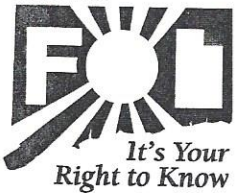
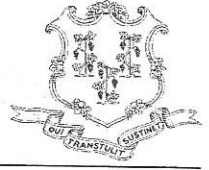


Since 1975



# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6474 • www.ct.gov/foi • email: foi@ct.gov

June 7, 2018

Town of Haddam  
30 Field Park Drive  
Haddam, CT 06438

**RE: Docket #FIC 2018-0254; Melissa Schlag v. First Selectman, Town of Haddam; and Town of Haddam**

Dear Respondent:

Please be advised that the Freedom of Information Commission has received a complaint alleging a violation against your agency. A copy of the complaint is enclosed for your reference. The Commission will send you a Notice of Hearing and Order to Show Cause, which will notify you of the date, time and place of the hearing.

In the interim, the Commission has instituted an ombudsman program with respect to complaints brought to it. Pursuant to this program, a staff member is assigned to act as liaison between the parties to each contested case filed. It is the responsibility of the ombudsman to effect settlements of complaints where possible, thereby avoiding the delays and expenses caused by unnecessary hearings. Of course, the ombudsman will not communicate nor participate with any person within the Commission who serves in a decision-making role with respect to this particular case.

Thomas A. Hennick has been assigned to the above-captioned matter. Please contact him at 860-566-5682 to discuss your case. **Please Note: Any written correspondence directed to this commission, except to the ombudsman, by any party to a contested case, must be copied and sent to all other parties.**

Sincerely,

M. Stratton  
Acting Clerk of the Commission

FIC#2018-0254/CORR/TAH/MAS/2018-06-7  
Enclosures

**FOI Complaint #2  
Against  
First Selectman Mrs. Elizabeth Milardo  
May 17, 2018**

Per Section 1-206 of the Freedom of Information Act, I am hereby filing this complaint against First Selectman Elizabeth Milardo for a failure to respond within the statutory timeline and a failure to provide the requested documentation and/or information in a timely manner.

My initial request was made via email on May 2, 2018 to Mrs. Milardo:

Melissa Schlag <selectmanschlag@hotmail.com>  
Wed 5/2/2018 1:24 PM

To:

Lizz Milardo (firstselectman@haddam.org)

Lizz,

Please send me any correspondence/information on the Assessors dismissal.

It is all public information and it should also be known by the selectmen at the very least.

I shouldn't have to rely on rumors to get information in town.

Furthermore, the attorney has nothing to say about the information being given to the public, anyone's personnel file is an open record with a few exceptions, like health documents/social security numbers.

Or will you force me to come in and make an FOI request to view her file?

Happy to do that if that is the only way I'll get information about this important issue.

**Melissa J. Schlag**  
Haddam Selectman  
selectmanschlag@hotmail.com

REC'D & FILED

MAY 17 2018

Freedom of Information Comm.  
By                     

Although I am a selectman, I have found it incredibly difficult, and in most instances impossible, to get information from the first selectman; therefore, I have no choice but to use the law to help me retrieve the information I request.

Thank you for your time,



Melissa J. Schlag  
PO Box 416  
Haddam, CT 06438  
860-398-0569  
melissaschlag@hotmail.com

DOCKETED

JUN 05 2018

Freedom of Information Comm.  
By

## Lizz Milardo

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**From:** Melissa Schlag <selectmanschlag@hotmail.com>  
**Sent:** Wednesday, May 02, 2018 1:24 PM  
**To:** Lizz Milardo  
**Subject:** Assessor

Lizz,

Please send me any correspondence/information on the Assessors dismissal.

It is all public information and it should also be known by the selectmen at the very least.

I shouldn't have to rely on rumors to get information in town.

Furthermore, the attorney has nothing to say about the information being given to the public, anyone's personnel file is an open record with a few exceptions, like health documents/social security numbers.

Or will you force me to come in and make an FOI request to view her file?

Happy to do that if that is the only way I'll get information about this important issue.

**Melissa J. Schlag**

Haddam Selectman

*selectmanschlag@hotmail.com*



## Board of Selectmen's Meeting – May 14, 2018 (Approved Minutes)

Lizz Milardo called the meeting to order at 6:30 P.M. at the Town Hall, 21 Field Park Drive, Haddam CT 06438

Larry Maggi, Melissa Schlag and Joe Centofanti, Board of Finance Chairman and the Town Labor Attorney, Kyle McClain.

The Pledge of Allegiance was recited.

**Approval of Agenda:** Maggi made a motion to add to the Agenda: Award RFQ for Administrative Services for the Senior Center ADA Grant. No discussion. Approved unanimously.

**Approval of Minutes:** Schlag made a motion to approve the April 23, 2018 minutes. There was a brief discussion regarding the detail of the minutes. Approved unanimously.

Maggi made a motion to approve the April 24, 2108 minutes. No discussion. Approved unanimously.

**Public Comments:** Schwing: 141 Church Hill | Haddam Bulletin: Made a comment regarding the Silver Springs properties and asked if the Town received an appraisal for the upcoming auction. Milardo stated that the values they were using came from the Assessor's office.

He also commented on the Charter and the First Selectwoman's authority on hiring and firing employees and suggested Milardo review the Charter with the Town Attorney.

Kyle McClain responded that he would review the Charter.

Perron, Neal: Why was Jennifer fired? Milardo: Willful misconduct.

McClain commented that it is common for the Town as the employer to keep employment decisions confidential between the Town and the employees.

Schlag commented that it is all public information and that the Town people have a right to know why a town employee was terminated.

McClain Commented that under FOIA public records that are non-exempt can be reviewed as it is a citizen's right to do so. As far as a comment having to be made at a public meeting – there is no requirement for that be made. It is often recommended by lawyers that they not be discussed in an open forum for a variety of reasons including exposure to future claims.

Goodwin, Dave: asked for clarification regarding the recording of the minutes and asked if they were being recorded "right now" – it was clarified that they were. He also commented that more detail in the comments would be helpful.

Challenger, Sharon: Commented on the reason for termination being discussed at a public meeting seems slanderous.

McClain commented that one of the exemptions is whether it is an invasion of privacy. Things that would be included under an invasion of privacy are medical records or social security numbers.

Schlag commented that there are very few limitations to the law to hold those records back. Jennifer worked for the government and we have a right to know what our government employees do.

Munster, Ed: Commented that we would not want to expose the town to potential lawsuits with respect to some of this information.

Schlag: Asked if Jennifer Gauthier has filed a lawsuit against the town?

Milardo: Reminded Schlag of the executive session they held with Jennifer Gauthier.

Schlag: responded that she remembers what was said and suggested we should have gone into an executive session prior to Jennifer being terminated.

Milardo: Stated that she had the right to terminate Jennifer under willful misconduct. Milardo runs the day to day for the town and spoke with the labor attorney before action was taken to clarify that she had the right to do so and was told she did.

Schlag stated that the process should have been: Put the employee on Administrative Leave, call an emergency meeting with the Board of Selectmen and Joe Centofanti and discuss the matter.

Milardo stated she had a conversation with Attorney Nick Grello. Nick has reviewed the Charter and took his advice.

McClain: Commented for the record that he responded that he needed to review the Charter for him personally. Attorney Nick Grello is the attorney who dealt directly with this issue.

Schwing, Ed: Commented that the public has a right to know why someone is hired/fired. It cannot be kept secret. He also commented that after the employee is let go from the town they are no longer protected by the town and you have to release the information.

Milardo: stated that her file is free to be looked at.

**Tax Refunds:**

<u>Last Name</u>	<u>First Name</u>	<u>Amount</u>
<b>Real Estate (01)</b>		
Brault Hill, LLC		\$10.78
Brault Hill, LLC		\$10.61
<b>TOTAL:</b>		<b>\$21.39</b>
<b>Motor Vehicle (03)</b>		
Ally Bank		\$209.31
Fredericks	Dean	\$18.00
Czaja	Donna	\$5.52
Nablo	Kelly/Tracy	\$65.35
Gamache	Christopher	\$43.21
White	Barbara	\$7.13
Hadarik	Marc	\$9.64
Fowler	Wesley	\$23.07
<b>Total:</b>		<b>\$381.23</b>
<b>Motor Vehicle Supplement (04)</b>		
Stake	Kathleen	\$27.73
<b>Total:</b>		<b>\$430.35</b>



Maggi made a Motion to accept the April 14, 2018 Tax Refunds. There was a brief discussion. Approved Unanimously.

**Appointments: Tax Assessor:** Schlag made a motion to appoint Tammy Anderson as the Haddam Tax Assessor. There was discussion regarding the process of appointing/hiring employees. Board of Selectmen Approved unanimously. Centofanti approved motion.

**Transfer Station discussion:** The board met on April 24<sup>th</sup> to discuss options for the transfer station fees. The fees have not been increased since 2010. We discussed giving 2 tickets for bulky waste a year and residents being able to purchase additional bulky waste tickets during the year. Maggi made a motion to approve Transfer Station fees to remain at \$50.00 for residents 65 and older and to increase the fee for residents to \$75.00. There was a brief discussion which included Schlag suggesting the Transfer Station Task Force be re-appointed and not increasing the fees this year. Maggi commented that all surrounding towns are much more expensive than Haddam and suggested that this is just a start and we need to start somewhere. Milardo stated that the additional ticket fees discussed on the 24<sup>th</sup> were between \$5.00 - \$10.00 – but that can wait.

We will increase the fee to \$75.00, leaving the fee at \$50.00 for residents 65 and older and contractors need to show a building permit when dumping bulky waste. Milardo and Maggi approved. Schlag: Nay.

**Award RFQ for Administrative Services for Small Cities Grant:** This piece of the grant is going to take care of the paving, walk way and the outside ADA improvements at the Senior Center that need to get done. It is Federally funded and need to use an administrator for the grant. The only RFQ we received was from Larry Wagner. Schlag made a motion to Larry Wagner and Associates to administrator the Small Cities Grant that was repurposed for the Senior Center. Brief discussion. Approved unanimously.

Maggi made a motion to adjourn at 7:09 pm. No discussion. Approved unanimously.

Minutes taken by JoAnn Ricciardelli

## Lizz Milardo

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**From:** Melissa Schlag <selectmanschlag@hotmail.com>  
**Sent:** Thursday, May 17, 2018 7:49 AM  
**To:** Lizz Milardo  
**Cc:** Kyle McClain  
**Subject:** Assessor firing request for information

Dear Mrs. Milardo,

At the recent board of selectmen meeting, you said Attorney Grello gave the legal opinion that the first selectman has the unilateral legal right to fire employees.

Again, and as was stated at the last meeting, according to section 8.14 of Haddam's Charter, it is the BOS that hires and fires.

Kindly send along any documentation, correspondence, or notes, from/to Attorney Grello regarding this issue.

Thank you,  
Melissa

**Melissa J. Schlag**  
Haddam Selectman  
*selectmanschlag@hotmail.com*