications has Mr. Kalinowski reviewed?
- **RM:** About 30.
- **DA:** Did you reappoint Mr. Kalinowski knowing that the Police just concluded an extensive investigation of approximately 24 allegations against him?
- **RM:** Ray Mahoney refused to answer.

### **\*\*INAUDIBLE DISCUSSION\*\***

- **DA:** Did you or any member of the zoning board conduct your own investigation?
- **RM:** Yes. Not like you guys did. I take people for their word when they've been a lifelong resident.
- **DA:** You just spoke to Kalinowski. Did you speak with anyone else?
- **RM:** Don't put words in my mouth.
- **DA:** Who else did you speak to?
- **RM:** It's none of your business who else I spoke to.
- **DA:** You stated that you believed Mr. Kalinowski was exonerated and would never have hired him if he wasn't. Is that a true statement?
- **RM:** I did say that.
- **DA:** Despite the fact that the Wolcott Police conducted an extensive investigation, interviewing over 15 people over a four month period, concerning 24 separate allegations,

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all but three were sustained and some were criminal in nature, and the prosecutor decided even though there was probably cause she did not want to move forward. What is your definition of exonerate?

- **RM:** He didn't get arrested.

### **\*\*INAUDIBLE DISCUSSION\*\***

Several people speaking at once

- **DA:** How many zoning board meetings have you had between June 2<sup>nd</sup> and this evening?
- **RM:** I don't know. Three or four? We don't have meetings if there's nothing on the agenda.
- **DA:** Between June 2<sup>nd</sup> and now can you tell us how you've been actively replacing Mr. Kalinowski?
- **RM:** They reviewed two resumes forwarded to them by Edna.
- **DA:** Did the zoning board actively advertise in the newspaper or online?
- **ARH:** They can't because they don't have a budget. They have no salary range to advertise.
- **DA:** They can because they had a budget before. Why didn't they advertise?
- **RM:** Because we didn't know what the salary was.

### **\*\*INAUDIBLE DISCUSSION\*\***

Several people speaking at once

- **DA:** I would think that a reasonable prudent person would pick up the phone and call the Mayor with regard to replacing the ZEO and what the salary was.
- **ARH:** Their intention is to get a new ZEO. Their intention is not for Mr. Kalinowski to stay on. They want to get someone else within a few months. They would prefer that the person lives in town; they don't necessarily have to be certified at this point.
- **DA:** My concern is that the perception is that he is stalling.

### **\*\*INAUDIBLE DISCUSSION\*\***

Several people speaking at once

Discussion ensued with respect to certain conversations that took place and events that transpired since then.

Debate next transpired with respect to Mr. Mahoney's due process. Mr. Mahoney stated that he had certain conversations with certain members of the Council that have since changed.

Mr. Picard referenced the letter sent by Attorney regarding the June 2<sup>nd</sup> meeting and questioned if there were any other candidates beginning considered for the position that night.

Mr. Mahoney stated no, he was under the impression that Mr. Kalinowski was staying on.

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Chairman Valletta stated that they called Mr. Mahoney here primary to obtain information. If he had come to them at the very first meeting and explained to them that Mr. Kalinowski was going to be only temporarily employed and that they were seeking for a replacement then all of this could have been avoided. If he could have given them a window i.e. October or November. When he said he couldn't attend the Council meetings, he could have sent an email or a letter stating such. He also could have given the Town Council any other available dates he could attend. All he had to do was communicate with them.

At this time Mayor Dunn came forward, at which time Mr. Stark inquired if he ever advised Mr. Mahoney that Mr. Kalinowski was staying on. Mayor Dunn stated that there are certain things he can answer here and certain things he can't. There were many conversations before the police report was finished and some after.

Chairman Valetta noted that the next item on the agenda is executive session, at which time Attorney Harbanuk stated Mr. Mahoney would like an open session.

**Executive Session: To Discuss Potential Dismissal of a Commission Member:**

There was no Executive Session.

Upon **MOTION** by Domenic Angiolillo, seconded by Jason Stark, it was unanimously voted at 8:09 p.m. to take a five- minute recess.

Chairman Valletta called the Special Meeting back to order at 8:19 p.m.

**ADJOURNMENT:**

Upon **MOTION** by Debbie Golden, seconded by Joseph Membrino, it was unanimously voted to **adjourn** the Special Meeting at 8:19 p.m.

**APPROVED:**

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Elizabeth Gaudiosi  
**Secretary**

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David Valletta, Chairman  
**WOLCOTT TOWN COUNCIL**