



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Andreas Bisbikos, First Selectman

Board of Selectmen Minutes
Thursday, February 3rd, 2022, at 7 PM
Meeting Room 1, Town Hall

RECEIVED
COLCHESTER, CT
2022 FEB -8 PM 1:41
Andreas Bisbikos
First Selectman

1. Call to Order: First Selectman, A. Bisbikos called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance
3. Correspondence: Attached
4. Citizens Comments: J. Malsbenden spoke regarding BOS voting authority and Robert's Rules. D. Lambert read a very lengthy letter, submitted into record, regarding a Cease-and-Desist Order involving the Conservation Commission. G. Transue spoke in favor of Zoom meetings because of the convenience of the technology although she does support in-person as well. A. Bisbikos responded stating his support for hybrid technology and maximum participation. B. Dennler spoke about his support for Zoom vs. current choice for in-person meeting platform. R. Silberman spoke to his support for Zoom capability, made claims against a private citizen, and spoke about Colchester government. K. Kardys spoke about J. LaChapelle views and supports Zoom vs. in-person meetings right now. V. Rose spoke to trends he is observing in town government and supports a Zoom platform for meetings.

Consent Agenda: R. Coyle motioned to remove the 1/20/22 minutes of Selectmen Meeting from the Consent Agenda and renumber it as "5" and renumber the second part (B) Reappointment of Eleanor Phillips to the Board of Trustees of the Thames Valley Council for Community Action with a term set to expire on 3/22/23 as number "6". Seconded by D. Bates. Motion carried – 5-0.

5. Approve Minutes of the 1/20/22 Board of Selectmen Meeting: R. Coyle motioned to make a correction on the 1/20/22 minutes with the following: on 8A remove the words "who resides on the Bacon Academy Board of Trustees: and replace with "chair of the Sewer and Water Commission". Seconded by A. Bisbikos. Motion carried 5-0.

6. Reappointment of Eleanor Phillips to the Board of Trustees of the Thames Valley Council for Community Action with a term set to expire on 3/22/23: Motion made by D. Turner for reappointment of Eleanor Phillips to the Board of Trustees of the Thames Valley Council for Community Action with a term set to expire on 3/22/23. Seconded by R. Coyle. Motion carried 5-0.

7. Acceptance of the DECD Urban Act Grant of 2.5 million

A. Authorization for the First Selectman to sign any necessary paperwork associated with the grant. Maggie spoke to provide clarification to this line item. Grant has already been awarded through the State Bond Commission. Looking to have the Board of Selectmen allow acceptance of the grant and authorize the First Selectmen to sign any and all paperwork that will continue to come from DECD to avoid a bottleneck in progression of this grant. R. Coyle motioned to authorize the First Selectmen to sign any necessary paperwork associated with the grant of 2.5 million for the Senior Center. Seconded by J. LaChapelle. Motion carried 5-0.

8. Financial Accounting Rudko Legal Engagement and Recount

A. Luis Medina Invoice: totaled \$7,110.00.
B. Shipman & Goodwin Cost: estimation for their part in the case is estimated at \$18,500.
C. Recount Cost: Per K. Romero, payroll costs are just under \$1,600 which includes all poll workers. Registrars did not put in any additional charge other than their standard pay. Additional cards were \$125 and this information is just for the most recent recount.

9. Transfer Requests: Maggie spoke to the fact these are transfers related to the last fiscal year budget. D. Turner made a motion to move the block of Transfer Requests forward. Seconded by D. Bates. Motion carried 5-0.

10. Staffing Updates

A. Current Status: New hires - A. Bisbikos, First Selectman; Rachel Fuller, the Department Assistant; and Marli Rudko as Executive Assistant to the First Selectman's office. K. Rowley resigned as Deputy CFO for the Finance Department. S. Hoffman hired as Fire Chief. P. Medlinger hired as part-time Parks and Recreation employee. Jean Walsh retired as Administrative Assistant to the Fire Department. R. Sperrin is an inactive temp counselor per diem six times per year. C. Strickland resigned from payroll benefits Finance Department. There is a replacement for the position for the Administrative Assistant to the Fire Department with the individual start date to be 2/28/22. R. Coyle said name needs to be sent to Board of Selectmen prior to the board meeting because they have the right to agree or disagree on anyone and by majority could vote to overturn any candidate chosen for a position. The position for payroll benefits is Union, is posted, is open until filled and applications, per Maggie, have not yet been reviewed. Discussions are underway with A. Bisbikos, J. Burt, Superintendent and M. Cosgrove in Finance about the potential of a structural change regarding the Finance Department between the Town and the Board of Education. Agreement was attained to hold further discussion on this during the next Board of Selectmen meeting on 2/17/22.

B. Possible Special Meeting date to discuss Public Works Director position: The Public Works Director job description requires modifications, and it was agreed upon to hold this discussion at the next regularly scheduled meeting on 2/17/22 with an earlier start time of 6:00 p.m. to cover the two aforementioned discussion items.

11. Agri-Tourism Webpage: D. Rosenblatt, Chairman of the Agriculture Commission spoke on ways to improve the agriculture and town relationship. They would like to create an agricultural tourism page on the town website. She outlined all the different types of farmers that Colchester currently has. Engaging with our schools, they would like Bacon Academy students to partake in this initiative as videographers, journalists, and public speakers as well as opening this to all other grade levels for various levels of engagement. Goal is to have an interactive map to view farm offerings. Initially there would be links to farm websites, working towards video offerings, and the possibility of a Facebook platform. A. Bisbikos offered his staff to get a page created for this initiative. M. Rudko will engage with CivicPlus (the town website provider) and Novus (our off-site tech support company) to review what options are available to provide video content and what server storage capacity the town has available. J. LaChapelle suggested utilizing YouTube. R. Coyle motioned to allow the Agricultural Commission to develop the Agri-tourism website with the assistance of everybody they need. Seconded by D. Turner. Motion carried 5-0.

12. Connecticut Propane & Petroleum Fixed Price Agreement: A. Bisbikos read the agreement. R Coyle moved to authorize the First Selectman to sign the Connecticut Propane document at the stipulated price of \$2.00/gallon for the duration of the agreement. Seconded by J. LaChapelle. Motion carried. 5-0.

13. Kiosk Testing Agreement: New company just moving into CT to provide Covid testing. R. Melmed stated this will be a kiosk set up in one of the parking spots at the Rec Plex. The proposal includes public hours of operation Monday through Saturday, 8 a.m. to 4 p.m. The long parking lot with cul-de-sac will be utilized near the pavilion. Details were provided on what components of the Rec Plex and Public Works will be used in order to provide this service and also the protocol on how to obtain testing. Extension option and cost to the town was touched upon. Some outstanding questions remain that will be explored. D. Bates made a motion to move the Kiosk Testing agreement forward and authorize the First Selectman to sign any necessary documents. Seconded by R. Coyle. Motion carried 5-0.

14. Sewer & Water Proposals:

A. Professional Engineering Services, Conduct Water Tank Inspection and Alternatives Evaluation, 40 Tall Tank at Elmwood Heights

B. Professional Engineering Services, Conduct Investigation into Filter Plant Underdrain Failure and Upgrade Options. S. Coyle spoke to these water proposals. A. Bisbikos spoke to the poor condition of these items. J. LaChapelle motioned to table this discussion and expressed his opposition to allowing S. Coyle to speak via Zoom because in all fairness these links were only provided to the Board of Selectman and not to the general public and he asserted that favoritism was at play here because public members had to attend in person. A. Bisbikos stated this needs immediate attention and discussion ensued around attention to this matter.

R. Silberman added some information to the discussion. R. Coyle motioned to hire Lenard Engineering for this proposal for engineering services and conduit investigation into the filter plant underdrain failure, upgrade options for Colchester for an amount not to exceed \$8,000. Seconded by D. Bates. J. LaChapelle abstained. Motion carried 4-0-1.

15. Sewer & Water/Bacon Academy Board of Trustees

A. Possible appointment of J. LaChapelle and D. Turner to represent the Board of Selectmen on the Sewer & Water/Bacon Academy Board of Trustees subcommittee. Possible appointment of S. Coyle and G. Lepage to represent the Sewer & Water Commission on the Sewer & Water/Bacon Academy Board of Trustees subcommittee. Possible appointment of T. Dessureault and A. Norton to represent the Bacon Academy Board of Trustees on the Sewer & Water/Bacon Academy Board of Trustees subcommittee. R. Coyle motioned to appoint J. LaChapelle, D. Turner, S. Coyle, G. LePage, T. Dessureault and A. Norton to the Sewer and Water/Bacon Academy Board of Trustees subcommittee. Seconded by D. Turner. J. LaChapelle stated that his interpretation of the Town Charter was that elected officials can not serve on committees or subcommittees. Discussion ensued about the proper naming of this temporary panel of volunteers based on the wording of the Town Charter. It was agreed upon that this would be renamed to a "study group". Agreed upon name: Sewer & Water/Bacon Academy Board of Trustees Study Group. Minority representation was discussed in regard to party affiliation. A question was raised as a concern to clarify that none of these members serve on the Bacon Academy Board of Trustees so there is no conflict of interest. A. Bisbikos will reach out to the Bacon Academy Board of Trustees to get their full list of who serves on that board. They will appoint individuals to this study group and will approve this contingent upon the list. Previous motion modified by R. Coyle to state this panel of individuals serve on the Sewer & Water/Bacon Academy Board of Trustees Study Group contingent upon the previously mentioned full list. Seconded by D. Bates. Motion carried 5-0.

16. Public Safety Committee

A. Possible appointment of A. Bisbikos and R. Coyle to represent the Board of Selectmen on the Public Safety Committee subcommittee. Possible appointment of Fire Chief S. Hoffmann and B. Bernier to present the Fire Department on the Public Safety Committee subcommittee. Possible appointment of Sergeant Tetreault and Officer S. Owens to represent the Police Department on the Public Safety Committee subcommittee. A. Bisbikos stated this will be called a study group as well. D. Turner motioned to appoint A. Bisbikos, R. Coyle, S. Hoffman, and B. Bernier, Sergeant Tetreault, Officer Owens to serve on the Public Safety Committee Study Group. Question was raised by J. LaChapelle that the Town Charter states that even study groups must contain electors. J. LaChapelle cited the Town Charter C-101. Definitions, General Provisions, Appointed Board. Discussion ensued between a few members on the Board of Selectmen regarding the diction in the Town Charter. A. Bisbikos stated only people who reside in Colchester would be allowed to

participate in the study group to vote. A. Bisbikos said no action will be taken on this and will be reviewed at the next meeting.

17. Citizen's Comments: M. Egan in reference to the Public Safety Committee offered a suggestion on how to structure the makeup of the Committee so even those who are not electors can participate at some level. J. Malsbenden agreed with Jason's stance on his abstention during the Sewer & Water proposal. He also offered suggestions on recording minutes. B. Dennler spoke to J. LaChapelle's most recent Facebook comments and reiterated again the in-person platform vs Zoom for holding Board of Selectmen meetings. D. Lambert finished the reading of her letter, stating Town Charter codes in reference to removal of a Conservation Committee member.

18. First Selectman's Report:

- I. Special thank you to Public Works Department for their fantastic job handling of snowstorm Bobby. Had the opportunity to see the conditions firsthand with Mike Previti. We are very fortunate for the overall level of dedication.
- II. Big thank you to the Colchester Business Association for the inviting me to speak and present the First Selectman's "State of Colchester". It has been a very exciting and productive first three months.
- III. The 13th Annual Freezin' for a Reason will be Friday, February 12th to Sunday, February 14th to raise money for the Colchester Fuel Bank. In twelve years, the cause has raised \$140K.
- IV. Request for proposals for an independent consultant to review ARPA applications are now closed. RFP's are being reviewed and recommendations will be sent to the Board of Selectmen for vote by Thursday, February 17th meeting.
- V. Possibility of freezing rain along Southeastern CT on Friday. Most roads will be wet with a thin coating of sleet on the shoulders and minor impact for morning rush hour. Precipitation forecasted to end by noon. Flash-freeze black ice possible on roads. Minor to moderate impact on the afternoon rush hour.
- VI. The Board of Finance has their annual budget survey available to the public. The survey can be completed on the town website, and it will be put out on an email blast on Friday. This survey closes on February 13th.
- VII. Town Planner, Matt Bordeaux is asking the community to fill out the Housing Affordability survey which can also be completed on the town website. This will also be in the email blast and on social media.
- VIII. A new C-TIP application has officially been received. ARK Distillery (Acts of Random Kindness) is a vision by two women to start a whiskey infusion business which is fun, socially responsible, environmentally friendly and produces an enjoyable product. They will be

partnering with an established distiller in Kentucky with a 6-year goal of distilling bourbon and whiskey. This will be located on Lebanon Avenue.

- IX. Colchester Veterans Honor Guard is actively looking for veterans to become members to provide funeral honors to all deceased veterans. They meet the first and third Tuesday of every month from 7:00 pm to 8:00 pm in the Veteran's Room of the Colchester Senior Center on 95 Norwich Avenue.

19. Liaison Reports: D. Bates nothing to report. R. Coyle Agricultural Commission did not receive the CT Grown Educational Grant they applied for because of overwhelming applications and not enough funds for distribution. They will apply again next year. Mentioned the Agri-business town web page that was spoken about during the meeting. Very detailed overview on the Senior Center Building Committee preliminary schedule for the timeline related to the construction of the new Senior Center Building. Chatham Health Board Covid-19 case update, virtually schedule programs, vaccine clinic info. Budget was also discussed and impact to Colchester is projected to be 0.83% translates into an increase of \$1,700. Attended, along with D. Koji a CCM virtual workshop on ARPA Final Rule and forwarded pdf to First Selectman to share with other board members. D. Turner: Youth First Coalition discussion on subcommittee regarding Resolution Run which turned a profit of \$800. Discussion took place on mental health with focus on a YouTube video that they are utilizing for a campaign on addressing mental health issues. J. LaChapelle. Nothing to report. A. Bisbikos: Board of Finance survey which is currently available to the public.

20. Adjourn: J. LaChapelle motioned to adjourn at 9:07 p.m. Seconded by D. Turner.

Good evening. DeAva Lambert, 956 Middletown Road, Colchester.

At the January 20th Board of Selectmen meeting, Mike Rogers spoke during Citizen's Comments indicating that he was commenting in his personal capacity as a Colchester resident concerning my application to serve on the Colchester Conservation Commission. He then proceeded to read two sentences out of context from a lengthy communication I wrote on August 14, 2020, to the Colchester Wetlands Enforcement Officer, Jay Gigliotti, and to which the Commission Chair, Falk Von Plachecki, and member Mike Rogers were both copied. Mr. Rogers received that correspondence as a Conservation Commission member; he did not receive it as a private citizen. I specifically copied him because he made several false statements during that evening's Commission meeting, which were entirely contrary to the report that he wrote and submitted to the Commission regarding what he observed at my property. Additionally, that correspondence was not included in the minutes of any Conservation Commission meeting, which would have then made it available for a Colchester resident to comment on during Citizen's Comments. Thus, Mr. Rogers could not have been commenting in his personal capacity as a Colchester resident, and it was highly inappropriate for him to read any portion of my communication to which he was copied in his official capacity as a Colchester Conservation Commission member. Furthermore, although my husband, Andrew Day, did relay information during Citizen's Comments in response to Mr. Rogers comment about his interaction with Mr. Rogers, he did not have time to convey that Mr. Roger improperly voiced at the Commission meeting on February 10, 2021, that the Cease & Desist Order issued to my husband should remain in effect to cover any future potential violations that might occur at our property, which would have been contrary to state statute and a violation of my husband substantive right to due process if the Commission had followed such bad advice. Subsequently, Mr. Rogers was the only Commission member to vote "no" to rescind that Order. Clearly by improperly and tactlessly commenting in public on my unpublished correspondence that he received as a Commission member, Mr. Rogers has continued to act with malice towards me personally, and his position on the Conservation Commission does not give him qualified immunity, as I informed him in the aforementioned correspondence. These circumstances that I have relayed to you here are sufficient cause for Mr. Rogers to be removed from his position on the Colchester Conservation Commission pursuant to Section 39-2 of the Colchester Code of Ordinances and Connecticut General Statutes Section 7-131a.

Furthermore, in regards to appointments made to the Colchester Conservation Commission, Connecticut General Statutes Section Sec. 7-131a. specifies that a town's Conservation commission shall consist of not fewer than three nor more than eleven members and not more than three alternates, **to be appointed by the chief executive officer of the municipality...** and **The chief executive officer may remove any member or alternate for cause and may fill any vacancy.** As you are aware, Section C-302 of Colchester's Town Charter identifies The First Selectman shall be the Chief Executive Officer of the Town. Therefore, Section 39-2 of the Colchester Code, which specifies that The Board of Selectmen may fill any vacancy on the Conservation Commission and may remove any member for cause, is inconsistent with state law, rendering it entirely invalid. Thus, First Selectman Bisbikos should, by the authority granted in General Statutes Section 7-131a, remove Mr. Rogers from the Conservation Commission for cause as I have recommended and make a disposition on my application to that same Commission. Additionally, the Board of Selectmen should amend Code Section 32-2 to be fully consistent with state law at its earliest opportunity.

Thank you.