



# TOWN OF ELLINGTON

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JAMES M. PRICHARD  
Deputy First Selectman

SARAH D. COOK  
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DAVID E. STAVENS  
RONALD F. STOMBERG  
JOHN W. TURNER

LORI L. SPIELMAN  
First Selectman

Wednesday, November 28, 2018  
Center School Gymnasium  
Board of Selectmen Special Meeting

## MINUTES

**SELECTMEN PRESENT:** Lori Spielman, James Prichard, John Turner, Ronald Stomberg, David Stavens, Melinda Ferry, Sarah Cook

**OTHERS PRESENT:** Patrick McHale, Town Labor Attorney; Sgt. Brian Santa, Resident State Troopers' Supervisor; Peter Hany, Ellington Volunteer Ambulance Corps (EVAC) President; Dorian Famiglietti, Town Attorney; Marie Sauve, Human Resource Coordinator/Executive Assistant; Jaime Foster; Peg Busse; Melissa Doyon; Danielle O'Connell; Sarah Ward Gaer; Tom Palshaw; Peter Reale; Joseph Wehr; Mike Swanson; Shay Drake; Cindy Costanzo; Alicia Dileo; Carl Slicer; Heather Stavens; Jill Charbonneau; Gordon Oliver; Mary Bartley; Jen Mullin

### I. CALL TO ORDER

The Board of Selectmen (BOS) Special Meeting was called to order at 7:00 P.M. by First Selectman Spielman.

### II. PLEDGE OF ALLEGIANCE

### III. CITIZENS' FORUM [non-agenda items]

Ms. Spielman asked Ms. Foster if her comments were related to an agenda item, and Ms. Foster stated that they were not.

Jaime Foster (28 Abbott Road) recounted her version of the events of her interaction with the leadership of the Town of Ellington from March 23, 2018. She said she had an event at her house and a concerned citizen showed her screenshots of a conversation. She called the non-emergency Ellington State Trooper phone number the next morning to report the screenshots. The screenshots involved a man from Ellington engaging with who she believed was an underage girl, bartering for a hotel room. Officer Estes came

to Ms. Foster's house and comforted her, and thanked her for calling. He told Ms. Foster he would call Sgt. Brian Santa, Resident State Troopers' Supervisor, and Peter Hany, EVAC President. On March 24, 2018 at 9:40 A.M., Ms. Foster called the Superintendent of Ellington Public Schools and stated her concerns; she stated that Dr. Scott Nicol told her that the Ellington Rescue Post was not a school club. Ms. Foster called First Selectman Lori Spielman and shared the information with her. Ms. Spielman stated that she checked the schedule and made sure the man was not scheduled to work with the Rescue Post children on that date, and stated that she would look into this situation further. Ms. Foster stated that she went to who she thought could protect children. Ms. Foster was the citizen that was mentioned in some media reports, and she wanted to clarify what happened.

#### IV. NEW BUSINESS:

##### 1. Policies/Procedures – Complaint/Simon Hessler, EVAC Volunteer EMT

Ms. Spielman stated that the BOS is holding this Special Board of Selectmen Meeting to review the policies and procedures that were in place following the arrest of Simon Hessler. The BOS members would like to review to see if there is anything that should be done differently in the future. Ms. Spielman thanked Attorney Patrick McHale, Town Labor Attorney, and Dorian Famiglietti, Town Attorney, as well as Peter Hany, Sgt. Santa, and everyone else for attending the meeting. She encouraged citizens to speak, but asked that they limit their comments to three minutes or less. There is a lot of public concern and misinformation, and she began by clarifying some details.

In November 2017, Ms. Foster contacted Ms. Spielman to tell her that she saw a screenshot of a message on an Enfield Facebook page that caused her concern. Ms. Spielman advised Ms. Foster to call Sgt. Santa to report it. Ms. Spielman also called Sgt. Santa to inform him that he would be hearing from Ms. Foster. This concern involved a homeless adult woman and the messaging discussed bartering for services. Sgt. Santa advised Ms. Spielman, after an investigation was completed, that there was no further follow-up on the complaint as there was no crime committed. In this situation, the proper protocol was followed, which was turning the information over the State Police.

On November 13, 2018, Sgt. Santa told Ms. Spielman that Simon Hessler, EVAC volunteer EMT, had been arrested. Ms. Spielman learned that this had been an ongoing investigation out of Vernon and Manchester. She had no knowledge of it. Ms. Spielman said that as citizens, we have to respect the police department and let them do their job. Mr. Hessler was not a Town employee, he was a volunteer of EVAC, a contracted service. Policies were followed and EVAC did everything they were supposed to do, as well. As the First Selectman, Ms. Spielman is the Chief of Police, per the Town Charter. That means that she ensures that the needs of the Town are met and, should allegations be reported, they will be referred and reported to the State Police. There was a complaint brought to Ms. Spielman's attention and she reported it to Sgt. Santa.

Ms. Cook asked Ms. Spielman if she was aware of how long the investigation took for the issues in March. Ms. Spielman responded that she has no idea and they didn't tell her, even now. As this is an ongoing investigation, she would get the same extent of information as any other citizen.

Mr. Stomberg stated that he thinks Ms. Spielman acted correctly. Mr. Turner stated that he is satisfied that the correct policies and procedures were followed and that this was handled in a timely manner.

Ms. Spielman added that recognizing the disturbing nature of this issue, she and Dr. Nicol have been in contact. The school system had their crisis team in place to provide both individual and group support. She added that it is the goal to be responsive to the needs of the residents. She added that the Board of Education is holding sessions for anyone who feels that they or their children are in need. There are two sessions tomorrow, and residents can contact the Superintendent's office at 860-896-2300 for more information. After January 1, Dr. Nichol and Ms. Spielman will work on guidelines that will be helpful in any future situations the Town may face. If anyone has any concerns, contact the First Selectman's office, the EVAC President, the Superintendent, or the State Troopers Office.

Peg Busse (37 Abbott Road) stated that she understands that in an ongoing investigation, Ms. Spielman is not kept updated. She asked if there was any thought to suspend, put on a leave of absence, or take action against the person being investigated. Ms. Spielman responded that there was no proof at the time that would have supported these actions.

Attorney Patrick McHale stated that Mr. Hessler was an EVAC volunteer, not an employee of the Town. The First Selectman and BOS have no authority over volunteers and cannot suspend anyone from a corporation that they don't control. Ms. Busse asked if this could have been done by EVAC, to which Attorney McHale responded that would depend on the policies of EVAC.

Ms. Busse stated that this might be a weakness in the policies and procedures, to think that no one can suspend a volunteer. This might leave the Town exposed to these things happening. Ms. Busse referenced the court case, which states that the Ellington Resident Troopers reported there were multiple investigations into Mr. Hessler. Ms. Busse asked if multiple investigations should be considered a red flag. Sgt. Brian Santa, Resident State Troopers' Supervisor, stated that is not his report and he cannot comment on that and has no knowledge of it. Ms. Busse stated that this is in Samantha McCord's signed report.

Melissa Doyon (230 Mountain Rd) stated that she is the Administrator of the Enfield Resident Open Forum Facebook group. She clarified that she was at a function on March 23, 2018 when another person came up to her to report that Mr. Hessler had offered her a place to stay in exchange for services, but she felt it was not a bartering of

housekeeping or other similar services he was referencing. Ms. Doyon said that the police came to her house and she told them about this.

Ms. Doyon feels that if a child can be suspended from the Ellington Rescue Post for not making a meeting, they should be able to suspend a member of EVAC. If complaints are made, that person should be addressed. This man is not a reflection of the Rescue Post or the people that work there. Ms. Doyon stated that she is in the medical field and if she had acted in the same way as Mr. Hessler, she would not have a job. This man was in a trusted position, going into the homes of people where minors are involved. Children are held to a high standard and adults should be held to that standard as well.

Peter Hany, EVAC President, stated that the Ellington Rescue Post 512 (ERP 512) operates by its own bylaws. If a member is suspended, it is not his concern. Advisors oversee that group. Nothing ever came to Mr. Hany regarding Mr. Hessler's interaction with any members of ERP 512. If any student was with him, there would have always been another adult also present. Mr. Hany stated that he met with the members of ERP 512 and told them that he hopes they feel safe and secure. If anything ever happened, he needs to know about it. Nobody has come forward.

Danielle O'Connell (56 Pinney Street) stated that she is concerned that students might be embarrassed to go to Mr. Hany as he is in a position of authority. They might want to consider outside counsel. Ms. Spielman responded that the school has many offerings to students for counseling. Mr. Hany stated that the first point of contact should be the ERP 512 advisors; there is always an adult available.

Sarah Ward Gaer (1 Linden Drive) stated that she understands the need to protect students, but it is concerning that there was a complaint against this man, yet he continued to be allowed into her home where she has children, or the homes of other residents. This is not just about the kids in the Rescue Post. It is also about this man having access to vulnerable people in Town. Ms. Ward Gaer stated that she should trust that when she calls 911 the people coming into her home are not potentially preying on other humans.

Ms. Spielman stated that the woman from Enfield was not a minor, and that Mr. Hessler had offered his hotel to other people who needed help as well. Ms. Ward Gaer responded that she is a mental health clinician. Mr. Hessler's behavior was a red flag. If you look at the screenshots of the exchange, it is classic preying behavior on a homeless woman. Ms. Spielman responded that it is her understanding that the woman who was messaging with Mr. Hessler actually did live in his hotel and she is not aware of any reports of inappropriate behavior. Ms. Ward Gaer responded that Mr. Hessler's wife had gotten involved. Mr. Hessler was then allowed to continue doing what he was doing and come into the homes of the people in the community.

Town Attorney Famiglietti stated that she cannot speak to what investigation was or was not done. The allegation of misconduct was referred to the State Troopers appropriately. They determined there was no crime committed or laws broken. Based

on that allegation, other things might have occurred that we were unaware of at that time. The police reported back that based on the allegations, there was nothing further for the Town to do and no crime was committed.

Ms. Ward Gaer asked if someone could be removed from their position only if criminal behavior has occurred. Attorney Famiglietti said that the labor attorney would have to weigh in to see if the Town had jurisdiction. Under the current contractual position, it seems that the Town is not in the position to make changes to an EVAC volunteer's status. Had he been a Town employee, action could have possibly been taken. It all depends on the complaint that is made and the seriousness of the situation.

Attorney McHale stated that he would be surprised if EVAC's rules did not allow them to take independent action against a volunteer. The Town's practice would be to suspend individual with pay while investigation took place, assuming that there was investigation that suggested it might be inappropriate for the individual to continue working. The Town doesn't have authority to suspend a volunteer of another company.

Tom Palshaw (120 Pinney Street) asked what actions EVAC took and when this situation became clear. Mr. Hany responded that he read the comments on a social media public post. He does not feed into the negativity, and he believes that you can put anything on a public platform and receive criticism. The messages stated that Mr. Hessler was offering a room in exchange for housekeeping skills. Perhaps Mr. Hessler had to make up for one part of his life by volunteering in another, but he felt there were no red flags. When Mr. Hany received a call from Sgt. Santa, he did not know the extent of the situation. Mr. Hessler was someone that would offer a free stay at his hotel to people in need. He had no reason to doubt anything he was saying was other than the generosity he had shown up to that point.

Peter Reale (24 Hayes Avenue) asked Ms. Spielman if she was notified of the investigation when Mr. Hessler offered a room to the woman. Ms. Spielman stated that Ms. Foster notified her. Mr. Reale asked if Ms. Spielman was aware Mr. Hessler was an EVAC member. Ms. Spielman responded that he was on leave. She then reported the situation to Sgt. Santa. This was a formal complaint that she followed up on after turning it over to Sgt. Santa. Ms. Spielman stated that she does not recall the exact details, as it happened over a year ago.

Joseph Wehr (155 Windermere Avenue) stated that this is a serious and uncomfortable situation. Everyone should focus on what can be done differently to avoid this from happening in the future. He feels that the Town should have control over vendors and let them know if we do not want specific people working here. We should learn from this, and perhaps begin by documenting when complaints are made. If you question someone else's behavior, do the right thing and report it so that bad things don't happen.

Mike Swanson (27 Standish Road) asked how many complaints regarding this were received by the State Troopers. It seems like a lot of people saw this but didn't say anything.

Shay Drake (9 Wappingwood Road) asked how many adult volunteers are a part of EVAC, and if these organizations do background checks. Mr. Hany stated that they may not have done background checks at the time Mr. Hessler came in. However, he received a glowing report from another town's ambulance service. Shortly after that time, EVAC began having fingerprints and background checks done by the State Troopers. They also obtain a Department of Motor Vehicle (DMV) report. Now, everyone gets a background check. However, he cannot control or know everything someone does in their personal life. A background check might come in clean, but he would be unaware of what the person does in his or her spare time. EVAC has approximately 20-25 volunteers and they are constantly changing.

Mr. Turner said that background checks have been the standard for well over ten years for all emergency service organizations in Town. The background checks show only convictions, not what someone was acquitted of. The organizations also get do a DMV check, a physical exam, and drug test. They have stress debriefing and training, due to the nature of the business. There are services available for emotional support. People who work with youth have additional training and guidance. These regulations are very specific and structured and are reviewed annually.

Mr. Hany stated that a person on the Membership Committee just told him that Mr. Hessler was fingerprinted. EVAC always asks for three references. When Mr. Hany joined the Fire Department three years ago, he was fingerprinted and they ran a background check. It is a matter of protocol and done for everyone. Ms. Drake suggested that any person who works in the Town who might not have had a background check should get it done. It might not catch anything, but even if it prevents one person from being harmed it would be worth it. Mr. Turner said that they have been doing this for close to twenty years. He believes that there would be very few people remaining that have not been fingerprinted or gone through this process.

Cindy Costanzo (16 Punkin Drive) thinks it is great they are getting opinions. She asked if Town administrators have thought about what changes may be implemented. Ms. Spielman responded that she is going to work with Dr. Nicol to review and revise policies and procedures as need be. Ms. Costanzo asked what specific policies they are considering. Attorney Famiglietti responded that Attorney McHale will review the Town's position in regards to employee matters. They will have to work with the volunteer organizations to ensure that they have successful operations in place. Perhaps they can help beef up policies and procedures where potential improvements are identified.

Ms. Costanzo said that there appears to be a lack of confidence in the Town's relationship with volunteer organizations. It appears there is no link of authority between the Town and those groups. She encouraged them to think what could be done to work with volunteer organizations so that people are protected. Ms. Spielman responded that

if Sgt. Santa came to her with an immediate problem, she would contact the Chief and he would put something into place right away. Ms. Costanzo suggested having a policy or an agreement in place for future leaders.

Attorney Famiglietti said that under the current arrangement, the First Selectman does not have authority over volunteers. However, as long as the ongoing relationship between the organizations remains collaborative, she would expect any of the leaders of the volunteer organizations to take action should the First Selectman raise a concern. Ms. Costanzo suggested a Memorandum of Understanding (MOU) or something in writing for assurance going forward.

Ms. Ward Gaer expressed that a background check could only do so much. There should be an investigation beyond what is criminal and legal. Ms. Ward Gaer did not know that EVAC was an independent organization, and thought it was run through the Town.

Mr. Hany stated that he has no problem with what Ms. Costanzo is suggesting. He thinks that both fire departments will follow suit. They have to have bylaws and standard operating guidelines. To terminate Mr. Hessler, they needed a formal complaint, a three-person investigating committee, and action by the board. There has to be just cause. He did all of the above in a half an hour because of the extreme nature of the situation. Mr. Hany is not opposed to working with the Town more closely, but EVAC has to follow their bylaws.

Mr. Wehr stated that since these organizations take money from the Town, the Town should be able to set a standard. Mr. Hany stated that he can suspend a member under gross negligence, but termination has to go through the process.

Alicia Dileo (41 Windmill Road) asked how long Ms. Spielman waited to take action. The First Selectman's responsibility should not stop at passing the situation on to another entity. Ms. Spielman should let the leaders of the other organizations in Town know if someone is under investigation. Ms. Spielman said she cannot recall when she spoke to Mr. Hany. She brought the information to Sgt. Santa, who investigated and reported that there was nothing to the case.

Sgt. Santa said that he informed Mr. Hany as soon as he was aware something was happening. The current arrest was conducted by another State Police agency. This was an undercover operation and there is information even he is not privy to. This was an outstanding job done by State Police to arrest this predator.

Mr. Turner said that the relationship of the Town to emergency services agencies needs to be remembered. He has full confidence that the agencies followed the proper procedures. There might be a misunderstanding that the First Selectman as "Chief of Police" should act like a sworn police office. The police do not call Ms. Spielman every morning and give her a run-down of police activity and the status of cases. This is a contractual relationship.

Mr. Palshaw clarified that the first action that EVAC took in this situation was following the arrest. Mr. Hany confirmed.

Ms. Busse said that she would like to know more about the formal process. Will there be a formal group to look at the policies and procedures? Will this be an outside group? Mr. Turner stated that the Ad Hoc Emergency Services Committee is made up of two members of the BOS, two members of the BOF, the Emergency Management Director, and the agencies involved with the Town. That committee sits with the agencies and gets a consensus to make sure everyone is on the same page. Mr. Turner feels satisfied that Ms. Spielman will sit with Mr. Nicol and review the labor union contracts. He doesn't feel that an independent investigation is warranted unless shortcomings are found.

Ms. Busse asked for a postmortem of what happened and how they can do better in the future. Mr. Turner stated he believes that is what Ms. Spielman is going to do. He expects they will look at internal policies and procedures to see what could be done better. Ms. Busse said that citizens need to see what is looked at and what comes out of this.

Ms. Ward Gaer stated that it is human nature is to be biased towards the people you are close to. She feels that in this situation, bias got in the way and prevented people from digging further into this situation. She would feel better if someone from the outside came in to say how this could be prevented in the future.

Attorney McHale stated that he didn't see the Facebook posts that there is a concern about. The Town has very detailed policies that deal with Town employees. If there was an issue or an allegation against a Town employee, the Town would suspend the individual with pay while an investigation occurred. The issue here seems to be whether the information that came in should have given a reasonable person cause to do more or not.

Ms. Ward Gaer expressed her concern that Mr. Hany did not look at the messages. Though it might not have reached the bar for criminal charges, the behavior was concerning and should have been addressed. Ms. Spielman said that this issue is being taken seriously.

Carl Slicer (14 Gale Drive) stated that he owns a company that does background checks. If Simon Hessler had no public record of conviction in this state, other states or federal courts, it would not show up on the background check. Also, it is against the law to use Facebook as a source for pre-employment purposes, because it cannot always be guaranteed who posted what, where, and how. These situations have happened previously in Ellington. The Ellington Board of Education (BOE) had to address a bus service issue, where a bus driver had a relationship with a student. The bus service company has a contract with the Town of Ellington, but the drivers are not employees of the Town of Ellington.



Heather Stavens (35 Pinnacle Road) asked Ms. Doyon why, if she works in the medical field, she did not report her concerns to the police directly as a mandated reporter. Ms. Doyon responded that she reported the situation to people she trusted. Mr. Hessler's wife contacted her. Ms. Doyon also reported this to the ambulance and a constable.

Mr. Hany stated that Ms. Doyon did not contact him about the incident. He asked Ms. Doyon why she did not contact him, the Chief of Service, about her concern. Ms. Doyon responded that she was told he was contacted and that her daughter would be taken care of. Ms. Doyon said that her daughter was told not to discuss this issue while she was at the Rescue Post. Ms. Doyon said she was assured that Mr. Hessler would not have contact with her daughter. Mr. Hany asked Ms. Doyon why it took her from November 2017 to March 2018 to have Ms. Foster report her concern to the State Police. He reaffirmed that he did not know about this issue. Ms. Doyon responded that the issue came up again in conversation again in March.

Jill Charbonneau (39 Crystal Ridge Drive) stated that she is a DCF social worker with two daughters. She is also a part of an anti-human trafficking team. This situation has created an opportunity to stop blaming people for what happened. There was certainly a concern or red flag, but that red flag has come to light and become clearer only because of what just happened with the arrest of Mr. Hessler. There is the opportunity to take advantage of red flags going forward, and take a look at the people who interact with children every day. Ms. Charbonneau implored people to stop pointing fingers and think about what we can do to move forward and improve every day.

Mr. Wehr stated that he doesn't believe it is productive to rehash the past. They should focus on coming up with the proper procedures to move forward.

MOVED (TURNER), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO RECESS FOR 5 MINUTES AT 8:23 P.M.

The meeting was called back into order at 8:34 P.M.

## 2. Update Position Description – Director of Recreation

Ms. Spielman reported that she has requested input from other towns on the review and revisions of this position description. Ms. Spielman asked Mr. Oliver, Chairman of the Parks and Recreation Commission, questions about security and background checks of employees and volunteers and if he has recommendations for improvement in that area.

Chairman Oliver stated that there is a heightened sense of awareness due to the Hessler incident that was discussed earlier. Background checks are done on coaches and they will continue to be done.

Ms. Spielman said that Mr. Tedford was concerned with the cost of background checks and fingerprinting. The cost is about \$75 a person, depending on the level.

Mary Bartley, Acting Director of Recreation, stated that candidates will fill out a general application and then another for fingerprinting. That is sent to the State Police for a background check. When the information comes back, it is put into the person's file.

Ms. Cook confirmed that there is a list of things that would prevent a person from being hired.

Mr. Oliver asked what will come up on a background check. Sgt. Santa responded that pending charges, nulled charges, and convictions will show up on background checks. Certain things might be wiped from a background check, such as if a crime was committed when someone was a juvenile.

Jen Mullin (115 West Road) asked about the different levels of background checks. What else would you get if you paid more? Sgt. Santa responded that there are different levels. The Town follows the same process for everyone.

Ms. Cook asked about offences from other states showing up on the background check. Sgt. Santa said that an increased fee might allow you to get a higher level of information. He is not familiar with the exact fee schedule. Ms. Cook stated that the higher the level, the more expensive it is and the requirements are very strict with how information is stored. Sgt. Santa said that in that case, someone might have to be fingerprinted twice for the FBI and the State.

Ms. Costanzo said that this should not be a policy dictated by the Recreation Department. This information would hold for and should be dictated to all departments. Ms. Costanzo stated that on the agenda tonight is not a policy, it is a job description. If the employee that fills this role should have discretion over background checks, that discussion is appropriate. However, what is done for background checks would apply to all employees and volunteers in the Town.

Ms. Ferry stated that while this might not be specific to Recreation, it is helpful to have this discussion. Ms. Costanzo stated that she doesn't think this is the appropriate forum to have this conversation. Time needs to be dedicated to this so that Town residents can feel comfortable.

Ms. Cook stated that she is not sure that the role of keeping the background checks on file can be removed from Human Resources. The head of the division cannot have access to review the information due to personal information like social security numbers being included. Marie Sauve, Human Resource Coordinator/Executive Assistant stated that the Recreation Director role would maintain confidentiality of records, as appropriate. However, this person should not have access to social security numbers, which is included in the background checks:

Ms. Costanzo said that there have been incidents when Mr. Tedford received an unfavorable background check and had to take action.

Ms. Cook asked about the salary increase. Ms. Sauve confirmed that it is due the increase from 4 to 6 years of experience.

Mr. Turner stated that he is satisfied with the revisions and doesn't believe the background check information will be resolved tonight. There are issues with the way that they are going to be stored. He is okay with the position description as presented.

MOVED (TURNER), SECONDED (COOK), AND PASSED UNANIMOUSLY TO APPROVE THE REVISIONS TO THE JOB DESCRIPTION FOR THE DIRECTOR OF RECREATION AND TO ADJUST THE SALARY RANGE FROM E-5 TO E-6.

#### V. ADJOURNMENT

MOVED (TURNER), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 8:51 P.M.

Submitted by *Meaghan Maguire*  
Meaghan Maguire  
Recording Secretary

Approved by *Lori L. Spielman*  
Lori L. Spielman  
First Selectman