



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Mary Bylone, First Selectman

Board of Selectman Agenda

Regular Meeting via Zoom

Thursday, October 15, 2020 @ 7:00 PM

Members Present: First Selectman Mary Bylone, Selectmen Rosemary Coyle, Taras Rudko, Denise Turner and Denise Mizla

Others Present: Matt Bordeaux, Jay Gigliotti, Lindsay Floyd, Marge Mlodzinski, Jim Paggioli, Andrew Norton, Jack Faski, Linda Akerman, Gayle Furman, Greg Barden, Debi Marvin, Sal Tassone, Michelle Noehren, Mike Egan, Amy Domeika

1. CALL TO ORDER: FS called meeting to order at 7:00 p.m.
2. PLEDGE OF ALLEGIANCE
3. ADDITIONS AND/OR DELETIONS TO THE AGENDA: T. Rudko motioned to remove the minutes from the Consent Agenda, Correct the reappointment of DEMD to Rick Peruta, and switch the orders of numbers 9 and 10 on the agenda and then renumber accordingly, seconded by R. Coyle. **MOTION CARRIED**

UNANIMOUSLY

4. CITIZEN'S COMMENTS: L. Floyd and J. Faski made citizens comments.
5. CORRESPONDENCE: Attached
6. CONSENT AGENDA

A. Tax Abatements: R. Coyle motioned to approve the Tax Abatements, seconded by D. Mizla. **MOTION**

CARRIED UNANIMOUSLY

7. Approve the Minutes of the October 1, 2020 Board of Selectmen Meeting: D. Mizla motioned to approve the minutes, seconded by D. Turner. **MOTION CARRIED** 4/1 with T. Rudko opposed.
8. Reappointment of Sean Shoemaker to Emergency Management Director (EMD) for a one year term to expire 11/19/2021: R. Coyle Motioned to reappoint S. Shoemaker to EMD for a one year term to expire 11/19/2021, seconded by D. Turner. **MOTION CARRIED UNANIMOUSLY**
9. Reappointment of Rick Peruta to Deputy Emergency Management Director (DEMD) for a one year term to expire 11/19/2021: D. Turner motioned to approve R. Peruta to DEMD for a one year term to expire 11/19/2021, seconded by D. Mizla. **MOTION CARRIED UNANIMOUSLY**
10. Discussion and Possible Action on Long Term Recovery Committee Survey Results and Next Steps: Town Planner M. Bordeaux presented the Long Term Recovery Committees Report on the Community impact of COVID 19 on residents. It was the consensus of the Board of Selectmen to have this committee continue its work and come back at the November 5 Board of Selectmen meeting with an amendment to their charge that would include the implementation of some of the report's recommendations.



11. Discussion and Possible Action on Town Green Grant Project: Town Planner M. Bordeaux gave a presentation on the status of the Town Green Grant Project that was awarded in January 2019. This project has not moved forward. There have been a couple of meetings to discuss the project and it's components with members of the Planning Department and the Historic District Commission (HDC), but an agreement on how to proceed has not been reached. The Board of Selectmen requested that the Town Planner have a joint meeting with the Bacon Academy Trustees and HDC to reach consensus to move the project forward. Town Planner M. Bordeaux to present at an upcoming Board of Selectmen meeting.
12. Discussion and Possible Action to Accept the Portion of Broad Meadow Road within Phase D of the White Oak Farm Conservation Subdivision: D. Mizla motioned that the Town of Colchester accept the portion of Broad Meadow Road located within phase D of the White Oak Farm Conservation Subdivision as recommended by the Town Engineer, seconded by R. Coyle. **MOTION CARRIED UNANIMOUSLY**
13. Discussion and Possible Action on Recommendation to Award RFP 2020-08 Town School Snow and Ice Control Services: R. Coyle motioned that in accordance with the Purchasing Policy of the Town of Colchester Section B-5, that the award for the RFP 2020-08 Town School Snow and Ice Control Services is made to Clark Landscaping, LLC for the fixed bid cost of \$93,000 per year for the three year term of the RFP, and hereby authorize the First Selectman, enter into a contract with Clark Landscaping, LLC and to sign and deliver said agreement and any necessary documents required, seconded by D. Turner. **MOTION CARRIED UNANIMOUSLY**
14. Discussion and Possible Action on Recommendation to Award RFP 2020-09 Town Streets and Roads Snow and Ice Control Services: D. Mizla motioned to herby authorize the First Selectman to enter into a three year contract, and sign all necessary documents, in accordance with the Invitation to Bid Town Street and Road Snow and Ice Control Services RFP 2020-09 dated 2 September 2020, for (2) two trucks/routes to Clark's Landscaping at the bid prices of \$220.00 per hour and (2) two trucks/routes to B & B Superior Contracting at the bid price of \$200.00 per hour; for a three year period as stipulated within the RFP 2020-09 response, for the winter seasons of 2020-2021, 2021-2022, and 2022-2023, seconded by R. Coyle. **MOTION CARRIED UNANIMOUSLY**
15. CITIZEN'S COMMENTS: A. Norton, J. Faski and J. Smith made citizens comments.
16. FIRST SELECTMAN'S REPORT: The First Selectman gave an update on the status of COVID in Colchester including current test results and status of outbreak at Harrington Court. FOI Request from David Dander was read. Tom Hennick will attend the Nov. 5 Board of Selectmen meeting to review FOI regulations regarding required content of meeting minutes. BOF requested a presentation from the Fire Department leadership on the purchasing of new apparatus. Paper Mill Bridge is open to traffic. The carpet has been replaced in Fire House. Going out to bid for roof replacement for Youth Center. Ten signs that say Colchester is Open for business were purchased and are placed around town.
17. LIAISON REPORTS:

R. Coyle – Senior Center Building Committee: Paid Silver Petrucelli \$7,048. Which bring the total to 85% of phase 1 architect costs. The committee looked at cost factors that might impact the cost of the building project. Bid opening Monday October 19. Discussed Owners Project Manager interview process.

Commission On Aging – 170 copies of Senior Resource Guide to be printed. See attached minutes.

Long Term Recovery Committee – Working on the report from the surveys and distributing information to the Board of Selectmen

T. Rudko – Attended Planning and Zoning, there was a public hearing with 2 new applicants filing at hearing. There was discussion regarding examining solar energy and possible restrictions or additional zoning requirement depending on size of installation.

D. Mizla – Parks and Recreation's new software is up and running and easy to use. Doing winter programs in a hybrid model some in person and some via Zoom. Need 2 full time and 2 alternate members. Creating an ad hoc committee to review endorsement process for leagues. Colchester Baseball Softball League using Rec Plex Field, no permits for lacrosse or basketball.

Youth Services – In process of hiring a Program Coordinator. Continuing to hold outdoor programming. They received a grant for vaping initiative.

Board of Education – The BOE is working on their Long Range Instructional Recovery Plan for kids getting left behind in education, which is a 3 tier plan. They approved their 2021 meeting dates. Looking at 2021-2022 budget and drafting budget priorities.

Norton Park – There will be a walk through with town and DOT on October 21. They are having a good response to their fundraising flyers. They are looking to do informational sessions over Zoom. Working on preparing closing of 129 Westchester Road that will be sold to the town for \$1.

Denise Turner – Conservation Commission 2 pending applications one approved on Prospect Road, another one tabled on Norwich Ave. There were 2 new applications, one on Upton Road and another on Stanavage Road. There is one enforcement issue and a permit for an above ground pool.

FS – BOF is looking at the fund balance policy.

Police Commission – FS thanked the board members for attending the ceremony to honor the Police and EMT who saved the resident's life back in July.

18. ADJOURN: D. Turner motioned to adjourn at 9:18 p.m., seconded by R. Coyle. **MOTION CARRIED UNANIMOUSLY**

Please see the minutes of future meetings for any corrections hereto.

Respectfully Submitted by:

Heide Perham, Executive Assistant to the First Selectman

COA Meeting-October 13, 2020

Though our building is still not open to the public, we continue to provide the following services:

- Transportation for in-town and medical rides
- Meals: MOW deliveries (Tuesday-Friday) and Community Café (5 frozen meals delivered every Tuesday)
- Wellness Check outreach calls-these are now happening once per month, unless otherwise requested
- Virtual Programming with at least 1 in-person safely distanced special event per month-Halloween Pizza Party Pick-Up is scheduled this month.
- Weekly communications through email blasts and robo-calls to all members
- Management of the office: volume of phone calls have remained steady. Paying bills, grant reports, management of social media, etc.

Between September 25th and October 12th TVCCA closed their Commissary, where meals are produced and delivered from. Meals recipients were instructed to use their emergency meal packs. Thank you to Valerie Webster, CSC's Nutrition Site Server, who went above and beyond her duties, making wellness checks, discovering if anyone had any food needs and augmenting their supplies, as needed. She even drove to the Commissary to get milk and supplies and rode in our senior bus to deliver whatever was needed to get people through until the Commissary reopened today. I wrote an email letting TVCCA know of her exemplary caring and service.

The fundraiser at Mel's Downtown Creamery yielded us a donation in the amount of \$150.00. The owner, Melanie will be looking to schedule another in the fall. Melanie's grandmother is an active CSC member.

Drive-In Movie Night at St. Andrew's Church parking lot was rescheduled due to weather until Wednesday, October 14th at 6:30 p.m. We have about 25 people pre-registered. The church will be opening their building so we have use of the facilities. This program was sponsored by Care Partners of CT, who donated \$350 toward this event.

Chatham Health District is sponsoring Drive-Up Flu Clinics at the pavilion at St. Joseph's Polish Club on So. Main St. Appointments can be made through the senior center and there is a registration form that we can email out to citizens. Tuesday, October 20 3-5:30 p.m. and Thursday, October 22, 9-11 a.m. (Seniors Only)

We are in the approval stages of the Regional Reopening Plan, which was developed cooperatively between Chatham Health District senior centers. It is in final draft form. Once Russ Melmed, Director CHD endorses it, we will be sharing with our Town leaders and once approved by them, with our members.

Due to increased numbers of positive COVID tests in town and the outbreak of COVID-19 at Harrington Court, the Chatham Health District advised us to push back our reopening plan, which had been scheduled for October 13th. The new date will be November 2nd, but we will adjust as needed when that date gets closer. If the numbers are the same or greater than they are now, we will have to postpone again.

Friday, we held first interviews for the vacant Program Coordinator position. Maureen Gabrielle, Director of Senior Services for the Town of Vernon and myself were on the panel. We've selected 3 candidates to move forward to second interviews which will be held with HR Director Shannon Ramsby and myself. We expect to make an offer of employment to our top choice by the end of the month once background and reference checks are conducted.

YE grant reports for the Making Memories Program were submitted. We provided 4,286 service units of service this grant year (October 1, 2019-September 30, 2020). Client Satisfaction Survey Results were excellent for the program again this year.

Attendance & Meals Served:

- Meals delivered in August: Community Café: 246 MOW: 345
- Monthly transports in August: 450
- Monthly attendance in August: 780
- Total Membership: 1289

From: Taras Rudko
To: Board of Selectmen; Planning and Zoning Commission
Cc: Heide Perham; Matthew Bordeaux; Deanne Bowen; johnny bowen
Subject: FW: 143 Bulkeley Hill Road Colchester
Date: Tuesday, October 13, 2020 1:24:56 PM

BOS/P&Z,

Please add the following correspondence to each of your next meetings under correspondences.

Thank You,

Taras W. Rudko
Member Board of Selectman
Town of Colchester

-----Original Message-----

From: Deanne Bowen [<mailto:eponastouch@sbcglobal.net>]
Sent: Tuesday, October 13, 2020 11:22 AM
To: Taras Rudko <trudko@colchesterct.gov>
Cc: johnny bowen <jerkey1218@sbcglobal.net>
Subject: 143 Bulkeley Hill Road Colchester

Taras,

My husband asked me to type this up and send to you, his computer is not working properly.

On June 28, 2020 equipment started being brought and left on the above property.

On July 13, 2020 I went to the town hall of Colchester. At that time I went to the Planning and Zoning Office, to complain about construction company out of New York was operating a business at 143 Bulkeley Hill Road. At the time I was informed the Zoning Officer Daphne Schaub was out the work due to an operation and was given her email address.

On July 15, 2020 I emailed Daphne as to the on going issue at 143 Bulkeley Hill Rd. I included over twenty photos of construction equipment and vehicles owned by Q Sound and Productions out of New York.

After receiving no response from Daphne. I went to the town hall again on July 20, 2020. I spoke with Daphne and was told she was in a meeting with the owners Jay Einhorn and Bryan McMullen, to discuss the issues being conducted on the property

On or about July 29th, I again went to the town hall to inform Daphne that there was still business being conducted at 143 Bulkeley Hill Rd. At that time Daphne informed me, she was again meeting with the property owners and issuing a letter to Cease activities not permitted by agricultural use.

As stated in the town records Daphne met the owners and informed them they had two weeks to remedy the violations. Knowing the two week deadline was approaching on September 21, 2020, I emailed on September 17th to please keep me advised of the situation. Several weeks passed with no resolution to the problems. Daphne again never responded to my mail. On October 7th, 2020 I once again called Daphne to explain the owners have not complied. At that time Daphne was very unprofessional and rude. She said she was satisfied with her job and if I wasn't I could talk to the first selectwoman. I said put me through to her, I was transferred and told Mary Bylone was in and meeting and would get back to me.

Once again I received no response, no call back. On October 8, 2020 I called Mary Bylone to explain the situation I was having. Immediately Mary was aggressive and telling me the town is issuing a letter to me for harassment. When I tried to speak she claimed I was hollering at her and hung up on me. That call lasted 30 seconds.

The treatment by Colchester's First Selectwoman was completely unprofessional. These officials forget to recognized they work for the residents of Colchester. We pay their salaries

My home, where I live, has not been the same since this business opened up. Noises all hours of the day and early evening, also on the weekends. My wife works from home, due to Covid and it has been taxing for her because of the constant activity not allowed in a resident area. 4 hours of back up beeping one day had her in tears while she was conducting conference calls. She couldn't ride her horse all summer because of the noise and fear of the people next door.

Also I am aware other neighbors also have addressed this issue to Daphne and no support. Daphne has failed to follow up on her own regulations as stated in her September 3, 2020 letter to the land owners.

If we cannot come to a resolution I will do whatever in my means to stop this illegal activity. This could be by petition, contacting the news or legal manner.

Respectfully,

John Bowen
157 Bulkeley Hill Road, Colchester
860 367-7484

August 29, 2020

Good morning Colchester BOS members,

I am writing as a citizen and business owner in the Town of Colchester to express concern.

First, it is important for me to preface my concerns by sincerely thanking you for all the positive work you have done and continue to do during the pandemic and during this turbulent time we are living through. We're all affected and so it's important to constantly be mindful of the fact that we do not know how others are affected or what they've experienced.

For me:

- I watched my neighbor leave his house by ambulance in April to never come home again.
- My ice cream concession business of 35 years has been shutdown for all of 2020 (and perhaps more) as a result of COVID and executive orders.
- As a 59 year old public school teacher, I'll welcome students next Tuesday for the first time since March 13th.
- My three adult children have thankfully fared well, two as essential employees (nurse, heavy equipment mechanic) and my oldest a teacher like her dad.
- Being in a bipartisan marriage, imposes a perspective beyond my own, which is valuable.

My concern is regarding the First Selectman's handling of Selectman's Rudko's attempt to respond during citizens' comments. I'm not weighing in on the content of his comment, nor the content of comments of the three citizens that proceeded his comment. I'll note that one preceding youth citizen (Zander) didn't give both first and last names with is a typical requirement. I digress.

As noted in your bylaws (#5 below), the First Selectman was technically correct in restricting Selectman Rudko in his attempt to speak as a selectman. The First Selectman is the only one allowed to respond, if at all. It should be noted that this restriction is often waived in meetings. Aptly, Mr. Rudko invoked his right to speak as a citizen. As reported in the RiverEast News, he only got two minutes. That may have been an honest mistake of time keeping by the First Selectman (*who in this Zoom meeting format has the added power of mute*). Honest mistake or not, Mr. Rudko should be allowed his full three minutes at the next BOS meeting. Just as significant is the absence of an opportunity for the BOS (*per # 1 below*) to vote to extend his time. This too may have been a result of the Zoom format. However, the next BOS meeting should have an agenda item, specific to correcting the handling of Mr. Rudko's comments, such that they could vote to extend his time beyond the three minutes he was due. Disallowing (*muting*) a dissenting view is never correct, regardless of opinions.

(1) If deemed necessary, in order to provide time for maximum citizen participation, the Board of Selectmen may establish a provision at a meeting to limit comments. In such a case, three (3) minutes will be allotted to each speaker at each warned citizen's comments. The Board may decide by a majority vote to extend the 3 minutes of time allotted.

(5) The Board will not respond to comments made during Citizens' Comments, with the exception that the Chairperson only may respond if, in the discretion of the Chairperson, such comments require an immediate response.

Lastly, while all of this might be the result of honest mistakes and due to the circumstance of Zoom meetings, it could just as easily be an example of an abuse of power. I don't know. But one way to lessen this type of incident, regardless of it's a cause is to hold meetings in person moving forward. Just as schools are going in-person, rather than remote, so to might public officials with meetings.

Sincerely,

Dave Dander

Dave Dander

October 10, 2020

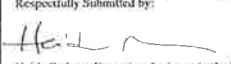
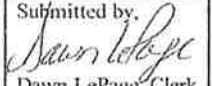
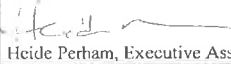
Good morning Colchester BOS members (*and members of the Ethics Commission*),

I am writing (*once again to the BOS*) to express concerns and also forewarn of a potential ethics complaint. The following is a detailed accounting of how the public record of Board of Selectman meetings is currently being adulterated by the First Selectman and by the improprieties of the recording clerk (*who is also the First Selectman's Executive Assistant*). Being the recording clerk for a public meeting requires unbiased objectivity. Being the Executive Assistant to First Selectman is inherently a subordinate role. In this instance, with this First Selectman and with this Executive Assistant, the wearing of two very different hats for the latter has created problems and conflicts.

Additionally, as the official record of meetings is the minutes, when the BOS knowingly approves adulterated minutes with known improprieties, the BOS as a whole becomes complicit and the integrity of the BOS even further erodes.

It is my opinion that corrective action should include a formal statement of censure and also replacement of the recording clerk of BOS minutes by an individual not directly overseen by the First Selectman. This might allow the minutes of future BOS meetings to be drafted unadulterated and approved with credibility.

The first, most obvious instance of impropriety is documented in the chart below. By itself it may seem benign, however when viewed in the context of other improprieties it demonstrates a concerning pattern of behavior requiring corrective action by the Board and perhaps the Ethics Commission.

Date of BOS Meeting	Record of Attesting to writing of minutes. (or absence thereof)	
May 28, 2020	Not signed.	Respectfully Submitted by: Heide Perham, Executive Assistant to the First Selectman
June 4, 2020	Not signed	Respectfully Submitted by: Heide Perham, Executive Assistant to the First Selectman
June 9, 2020	<div>Respectfully Submitted by:  Heide Perham, Executive Assistant to the First Selectman</div>	
June 18, 2020	Not signed	Respectfully Submitted by: Heide Perham, Executive Assistant to the First Selectman
July 16, 2020	Not signed	Respectfully Submitted by: Heide Perham, Executive Assistant to the First Selectman
Aug 19, 2020	<div>Submitted by:  Dawn LePage, Clerk</div>	
Aug 20, 2020	Not signed	Respectfully Submitted by: Heide Perham, Executive Assistant to the First Selectman
Sept 3, 2020	No record of who the recording clerk was submitting and attesting to these minutes.	
Sept, 10, 2020	<div>Respectfully Submitted by:  Heide Perham, Executive Assistant to the First Selectman</div>	
Sept, 15, 2020	No record of who the recording clerk was submitting and attesting to these minutes.	
Oct, 15, 2020	No record of who the recording clerk was submitting and attesting to these minutes.	

The next instance of impropriety is documented in the chart on the next page. While boards and commissions exercise varying levels of detail in minutes, the obvious disparity shown in BOS minutes demonstrates manipulation of the minutes that is egregious. This is an arrogant abuse of power by the party(ies) drafting the minutes. It's painfully obvious that the information included in the minutes for citizen's comments is being cherry picked. Frankly, I'm embarrassed as a citizen of Colchester to have to bring this to your attention. It is shameful.

Date of BOS Meeting	Who spoke and topic(s) mentioned	Record from minutes of meeting
8-20-2020	<p><u>Art Shilosky:</u> Executive Session protocols</p> <p><u>Elizabeth Allard:</u> Diversity and Inclusion Commission.</p> <p><u>Zander:</u> Diversity and Inclusion Commission.</p> <p><u>Shannon:</u> Diversity and Inclusion Commission.</p> <p><u>Taras Rudko:</u> Diversity and Inclusion Commission.</p>	<div data-bbox="602 180 1471 306" style="border: 1px solid black; padding: 5px;"> 23. CITIZEN'S COMMENTS: Art Shilosky asked for clarification regarding the reason the board entered Executive Session. Elizabeth Allard and students Zander and Shannon from Youth Uprise expressed their opinion that the Diversity and Inclusion Commission should move forward. The students read a statement. </div> <p>Note: Selectman Rudko and First Selectman Bylone had a brief debate about whether or not Selectman Rudko could speak as a citizen.</p> <p>Although in the BOS bylaws guidelines for citizen's comments do say "The Board will not respond to comments made during Citizens' Comments, with the exception that the Chairperson only may respond if, in the discretion of the Chairperson, such comments require an immediate response," <u>First Selectman Bylone exercised her authority as Chairperson to not follow those guidelines.</u> She instead allowed Selectman Rudko to speak as a citizen for two minutes.</p> <p>However his citizen's comment is not noted in the minutes.</p>
9-15-2020	<p>Senior Center Building Committee Members: Michael Hayes, Anthony Tarnowski, Marjorie Mlodzinski, Kevin Hastings, Sean Nadeau as well as Patty Watts spoke regarding the Senior Building Project.</p> <p>John Knapp said he got promoted.</p> <p>Michael Hayes spoke regarding Exemption for Volunteers.</p> <p>Ron Silberman spoke regarding Old Hartford Road intersection</p> <p>Robbie Avery thanked volunteers.</p> <p>Selectman Rudko attempted to make a citizen's comment regarding Colchester's recent Proclamation about Racism.</p> <p>First Selectman Bylone objected and read from Bylaws the "Guidelines" for Citizen's Comments.</p> <p>Selectman Rudko asserted his right to speak as a citizen and First Selectman Bylone grated him the floor and began the 3-minute clock.</p>	<div data-bbox="586 873 1500 936" style="border: 1px solid black; padding: 5px;"> 3. CITIZEN'S COMMENTS: Several residents called in and expressed their support for the Owner's Representative for the Senior Center Building Project. 17 </div> <div data-bbox="613 1010 1500 1129" style="border: 1px solid black; padding: 5px;"> 12. CITIZEN'S COMMENTS: It was noted that the Exemption for the Volunteers was not actual tax dollars but is applied to the assessment for their personal property. A resident brought up the need to modernize intersection of Old Hebron and Old Hartford Road. Resident thanked the volunteers. A statement was read concerning the minutes. </div>
10-1-2020	<p>Dave Dander acknowledged the work done by the Chatham Health District in response to COVID.</p> <p>Dave Dander expressed his view that the BOS is approving sanitized minutes of their meetings.</p> <p>Selectman Rudko again make a citizen's comment regarding Colchester's recent Proclamation about Racism.</p>	<div data-bbox="727 1541 1500 1591" style="border: 1px solid black; padding: 5px;"> 12. CITIZEN'S COMMENTS: D. Dander and T. Rudko made comments. </div>

Sincerely,

David Dander

Dave Dander