

**Town of Colchester
ETHICS COMMISSION
Regular Meeting
December 7, 2021
Town Hall Meeting Room One 6:00 p.m.**

RECEIVED
COLCHESTER, CT
2021 DEC -9 AM 9:03
Gayle Furman
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TOWN CLERK

Attending: Ursula Tschinkel, Dean Dest, John Malsbenden, Betty Wagner and Liaison from the Board of Selectmen, Selectman Deborah Bates.

Guests: Monica Egan, Amy Domeika and Krista Kardys.

1. Call to Order. The meeting was called to order by Chairman Ursula Tschinkel at 6:00 p.m.
2. Approval of Minutes.
 - a. August 18, 2021. Motion by Mr. Malsbenden to accept as presented. Second by Mr. Dest. Vote: Unanimous consent.
 - b. December 1, 2021. Motion by Mr. Malsbenden to accept as presented. Second by Mr. Dest. Vote: Unanimous approval.
3. Citizens Comments.

Monica Egan addressed the commission first. She also presented her comments in writing which are attached to the minutes. Mrs. Egan's complaint addressed comments made on Facebook by Selectmen Jason LaChapelle and by Board of Finance member Tim Vaillancourt. Amy Cahill Domeika address the Commission second. She told the Commission that she has written to the Board of Education and the superintendent in support of teachers and administrators. She believes that comments by Jason LaChapelle and Tim Vaillancourt create a hostile work environment at the schools.

Krista Kardys addressed the Commission last. She told the Commission that she supported what had already been stated by Mrs. Egan and Mrs. Domeika. She believes the comments by Mr. LaChapelle were meant to publicly shame a town employee and meant to be punitive.
4. Additions to the Agenda. None.
5. Discussion
 - a. Social Media Policy. The Commission is aware that the Social Media policy is not included in the town's Code of Ethics. Chairman Tschinkel was able to locate the Board of Selectmen meeting from October of 2015 in which there was a comment that Information Technology would identify problems. The Commission is considering the addition of "misuse of social media and Roberts Rules can be construed as a conflict of interest." More discussion will follow at the next meeting.
 - b. Update on Town Hall discussions Re: revisions. Chairman Tschinkel reported that the Human Resources manager has approved the revised Code of Ethics Acknowledgement form. She not as yet received approval from the Superintendent or the Selectmen.
6. Move to enter executive session to discuss received confidential document exempt from public disclosure. Motion to go into executive session by Mr. Dest. Second by Mrs. Wagner. Vote: unanimous approval. The Commission entered executive session at 6:40 p.m.
7. Exit executive session. The Commission exited executive session at 7:10 p.m. Motion by Mr. Dest to dismiss both complaints because neither complaint cited a specific section of the Ethics Code that was violated. Second by Mr. Malsbenden. Vote: Unanimous approval.
8. 9. Adjourn. Motion to adjourn by Mr. Dest. Second by Mr. Malsbenden. The meeting was adjourned at 7:16 p.m.

Respectfully Submitted,

Betty Wagner
Member

On Dec 1, 2021, at 10:39 PM, Monica Swyden <monicacegan@gmail.com> wrote:

Hello Commission Members,

I apologize for using your personal email addresses- it is not something I try to do when writing about official business. However, the Town website does not offer any way to get in touch with you like it does for other boards and commissions and I do not see citizen's comments on your agendas. I did not include Dean because I do not know him or have his email. If you could forward this, I'd be most appreciative.

Anyway, I was motivated by an incident that took place a couple of weeks ago to file an Ethics Complaint. However, when I read the Code, I realized that my concern was not covered, and I believe that it should be. Thus, I wrote this letter to the Board of Selectman and thought that it'd be appropriate for you to be aware of the concern. If there is a better way for me to communicate or send this along, please let me know. I appreciate your thought and consideration moving forward.

Kind Regards,
Monica Swyden
10 Vicki Lane
(860) 465-7909

To the Board of Selectmen,

I am writing to express severe dismay at the actions of Jason LaChapelle and Tim Vaillancourt on November 20, 2021 on the social media platform, Facebook. A Colchester teacher made an honest mistake when commenting on a national news event on social media. After a short while, approximately two hours, once her mistake was realized, she removed her post, expressed regret and embarrassment, and corrected herself.

Jason LaChapelle took it upon himself to write in his capacity as "a duly elected representative on the Board of Selectmen" to the Superintendent and the Board of Education asking them to take action regarding her employment. Clearly, he has no understanding of his role as an elected official on the BOS to make policy for the town. He says that the teacher had "destroyed public confidence" in her and accuses her of "sowing divide in the classroom." He urges Mr. Burt and the BOE to "hold the teacher accountable for her unethical and unteacherly behavior." He said that he also asked the Board of Selectmen to include his letter in your next meeting packet, probably as a form of public embarrassment. He then posted this horrible letter all over multiple public media sites. When it was suggested that Jason apologize, he wrote, "I will not apologize for making public an action I took as a member of the Board of Selectmen."

Tim Vallaincourt does not understand his position as a Board of Finance member either. He wrote, "as a citizen, a taxpayer and a duly elected member of the BOF, I am not surprised...this teacher is poisoning children's minds... Mr. Burt act now, act swiftly. Or I will call on the BOE to do your duty."

Screenshots of all of these posts are available upon request.

Both of these men used their newly elected positions of authority as town leaders to threaten, harass, and intimidate an employee of the town, who is protected by the First Amendment. This behavior is toxic and a clear overstepping of boundaries. It should be noted, and is not surprising that, the teacher who was harassed is an active member of the Democratic party. These men had the clear intention of using the power of their offices to silence her through fear. Sadly, when I reviewed the Colchester Code of Ethics, I saw nothing about elected officials using their office to intimidate and bully anyone, let alone a town employee. This should clearly be a violation of ethics as it is immoral and cannot be justified. It is completely unacceptable and as much of a legal liability to the town as the actions already mentioned in the Code of Ethics.

Therefore, in addition to asking you to censure both Jason LaChapelle and Tim Vallaincourt, I am asking that you review the Code of Ethics and consider a revision to include a clause that disallows elected officials from using their office to harass, bully, intimidate any citizen or town employee. Elected officials need to keep their roles and responsibilities as described in the Charter, not use authoritarian tactics to scare people who might disagree with them into silence.