

Thomaston Board of Finance  
Special Meeting of June 15, 2010

Present: D. Colavecchio, K. Mosimann O'Sullivan, G. Seabourne, S. Turner, F. Treglia and M. Galbraith (also a member of the TOHC).

Also invited and present: Thomaston Opera House Commission members: L. Killiany, M. Kamens, B. Piscopo, B. Skinner, A. Quinn; Town Attorney, Michael Rybak.

Also: members of the public, press.

**1. Call to Order**

D. Colavecchio called the meeting to order at 7:32 pm.

**2. A joint meeting with the Opera House Commission and the town attorney to discuss the Opera House budget, closing, debt, transition, and contract with a new production company.**

D. Colavecchio explained that the purpose of the meeting was to seek the advice of Attorney Rybak on the matter of closing the operations of the Opera House under its current structure and reopening with an outside contractor. He further reported that the Opera House Commission projects that closing by December 31, 2010 will cost (\$47,761).

Mr. Rybak averred that the Opera House is not a separate entity from the Town in the eyes of the law; its employees are Town employees, although he did not know if they are eligible for the same benefits as other Town employees. He noted that the Opera House must be available for Town use, even under the operation by an outside entity. An independent contractor will run the facility and take the risk for its own profit or loss.

G. Seabourne asked if the deficit budget needs to be approved by a Town Meeting. Following a lengthy discussion Attorney Rybak advised that the Opera House budget should not be part of the Town budget at this time and that the Opera House debt would be paid down through a monthly fee from the outside contractor. The income will debit cash and credit the Opera House Special Revenue Fund loan.

Rebecca Skinner, Chair of the TOHC Strategic Planning Committee, asked about the legal difference between a lease and a rent. Attorney Rybak said that a rent is not an exclusive arrangement; the Town has a state grant which requires that we will not lease the Opera House for 10 years. He noted that the Opera House Commission needs to have daily oversight and a hands-on role in the operation of the Opera House building, including its own custodian.

Mr. Rybak listed the following entities that must approve the contract with an outside operator: Opera House Commission, Board of Selectmen, Board of Finance, Connecticut Commission on Culture and Tourism, Ct. Attorney General's Office.

He observed that if the contract does not involve an expenditure of Town funds, then it does not have to go to a Town Meeting.

Mr. Rybak advised that all equipment in the Opera House must be inventoried and arrangements must be made to sell or rent items to the new company or to an outside company.

**3. Adjournment:** On a motion by K. Mosimann O'Sullivan, seconded by G. Seabourne, the meeting was adjourned at 8:37pm.

Marie Galbraith, Secretary, Thomaston Board of Finance