To: First Selectman Bisbikos and the Board of Selectmen

From: Ursula Tschinkel, Ethics Chairman

Date: February 6, 2022

Re: Annual Ethics Report

The Code of Ethics Section 53-4, <u>Duties of Commission</u>, Part A, section (3), states the Commission shall, "Report annually on or before February 1 to the Board of Selectmen summarizing the activities of the Commission".

The Commission has updated its schedule to meet on the second Tuesday of every even numbered month at 5:30 p.m. For the year 2021, the Ethics Commission held three regular meetings and six special meetings.

The Commission received two complaint forms regarding potential violations of the Colchester Ethics Code. The Commission reviewed and discussed each potential complaint. By unanimous agreement of the members, both potential complaints were concluded and dismissed, as there were no findings of probable cause.

We continue to work on Code review and revision, and updating the forms and instructions found on the Ethics webpage. We are in the final stages of obtaining approval from the Town Attorney regarding our updates to the Code.

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First Selectman

From:

Ritter, Matthew D. <MRitter@goodwin.com>

Sent:

Sunday, February 6, 2022 11:21 AM

To: Subject: First Selectman

RE: CGS 7-131a

Subject:

Andreas – you are correct. In this instance, the Town Charter is controlling and the First Selectman is not authorized to unilaterally remove a member of the Conservation Commission. Here is a brief legal write up below (highlight in yellow is key phrase):

It is settled law that as a creation of the state, a municipality has no inherent powers of its own.... A municipality has only those powers that have been expressly granted to it by the state or that are necessary for it to discharge its duties and to carry out its objects and purposes." Windham Taxpayers Assn. v. Board of Selectmen, supra, 234 Conn. at 528–29, 662 A.2d 1281. "The Home Rule Act (act) is the relevant statutory authority. Under the act, municipalities have the power to adopt a charter to serve as the organic law of that municipality.... It is well established that a [town's] charter is the fountainhead of municipal powers.... The charter serves as an enabling act, both creating power and prescribing the form in which it must be exercised." Id., at 529, 662 A.2d 1281; see General Statutes § 7-188 (a); Windham Taxpayers Assn. v. Board of Selectmen, supra, at 530–31, 662 A.2d 1281.

The purpose [of the act] is clearly twofold: to relieve the General Assembly of the burdensome task of handling and enacting special legislation of local municipal concern and to enable a municipality to draft and adopt a home rule charter or ordinance which shall constitute the organic law of the [municipality], superseding its existing charter and any inconsistent special acts.... The rationale of the act, simply stated, is that issues of local concern are most logically answered locally, pursuant to a home rule charter, exclusive of the provisions of the General Statutes.... Moreover, home rule legislation was enacted to enable municipalities to conduct their own business and [to] control their own affairs to the fullest possible extent in their own way ... upon the principle that the municipality itself [knows] better what it want[s] and need[s] than ... the state at large, and to give that municipality the exclusive privilege and right to enact direct legislation which would carry out and satisfy its wants and needs.... Consistent with this purpose, a state statute cannot deprive [municipalities] of the right to legislate on purely local affairs germane to [municipal] purposes.... Consequently, a general law, in order to prevail over a conflicting charter provision of a [municipality] having a home rule charter, must pertain to those things of general concern to the people of the state" Board of Education v. Naugatuck, supra, 268 Conn. at 306-307, 843 A.2d 603; see also Morris v. Congdon, 277 Conn. 565, 570, 893 A.2d 413 (2006)

In this instance, the Town has established a Conservation Commission but Section C-402. G. of the Town Charter provides that "the Board of Selectmen shall appoint all Members of Town Appointed Boards and may remove any such member."

The Town Charter defers from Section 7-131a of the general statutes which provides that "the chief executive officer may remove any member or alternate for cause and may fill any vacancy."

As the legal analysis describes above, the manner in which members of a municipal conservation commission are appointed or removed is not a matter of statewide concern. "Consequently, a

general law, in order to prevail over a conflicting charter provision of a [municipality] having a home rule charter, must pertain to those things of general concern to the people of the state."

Therefore, the Town Charter is controlling in this situation.



Matthew D. Ritter Shipman & Goodwin LLP Partner One Constitution Plaza Hartford, CT 06103-1919

Tel: (860) 251-5092 Fax: (860) 251-5212 MRitter@goodwin.com www.shipmangoodwin.com

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Disclaimer: Privileged and confidential. If received in error, please notify me by e-mail and delete the message.

From: First Selectman < selectman@colchesterct.gov>

Sent: Saturday, February 5, 2022 7:41 PM

To: Ritter, Matthew D. <MRitter@goodwin.com>

Subject: FW: CGS 7-131a

EXTERNAL EMAIL

Hi Matt,

I was always under the impression that the Board of Selectmen collectively would have the ability to appoint and remove members of boards & commissions. Ms. Lambert is making the claim that when it comes to a town's Conservation Commission, that the rules could be different. Could you please provide some clarification on this matter?

Sincerely,

Andreas

From: DeAva Lambert < DeAva.Lambert@hotmail.com >

Sent: Thursday, February 3, 2022 7:49 PM

To: First Selectman < selectman@colchesterct.gov >

Subject: CGS 7-131a

Dear First Selectman,

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, DeAva Lambert

First Selectman

From:

Ritter, Matthew D. <MRitter@goodwin.com>

Sent:

Monday, February 7, 2022 4:01 PM

To:

First Selectman

Subject:

Advisory Boards

Andreas – there have been several questions regarding who can serve on ad hoc committees or study groups of the Town. Please see my response below and kindly share with the full BOS. Thanks, Matt

For starters, I want to point out that these working groups are advisory and there should be no concern as to whether these boards were "illegal' or not properly constituted. Their job is to make recommendations and these recommendations are not binding.

On the other hand, it is important to recognize that two provisions of the Town Charter prohibit elected officials from serving on Appointed Boards of the Town and the definition of Appointed Boards includes "study groups" which are by their very nature temporary.

Therefore, in light of the Town Charter provisions which prohibit elected officials from serving on "Appointed Boards", a good approach going forward would be as follows:

- 1. If members of the BOS want to serve on an ad hoc group or study group, the BOS should appoint only members of the BOS or other elected officials (such as BOF for example) to establish the committee. The appointed members of the BOS subcommittee are then free to invite non-elected officials to join the working group as ad hoc members.
- 2. If the BOS is going to formally appoint non-elected officials to an ad hoc group or study group, it would be best to not appoint elected officials to that ad hoc group or study group. Once this ad hoc group or study group comprised of non-elected officials is established, they can certainly invite members of the BOS or other elected boards to join the working group as ad hoc members.

I also respond to Rosemary's questions below:

1. Since the Charter is silent to the makeup of temporary groups and who may serve on them, does decades of precedence define the structure we wanted to create - elected officials, members of appointed boards and citizens?

<u>Answer</u>: I do not think the Town Charter is silent on "temporary groups." The definition of "Appointed Boards" includes committees and "study groups" which are often temporary in nature. However, please see my response above which addresses how members of the BOS can participate in these study groups.

2. By your last email, are you saying that all elected boards can create subcommittees? Can they be created as joint subcommittees with members from each board? Can citizens be added to assist those subcommittees?

Answer: See my response above. Yes. Elected boards can vote to establish subcommittees (some may include this authority in their bylaws) and vote to establish joint subcommittees of two different elected boards, such as BOS and BOF. These subcommittees of appointed elected officials can then ask citizens to assist these subcommittees.

3. The answer to my original questions is still not clear on temporary groups that include elected officials, appointed committee/commission members and citizens of the Town for a designated charge or purpose.

Answer: See my response above. I would encourage the BOS to avoid simultaneously appointing elected and non-elected officials to any committee or commission to avoid the argument that such appointments violate Sections C-203 and C-705 of the Town Charter.



Matthew D. Ritter
Shipman & Goodwin LLP
Partner
One Constitution Plaza
Hartford, CT 06103-1919

Tel: (860) 251-5092 Fax: (860) 251-5212 MRitter@goodwin.com www.shipmangoodwin.com

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Disclaimer: Privileged and confidential. If received in error, please notify me by e-mail and delete the message.

First Selectman

From:

Montez Johnson < johnsonmontez 7@gmail.com>

Sent:

Wednesday, February 9, 2022 8:30 AM

To:

Andreas Bisbikos

Cc:

Denise Turner; Rosemary Coyle; Jason LaChapelle; Deborah Bates

Subject:

Racism in Colchester

Good morning,

Thank you for your town communication regarding the racism at the girls' basketball game.

Colchester has an incredibly negative reputation when it comes to race. This is the third incident in just the last twelve months that's made the news.

Your undoing of the proclamation on your first day in office was one of those incidents. It sent a bad message and emboldened awful people.

You need to repair the image of Colchester both among its residents as well as the residents of Connecticut.

I look forward to hearing about the action steps you plan to develop. Now is the time. Please don't put this on the back burner.

Thank you.

Lisa Johnson

Sent from my iPhone



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

- Call to Order: First Selectman, A. Bisbikos called the meeting to order at 7:00 p.m. 1
- 2. Pledge of Allegiance
- 3.. Correspondence: Attached

supports a Zoom platform for meetings.

Citizens Comments: J. Malsbenden spoke regarding BOS voting authority and Robert's Rules. D. 4. 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 inperson 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

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.

860-537-7220

www.ColchesterCT.gov

- 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

Possible appointment of J. LaChapelle and D. Turner to represent the Board of Selectmen on the A. 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 a 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.

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 Coichester 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.

MEMORANDUM OF UNDERSTANDING

Between the Town of Colchester

And

The Colchester Police Union

This memorandum is agreed between the Town of Colchester and the Colchester Police Union concerning the addition of an annual paid holiday on June 19, known as Juneteenth.

The First Selectman agrees that the Town shall add June 19 (Juneteenth) as an annual paid holiday for the Colchester Police Union.

WHEREFORE, the parties have executed this MOU effective as of the dates signed below.

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FOR THE COLCHESTER POLICE UNION LOCAL #2683T, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO

Andreas Bisbikos	Corporal Craig Scheel
First Selectman	

First Selectman

Sent:

Monday, February 14, 2022 9:11 AM

Staffing Updates

Ruby York: Fire Administrative Assistant – Begins on February 28th

Daphne Schaub: Zoning Enforcement Officer – Resigned, Last day 2/22

Per Diem Firefighters: 6 added



Town of Colchester Job Description

Planning and Zoning Zoning Enforcement Officer Assistant Building Official

GENERAL STATEMENT OF DUTIES

Responsible to administer the Town Land Use programs and Zoning Enforcement/Compliance efforts, including Historic District enforcement. The ZEO participates on the town Blight Enforcement Committee and may be required to investigate blight complaints and carryout Committee enforcement decisions.

Formatted: Highlight

WORK SCHEDULE

Primarily Monday - Friday, 8:00 a.m. - 4:30 p.m. with a half-hour lunch (40 hours/week)

SUPERVISION RECEIVED

Works under the direct supervision of the Planning Director and administrative supervision of the First Selectman.

SUPERVISION EXERCISED

Works collegially with Wetlands Agent, Building Official and other Department Officials.

ESSENTIAL DUTIES

- Accepts and provides written review and analysis of all Land Use applications.
- Distributes materials to appropriate divisions/departments for review and comment
- Issues Zoning Permits for all developments.
- Maintain and update zoning maps.
- Attend Commission evening meetings and public bearings (ZPC, ZBA, & HDC).
- Prepare legal notices, agendas and approval/denial letters and distribute same for ZPC, ZBA, & HDC Commissions.
- Attend meetings of the Blight Enforcement Committee as a full member.
- Investigate Land Use (zoning, signs, historic, blight) complaints, answer inquires.
- Conduct site inspections throughout project construction to assure compliance, including erosion and sediment control requirements.
- Enforce all Zoning regulations.
- Enforce decisions rendered by the Blight Enforcement Committee if so designated
- Issue Certificates of Zoning Compliance for all developments.

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REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

- 1) Must have:
 - Basic knowledge of the principles of land use development.
 - · Basic knowledge of the concepts of Land Use regulations.
 - Basic knowledge of State Statutes as they pertain to Land Use.
 - Basic knowledge of State Statutes as they pertain to blight.
 - Must possess a valid Connecticut's driver's license and provide own transportation if necessary.

2) Must be able to:

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- Must be able to interact well with the public.
- Able to perform essential functions of job with or without reasonable accommodations

EDUCATION AND EXPERIENCE

- Connecticut Association of Zoning Enforcement Officers (CAZEO) certification is required, or attainable within one year.
- Minimum 5 years' experience in land use or related field.

WORK ENVIRONMENT

It is the policy of the Town of Colchester to provide a safe and healthy workplace for all employees. The Town of Colchester is committed to reducing and controlling the frequency and severity of work-related accidents. It is the responsibility of every employee to report all accidents, incidents and occupational illnesses, as well as any perceived hazardous conditions. While performing the duties of employment, it is the employee's responsibility to work in a safe and responsible manner. This includes following both OSHA and Town of Colchester safety policies.

BOS Approval Date.

This job description is not all-inclusive and is subject to change by the Board of Selectmen at any time. Full-time; union; salary; exempt

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First Selectman

From:

First Selectman

Sent:

Thursday, February 3, 2022 2:30 PM

To:

Peter Kupczak

Subject:

FW: Submission Received: Contact Us

Hi Peter,

I will bring this request forward at the Thursday, February 17th Board of Selectmen meeting for approval. Thank you for reaching out.

Sincerely,

Andreas

----Original Message----

From: Peter Kupczak via Colchester CT <cmsmailer@civicplus.com>

Sent: Thursday, February 3, 2022 8:44 AM

To: Marli Rudko <mrudko@colchesterct.gov>; Rachel Fuller <rfuller@colchesterct.gov>; First Selectman

<selectman@colchesterct.gov>

Subject: Submission Received: Contact Us

Submitted on Thursday, February 3, 2022 - 8:43am

Submitted values are:

Subject: First Selectman's Office

Message Details:

April is National Organ Donation Awareness month. I have raised a Donate Life flag at the town hall starting in 2013 several times. I would like to raise a Donate Life Flag again for two weeks beginning Monday morning at 10:00 AM April 11th until Friday afternoon April 22nd, 2022. I would like to our First Selectman participate as others have in the past in the raising of the Donate Life flag. It the past this has been to the board of selectman's agenda in February or March. The POW MIA is taken town for the period and the local Veterans association has always supported it. The Flag is raised by an employee of the parks and Rec department. This event is near and dear to me and I am committed to raising awareness to the Awareness of Organ and Tissue Donation. Thank you. Peter Kupczak in Honor of Jessica Marie Kupczak and all the other Donors who have given the precious Gift of Life to people in need.

==Please provide the following information:==

Name: Peter Kupczak

Email: peter.kupczak@sbcglobal.net <mailto:peter.kupczak@sbcglobal.net>

Phone: 8609851810

Address: 84 JAFFEE TER, Colchester CT 06415

Organization: Donate Life CT

The results of this submission may be viewed at:

https://www.colchesterct.gov/node/16/submission/9516

<a href="https://u13876194.ct.sendgrid.net/wf/open?upn=O6-2FKoe5OJBxL-2FlhXT5SVVJrII4pFbS8aCybsAeixXIdhMcdB0-2BlcCPklmiXVZEtUJOz-2BlcCPklmiXVZEtUJOZ-2BlcCPklmiXVZETUJOZ-2BlcCPklmiXVZETUJOZ-2BlcCPklmiXVZETUJOZ-2BlcCPklmiXVZETUJOZ-2BlcCPklmiXVZETUJOZ-2BlcCPklmiXVZETUJOZ-2BlcCPklmiXVZETUJOZ-2BlcCPklmiXVZETUJ

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Town of Colchester Job Description

Public Works Director of Public Works

GENERAL STATEMENT OF DUTIES: Responsible to develop, manage, administer, supervise and direct the programs and activities of the Public Works Department in the functional areas of road, sidewalk, bridge, and storm water construction, maintenance and repair; snow and ice control; transfer station management; vehicle and equipment maintenance; maintenance of all public grounds and buildings, including buildings under the operation of the Board of Education; maintenance and operation of all services provided in the Sewer and Water District: Move to Water Department Supervisor Job Description) The Director of Public Works is required to exercise considerable independent judgment in administering and managing the department and is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control.

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WORK HOURS: Monday – Friday, 8:00 a.m. – 4:30 p.m.(primarily), with occasional night board/commission meetings.

SUPERVISOR: Work under the administrative direction of the First Selectman and the Superintendent of Schools in regard to Board of Education Facilities, established policies, and Connecticut General Statutes.

SUPERVISION: Provides general supervision and oversees all departments that encompass public works including Fleet Maintenance, Highway, Sewer and Water, (Move to Water Department Supervisor <u>Job Description</u>) Grounds Maintenance, Facilities and Transfer Station.

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ESSENTIAL DUTIES:

The following is an illustrative and non-exhaustive list of duties:

- Oversees and evaluates the total operation of all Public Works and <u>Sewer and Water (Move to Water Department Supervisor Job Description)</u> personnel and activities.
- Review, plan, recommend, and supervise repairs of roads, bridges, sidewalks, and drainage lines, water and sewer lines (Move to Water Department Supervisor Job Description) as needed
- Plans, directs, coordinates construction, inspection, and maintenance of roads, bridges, storm water, structures, water and sewer (Move to Water Department Supervisor Job Description) lines and other Town properties.
- Inspects, along with the Town Engineer, roads and drainage systems for compliance with requirements governing subdivisions
- Organizes and implements duties, or performs as part of a team, in responding to natural or manmade emergencies; including snow and ice control.
- Administers and directs transfer station operations, including hauling and disposal contracts; oversees and coordinates the town recycling program, as designated recycling coordinator; completes revenue and tonnage reports for transfer station; and complies with State reporting requirements.
- Administers and directs the preventative maintenance programs for all Town vehicles and equipment.

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- Prepares specifications for the procurement of materials, contractor and consultant services and prepares cost projections for all public work projects.
- 9. Investigates citizen/staff complaints and oversees corrective action as appropriate.
- Assures safe working conditions for employees through training programs as required by State
 and Federal Agencies. Review and enforce DEP, EPA, OSHA and other public safety and health
 directives, mandates, regulations and ordinances.
- Works with Town Engineer to design and layout projects that are done by town employees; oversee and inspects projects completed by outside contractors.
- Consults with and advises the Superintendent of Schools and First Selectman on issues and
 policies pertaining to school operations, public facilities and grounds.
- Carries out Capital Plan Program for Town and Public Schools as relates to buildings, grounds and pertinent facilities.
- 14. Prepares operating and capital budget recommendations for public building design, construction, renovation, repair and maintenance, and manages all public building activities and projects funded via the Capital Plan and Program of the Town and Public Schools.
- Develops bids specifications and recommends contractual agreements for architects, engineers, constructions managers, general contractors, and others involved with public building projects.
- Works with architects, engineers, contractors and Town and Public School officials to review and resolve problems associated with building and ground maintenance or construction projects.
- 17. Oversees the scheduling of preventative maintenance and repair work to all Town and Public School buildings and grounds, as well as the coordination of all operational maintenance, repairs and alterations, including, but not limited to, heating, ventilating, and air conditioning and power operation.
- Directs the planning, design constructions, inspection, maintenance and improvement of all grounds/property of the Town. Manages all aspects of the athletic grounds and field maintenance to provide a safe environment for athletic teams practice and competition, and for school physical education classes.
- Periodically monitor and review the operations of the Department for the purpose of evaluating
 effectiveness of operations, policies and practices. Identify problems, troubleshoot and take
 corrective action. Recommend ways and means of improving services.
- Works closely with the Director of Operations, Facilities Manager and Grounds Maintenance Crew Leader to recruit, screen, hire, and train all maintenance personnel.
- 21. Consults with Town Engineer on special technical engineering problems
- 22. Assists subordinate supervisors as needed
- Coordinates all public works activities with other Town departments and other local and State governing agencies
- 24. Develops department policies and procedures and assigns, trains and supervises staff. Consults with First Selectman on such personnel actions as hiring, termination, and discipline and obtains approval from First Selectman for such personnel actions.
- In collaboration with the Water Department Supervisor, Pprepares and administers operating budget for department; presents budget to the First Selectman, Board of Selectman, Board of Finance, and the Sewer and Water Commission.
- Submits oral and written reports to Town officials as needed.
- 27. Attends all monthly <u>Sewer and Water Commission</u> <u>(Move to Water Department Supervisor Job Description)</u> and Joint Facilities meetings and, when necessary, Board of Selectmen, Board of Finance, and other Board or Commission meetings. Provides written and oral reports, as required, to a variety of individuals, boards and commissions and attends meetings as requested.
- In collaboration with the Human Resources Director, assists with the Aadministration ers of the drug and alcohol testing program.
- 29. Perform related work as required by the Superintendent of Schools and First Selectman.
- 30. Comply with Town of Colchester Personnel Policies.

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REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

- Strong knowledge of the modern principles and practices of civil engineering and public works operations as applied to the development and maintenance of streets, water and sewer operations, and other public works functions
- Practical, working knowledge of the principles and practices of organization, supervision and finance administration in the operation of a public works department.
- 3. Thorough knowledge of OSHA Regulations as they apply to public works and utilities
- Ability to plan, organize, assign, supervise and inspect the work of both civil engineers, consultants, contactors and sub-professional, technical subordinates and employees
- Ability to establish and maintain effective working relationships with engineers, contractors, and other public officials.
- Ability to make knowledgeable evaluations of a public works program and to prepare complete
 and accurate research and operational reports as required and assist the First Selectman and or
 the Sewer and Water Commission when applicable.
- Considerable knowledge of the principles and practices of construction techniques, architectural, and engineering principles and maintenance requirements, as related to the design, management and maintenance of public buildings and facilities.
- 8. Must be able to deal effectively with staff, officials, and members of the public
- 9. Must have working knowledge of labor relations practices and procedures.
- Must be able to perform the essential functions of the job with or without reasonable accommodations.

EDUCATION AND EXPERIENCE

- The qualifications required would generally be acquired with a Bachelor's or Master's Degree in Civil Engineering or Management, or the equivalent combination of education and training.
- Four years of supervisory and engineering experience, specifically as it relates to public works operations
- Ability to plan, direct, coordinate, and manage
- Strong personnel management skills
- 5. CT Drivers License

WORK ENVIRONMENT: It is the policy of the Town of Colchester to provide a safe and healthy workplace for all employees. The Town of Colchester is committed to reducing and controlling the frequency and severity of work-related accidents. It is the responsibility of every employee to report all accidents, incidents and occupational illnesses, as well as any perceived hazardous conditions. While performing the duties of employment, it is the employee's responsibility to work in a safe and responsible manner. This includes following both OSHA and Town of Colchester safety policies.

While performing the duties of this job, the employee will makes frequent contact with other municipal departments, state agencies, vendors and contractors and the general public; contacts may be in person, by telephone, fax, e-mail, or at meetings. Such contacts will frequently require a high level of persuasiveness and resourcefulness to resolve problems. This position requires occasional work outside in various weather conditions.

Full-time; non-union; salary; exempt

This job description is not all-inclusive and is subject to change by the Board of Selectmen at any time.

BOS Approval Date:

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Town of Colchester Job Description

Water Department Supervisor

GENERAL STATEMENT OF DUTIES

Oversee the maintenance and operation of all services provided in the Sewer and Water District. Responsible for performing all functions relating to water system plant operation, water system distribution operation, and the supervision of all field/plant employees and sub-contractors assigned to work on the water system.

WORK SCHEDULE

Primarily Monday-Friday, 7:00am-3:30pm, and other times as they are necessary for the completion of duties.

SUPERVISION RECEIVED

Work under supervision of Public Works Director.

SUPERVISION EXERCISED

Supervise Water Department field and plant staff.

ESSENTIAL DUTIES

- Prepare the annual water operating and capital budgets for review by the Public Works
 Director. Assist in preparation of Department policies.
- Over see and evaluate the total operation of all Sewer and Water personnel and activities.
- Attend all monthly Sewer and Water Commission and Joint Facilities meetings.
- 4. 2. —Oversee design, operation, maintenance, and repair of all water system facilities (filter plant, storage tank facilities, pumps, wells, treatment systems, and distribution system components), and supervision and assignment of duties to staff qualified to work on the water system facilities.
- Review, plan, recommend and supervise maintenance and repairs of water and sewer lines.
- Perform technical review of developer/applicant submittals and attend predevelopment and preconstruction meetings.
- Responsible for and construction of water connections, activation, and deactivation of services, and field employees assigned these duties.
- Specifies water system components, facilities, and equipment, and supervises employees and sub-contractors assigned to these tasks.
- Performs, or serves as emergency standby back-up to employees assigned to perform, scheduled operations and maintenance on weekends, holidays, and after hours.
- 7. Assigns employees to read meters.
- Administrative functions, which include night meeting attendance for Sewer and Water Commission regular meetings, Planning and Zoning Meetings as required, and other miscellaneous town meetings that require Water Department input.
- Responsible for maintaining approved budgets and purchasing duties for water pumping, treatment, storage, and distribution system equipment and other supplies necessary to operate a Public Water System. Assure Town's purchasing procedures are followed. Approve requisitions for payment.
- 10. Train other plant and/or distribution system operators, meter readers, and helpers.

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Approved 01/03/2013

Water Department Supervisor - Job Description

Page 1 of 2

- 11. Supervise and train employees temporarily assigned to the water department when involved in the water system operation, maintenance, and repairs.
- 12. Prepare press releases for review by Director
- 13. Oversee design and related technical work performed by consultants including the Water Supply Plan, Diversion Plan submittals, etc. in cooperation with the Director.
- 14. Coordinate with Director on legal issues relating to compliance with State, federal regulations regarding safety, SDWA compliance, operations, provision of service, as required.
- 15. Prepare and maintain safety plans and train staff.16. Responsible for performing all compliance activities relating to Town, State, and federal regulations including but not limited to Annual Cross Connection Inspections and SDWA
- 17. Respond to questions and comments from customers regarding water quality, pressure, and other issues, as required. Make operating or treatment adjustments as appropriate.
- 18. Other duties as required by Public Works Director.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

- A thorough knowledge of tools, equipment, materials, methods, and practices used in the operation and maintenance of a public water system including design, engineering principals, and construction methods of all treatment, pumping and distribution components.
- A thorough knowledge of State and federal regulations as they relate to the operation and maintenance of a public water system.
- A thorough knowledge of safety practices and requirements associated with the operation and maintenance of a public water system.
- Ability to organize and manage time and communicate effectively orally and in writing.
- Ability to work well independently and follow instructions.
- Ability to work effectively with others and the public in general.
- Proven management and customer service/relations capabilities.

EDUCATION AND EXPERIENCE

- 1. Bachelors Degrees in a technical, engineering or scientific area. A Masters Degree in Civil Engineering or Water Resources or equivalent is preferred.
- Minimum of ten years employment in water treatment/distribution field with at least five years experience at the supervisory level.
- Class 2 Driver's License with good driving record required.
- Plumbing and mechanical technical experience necessary.
- Distribution Class II, Water Treatment Class IV required. Cross Connection/Backflow Prevention Certifications required.
- Ability to work well with others, good communication skills, work independently, follow instructions adequately.
- 7. Ability to handle criticism from customers and respond in an appropriate manner.

WORK ENVIRONMENT

It is the policy of the Town of Colchester to provide a safe and healthy workplace for all employees. The Town of Colchester is committed to reducing and controlling the frequency and severity of work-related accidents. It is the responsibility of every employee to report all accidents, incidents and occupational illnesses, as well as any perceived hazardous conditions. While performing the duties of employment, it is the employee's responsibility to work in a safe and responsible manner. This includes following both OSHA and Town of Colchester safety policies. While performing the duties of this job, the employee is required to work in outside weather conditions.

> This job description is not all-inclusive and is subject to change by the Board of Selectmen at any time. Full-time; union; salary; exempt.

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Town of Colchester Agreement to Operate a Food & Soft Drink Concession Colchester Recreation Complex

A. SCOPE OF AGREEMENT

This lease shall be defined as, but not limited to: The Town shall grant to the Lessee the exclusive concession stand (upper field) rights for the sale of snacks and snack food, candies, ice cream, soft drinks, popcorn, peanuts, confections of all kinds (no beer, wine, tobacco products and intoxicating liquors are permitted on Town properties), all known hereinafter collectively as "Concessions."

No concessions shall be dispensed in glass containers, at and/or within the municipally owned or operated facilities within the Town of Colchester known as "the Premises" or referred to as "Park". This Agreement requires that the Lessee shall sell Concessions (upper field) within and upon the Premises.

The Lessee shall allow organizations/businesses approved by the Recreation Director to sell novelties (non-food items) on the Premises. The Lessee shall be required to cooperate with all organizations/businesses approved by the Recreation Department, to sell food items to benefit their organizations, not to exceed 25 days per calendar year.

The Lessee may not sub-let or assign the operation of the Concession Stand without written approval of the Recreation Director.

Should the Lessec fail to provide the service as contracted, the Town of Colchester may cancel the contract with a 2-week notice. The Town may enter a temporary contract with a new company for the remaining time of the contract to ensure the appropriate services are provided.

B. ADDITIONAL OPTIONS

Lessee shall not be obligated to provide additional concession outlets outside the existing concession premises. Lessee may at the Towns concurrence provide portable concession facilities, with appropriate approvals/permits.

C. MEETINGS

Meetings shall be designated by the Town (at a place and time agreed upon mutually by the Town and the Lessee) for the purpose of discussing current operational problems, presentation of official requests for changes of schedules, prices, portions, products or policies, and other pertinent business which may arise.

D. RENTAL PERIOD

April 1, 2022, through November 31, 2022

E. INSURANCE REQUIREMENTS:

The Lessee shall maintain for the life of the Lease the insurance coverage set forth below for each accident provided by insurance companies authorized to do business in the State of Connecticut with a rating by AM Best of "A" or better. A certificate of insurance indicating these amounts and listing the Town of Colchester (215 Old Hebron Rd., Colchester CT) as additional insured, must be submitted at the time of award.

- 1. Commercial General Liability:
 - a. Limits of Liability: -Each Occurrence \$1,000,000
 - b. General Aggregate 2,000,000

Including coverage for:

- i. Products/Completed Operations.
- ii. Lease Insurance.
- iii. Broad Form Property Damage.
- iv. Independent Lessees.
- v. Personal Injury.
- vi. Premises-Operations.
- 2. Worker's Compensation Statutory
- 3. The Town of Colchester shall be listed as additional insured on Commercial General Liability policies.
- 4. The lease of insurance shall provide for notice to the Town of cancellation of insurance policies thirty (30) days before such cancellation is to take effect.

F. DAMAGES

Lessee shall be held responsible for any damages to existing structures, systems, or equipment caused by lessee due to negligence. Any subsequent repair shall be done at no additional cost to the Town.

G. EQUIPMENT

The Lessee may make use of any/all equipment that is installed at the facility. The Town is under no obligation to provide, repair or replace equipment. Examples of equipment that are typically available include:

- Sinks (Dish Washing & Hand washing)
- Picnic Table
- Exhaust Hood/Ansul System
- Fire Extinguisher

H. OTHER EQUIPMENT

With the prior approval of the Recreation Director, lessee may install, at his own expense, any other equipment which is necessary for the operation or desirable for efficient operation. All such equipment shall be considered personal property of the Lessee and may be removed upon the termination of the Lessee unless amounts are due and owing for damage/cleaning. It is understood that the removal of such equipment and fixtures will be accomplished in such a way as to cause no damage to the building. In doing so, Lessee shall not make any alterations to the facility without prior written approval of the Recreation Director. All requests must be submitted to the Recreation Department.

I. EQUIPMENT MAINTENANCE

Responsibility for maintaining the equipment owned by the Town will be that of the Lessee. All such equipment must be returned to the Town at the end of the lease term in the same condition (ordinary wear-and-tear is expected). The Lessee shall always maintain such equipment in good order and repair and shall renew the same when necessary. Equipment that wears out from normal usage during the period of the Concession may be replaced by the Lessee and will be the property of the Lessee.

The Lessee shall pay for all repairs and upkeep on any and all equipment owned, leased, rented or controlled by it and used by it in the sale or provision of Concessions. The Lessee accepts

the Concession Premises in the condition that the same now are in, and shall maintain the same in as good condition as the same now are in.

J. REMOVAL OF EQUIPMENT

The Lessee may, upon termination or expiration of this Agreement, remove from the Premises all equipment belonging to and installed by Lessee except that which has been accepted by the Town as Town Property, so long as such removal does not cause damage. The Lessee shall remove all equipment from the concession premises within fifteen (15) calendar days or said equipment shall become the property of the Town. The Lessee shall leave the Premises, following such removal, in at least as good condition as the same now are in.

K. ACCESS TO PREMISES

Lessee shall have the use of the Premises solely and exclusively for the purvey of concessions. The Town shall have reasonable access to the Premises as provided hereunder in order to determine compliance with this Agreement and applicable law, to conduct unannounced periodic inspections including premises, food, and food packaging and in emergency situations, acknowledging and recognizing Lessee's right to keep the Premises secure and to be free from unreasonable interference.

L. <u>USE OF PREMISES</u>

The Lessee shall take every precaution against injuries to persons or damage to property. The Lessee shall be aware at all times that additional safety considerations should be taken. Particular care shall be taken by the Lessee and all those in his/her employ that all tools, equipment, ladders, materials, etc. are not left unsupervised.

M. UTILITIES

The Town shall furnish without charge, water, and electricity to be used reasonably by the Lessee. It is the obligation of the town to provide any and all piping, wiring and plumbing installations necessary for the sale of concessions. Any expansion of service shall be done with prior approval of the Recreation Director and shall meet all necessary codes. Any such installation shall become property of the town.

The Town shall in no way be obligated to pay for any plumbing, electrical or mechanical repairs made to the premises without prior written authorization of the Recreation Director. Written authorization shall not be unreasonably withheld unless budgetary constraints do not allow for expansion of services.

The Town shall not be obligated to supply storage facilities or other facilities or equipment other than those available within the concession premises.

N. JANITORIAL SERVICES

The Lessee will be responsible for the cleaning, picking up, disinfecting and extermination services in all areas under his control. This will include the kitchen, vending machines, and immediate surrounding areas. The Lessee shall remove or secure all equipment, supplies, materials, and trash from the immediate areas around the concession buildings or vending machine(s) and adjacent premises. Trash shall be picked up and containerized following the day's event(s). Trash and garbage disposal will be provided by the Town. Cardboard boxes must be broken up and removed by the Lessee. Lessee must keep all areas under his control, including trash and garbage storage, in a condition of cleanliness suitable to the requirements of the Chatham Health District.

O. MENU AND PRICE

The principal objective is to assure the public of satisfactory service and quality of products at reasonable rates. Food will be subject to the review of the Chatham Health Dept., their agents, assigns and consultants.

The price of all products sold on the premises shall be competitive with prices for similar products within the Town of Colchester and immediate surrounding area. All food prices shall be legibly posted by the Lessee. Lessee shall not change any merchandise price without first obtaining the approval of the Recreation Director. The Town retains the right to finally determine the pricing of concessions. If the Town does not accept the pricing, the Lessee may not sell the item or may appeal the Director's decision to the Parks and Recreation Commission. The decision of the Parks and Recreation Commission shall be final.

P. HOURS OF OPERATION

The Lessee shall use its best efforts to satisfy the reasonable demands of the patrons. Starting in April 1 until mid-November, the premises shall be open for service to the public. The hours set forth are minimum standards and may be expanded upon by the Lessee. Service hours are not to exceed the 11 p.m. curfew of park. The Lessee may not vary from the minimum standards set forth without the express written approval of the Recreation Director, for good cause shown. Hours of operation shall be legibly posted by the Lessee. The Town expressly reserves the right to reasonably require that concession services be made available at all scheduled events. The Town shall provide a schedule to the Lessee for the activities scheduled for the Premises. Said schedule shall be provided two weeks prior to the first event at which Lessee shall offer Concessions. It is the lessee's responsibility to check schedules at the Parks & Recreation office and with the different youth and adult leagues for additions, changes, cancellations, and make-up days.

Q. PERSONNEL

Lessee will, at all times, maintain an adequate staff of employees for the efficient operation of the business. The Lessee shall be a "Qualified Food Service Operator" (QFO) or shall have an employee on-site who is a "Qualified Food Service Operator" (QFO). Proof of Qualified Operators credentials shall be submitted to the Recreation Director. All employees of the Lessee shall be dressed in neat and clean attire. The Lessee shall employ only competent and satisfactory workers. Whenever the Town shall notify the Lessee in writing that any person employed on the premises, in its opinion, is incompetent, disorderly, unsanitary, or otherwise unsatisfactory, such person shall be discharged and shall not again be employed without the consent of the Town. All employees must meet requirements of Labor Laws.

Upon awarding of lease, selected Lessee must submit job resume of on-site manager/operator and demonstrate period satisfactory skills in food handling and expedient service to park customers.

The Lessee agrees to conduct concession sales in a clean, healthful, and orderly manner and shall have a responsible adult supervisor working at all times.

R. LICENSES & PERMITS

Any and all food service/sales must comply with applicable state and local health and licensing laws. The Lessee shall comply with all federal state, county and city laws, rules and regulations relating to the physical condition of the Premises, food service sanitation, licensure, and operation of Lessee's activities hereunder.

S. <u>References</u>: Lessee must supply three (3) references where similar work was performed within the last 5 years.

T. SECURITY DEPOSIT

The Lessee shall post a security deposit in the amount of \$500, payable to the Town of Colchester, with the proposal, conditioned to provide that the Lessee shall be liable for any and all damage caused by use or operation of the facility, or the removal of equipment.

U. ACCOUNTING METHODS AND PAYMENTS

The lessee shall maintain accurate and complete accounting records and submit an annual summary of gross sales, excluding collected sales tax, to the Recreation Director by November 30, 2022.

V. AUDITS

The Town shall have the authority to audit, examine and copy the Lessee's books and records and books related to performance of this agreement. Such audits shall be supervised by the Town Finance Manager and shall be made as he/she deems necessary to protect the Town.

W. ACCOUNTING RECORDS

The Lessee shall make available to the Town copies of his federal income tax return and accountant's report when and if requested.

END OF AGREEMENT

Indemnification Waiver

The lessee shall defend, save harmless and indemnify the Town of Colchester, its officers, agents, employees, and assigns from any damages resulting from any challenge to the legality of the bid process or any of the documents used here, including, but not limited to, the Request for Proposals or Lease Agreements. In addition, the lessee agrees to indemnify and hold harmless the Town of Colchester and each of their respective members, employees, officers, and agents from and against any claims, demands, losses, costs or liabilities for personal injury or property damage or any other loss which may result from the lessee's performance or lack of performance of the Lease. Such "losses" shall include all reasonable attorney's fees and costs incurred in the representation of the Town, or any of their respective members, officers, employees, subcommittees of the Town or agents in any suit or claim arising from the lessee's performance or lack of performance of the Lease or arising from the enforcement of this provision.

 Name (Print)	 	Date			
 Signature	 _				

LEASE

THIS AGREEMENT made this	day of	 , 2022,	
by and between			
herein after called the "Lessee", and	the Town of Colchester		

WITNESSETH, that the Lessee and the Town of Colchester for the contracted sum of \$300, Three Hundred Dollars, per month beginning April 1, 2022, and ending November 31, 2022 and considerations stated herein mutually agree to provide as described in the Operation of a Food & Soft Drink Concession Agreement, Colchester Recreation Complex and submitted response by the lessee.

Article I. Statement of Work: The Lessee shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and service and perform and complete in an efficient, safe, and workmanlike manner all work required for the Professional services in strict accordance with the Lease Documents, including all Addenda, thereto, all as prepared by the Town of Colchester. It is recognized that the general and specific scope of the project is outlined within the Agreement documents.

Article 2. The Lease Price: The Lessee will pay the Town of Colchester a rental fee for the use of the Lease in current funds for the total amount stipulated in the Agreement for the exclusive use of the Concession Stand at the Colchester Recreation Complex in the amount of \$300 per month.

Article 3. Lease Documents:

- A. The executed lease documents shall consist of the following:
 - The Agreement
 - Resume/Certifications of staff
 - Signed Liability Waiver
 - Menu with prices
 - Hours of Operation
 - Deposit
 - Lessee References
- B. Prior to opening for business, the Lessee must submit the following documents to the Recreation Director:
 - All Insurance as stated in Section D
 - Qualified Food Service Operator certification
 - Chatham Health Food Service License

THIS AGREEMENT, together with other documents enumerated in this Article 3A, which said other documents are as fully a part of the Lease as if thereto attached or herein repeated, form the Lease between the parties thereto. In the event that any provision in any component part of this Lease conflicts with any other component part, the provision of the component part first enumerated in this Article 3, shall govern, except as otherwise specifically stated. While contract is valid, concession stand may not open for business until Article 3B has been satisfied.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in four (4) original copies on the day and year first above written.

TOWN OF COLCHESTER:		
Attest:	By:	(Namc)
		(Title)
Lessee: Attest	By:	
		(Name)
		(Title)
Certification of Corporate Lessee		
I,	, certify that I am	the
of the corporation named as Lesse	e herein; that	who
signed this Agreement on behalf of said Agreement was duly signed for governing body and is within the s	or and on behalf of said corpo	oration by authority of its
		Corporate Seal
		(Signature)
		(Corporation)

Town of Colchester

127 NORWICH AVENUE, COLCHESTER, CT., 06415-1260

Andreas Bisbikos First Selectman (860) 537 - 7220 FAX: 537 - 0547

The lessee shall defend, save harmless and indennify the Town of Colchester, its officers, agents, employees, and assigns from any damages resulting from any challenge to the legality of the bid process or any of the documents used here, including, but not limited to, the Request for Proposals or Lease Agreements. In addition, the lessee agrees to indemnify and hold harmless the Town of Colchester and each of their respective members, employees, officers, and agents from and against any claims, demands, losses, costs or liabilities for personal injury or property damage or any other loss which may result from the lessee's performance or lack of performance of the Lease. Such "losses" shall include all reasonable attorney's fees and costs incurred in the representation of the Town, or any of their respective members, officers, employees, sub-committees of the Town or agents in any suit or claim arising from the lessee's performance or lack of performance of the Lease or arising from the enforcement of this provision.

Auton Snr th Name (Print)

2 / - 1.

Date

Signature

Concession Stand Menu (DRAFT)

Hours of Operation: M/T/W/THR/F 12pm-9pm & SAT/SUN 7am-9pm (Will adjust to seasonal demand and activities (i.e., camps, events, etc.))

Candy

Milky Way... 1.50

Snickers... 1.50

Twix...1.50

Skittles... 1.50

Blow Pops... .25

Freeze Pops....50

Big League Chew... 2.00

Main Grub

4 Piece Chicken Tenders...5.00

Hot Dog...3.00

Hamburger...4.00

Cheeseburger... 5.25

Nachos w/ Cheese Sauce...5.50

Crispy Chicken Sandwich...5.00

French Fries...3.00

Mozzarella Sticks...5.00

Onion Rings...5.00

Popcom...3.00

Add Fries to Any Sandwich...1.00

Add Lettuce, Tomato or Onion to any Sandwich for .10

Soft Drinks...All 1.50

Pepsi, Diet Pepsi, Mountain Dew, Aquafina

Gatorade... 1.75

3 References

My food service experience is limited to volunteering at concession stands, frequenting concession stands, and a summer internship at Schrieber Foods (Clinton Missouri) while in Business School. I'm providing references of individuals who have agreed to support me with advisory consultation and equipment.

Jay Fischer (personal friend)

Director Of Operations / Partner, Buffalo Wild Wings 2007 – 2014

Alex Levere (personal friend)

Owner / Operator of The Inishmor Pub

Tony Krol

Chairman Colchester Cougars Youth Football

The Cougars operate the concession stand on R8 at the RecPlex

Anton LaVar Smith

Colchester, CT 06415 (860) 573-4660 Topps00@hotmail.com linkedin.com/in/Anton-L-Smith

EXECUTIVE BUSINESS LEADER

OPERATIONS EXCELLENCE | BUSINESS OPTIMIZATION | PERFORMANCE MANAGEMENT | HUMAN RESOURCES

CORE SKILLS & COMPETENCIES

ACE Master & Master Black Belt Agile Leadership & Scrum Master Organizational Transformation Key Performance Indicator Dev. Diversity, Inclusion, & Culture Financial Performance Tracking

P&L Leadership & Management Business Process Optimization Customer Exp. & Market Analysis Talent Development & Mentoring Strategic Planning & Execution Program & Project Management Academic Program Design & Execution Adaptability & Business Innovation Analytical Thinking & Data Optimization Entrepreneur & Business Owner Policy Deployment & Objectives Alignment DMAIC / RCCA / Agile / Scrum Coaching

PROFESSIONAL EXPERIENCE

HEALTHFIRST, New York, NY
Healthcare Operations
Vice President, Performance Improvement

Present

BUSHWOOD GROUP LLC, Colchester, CT Colchester Driving Range and Practice Center Owner / Operator **Present**

AETNA HEALTHCARE, Hartford, CT

7/2016 - 9/2020

Transformation Products & Services (TP&S) Clinical Operations

Executive Director, Achieving Business eXcellence (ABX), Learning & Performance (L&P), Results Management (RM) Architect and Leader of ABX, HR L&P, & RM teams (~95 EEs) focusing on Strategy & Outcomes, Culture, Tools & Technology, and Measurement & Evaluation for 15 businesses utilizing Lean, Agile, and Executive Leadership skills.

- Lead Results Management a process focused on workforce productivity optimization, strategy, and planning.
 The process is leveraged to achieve and sustain operating results, approach efficiency systematically, conduct time studies and VSMs to identify Best of Best and Worst of Worst performance, and execute CI action plans.
- Pioneered an ABX team redesign targeting, recruiting, and hiring talent including "my personal network" of Lean, Agile, and Tech. experts building a functionally, culturally, racially, and gender diverse team resulting in unprecedented and best in class outcomes across Aetna as well as a multitude of Values in Action and Qtly.
 Distinction awards. Transformed Areas: Utilization Mgmt, Care Mgmt, Call Centers, Service Ops., Training, Etc.
- Delivered productivity results via High and Medium Impact/complexity Lean/Agile projects (Primary Categories: Automation/IT Efficiencies, Process & Staffing Optimization, Vendor Efficiencies & Spend Reduction).
 - Executing to \$46.6M in productivity identified against a 2020 target of \$24.1M.
 - Delivered \$32M in productivity in 2019 against a target of \$29.5M.
 - Delivered \$89.9M in productivity in 2018 against a target of \$79.7M.
 - Delivered \$78.3M in productivity in 2017 against a target of \$76.7M.
- Conducted Supply Chain, Purchasing, and Procurement analysis identifying Preferred Suppliers.
- Analyzed Providers, Procedure codes, Claims, Quality, and Approval/Denial rates instituting auto approvals
 and flagging for review of various services provided by in network and out of network partners and entities.
- Provided leadership to achieve a sustainable business operation and cost structure in partnership with Executive Leadership, Operations, Finance, HR, IT, Supply Chain & Procurement, Quality, and Compliance.

- Utilized and trained Lean and Agile methodologies to improve cross functional value streams, key processes, and transformation competency driving simplicity, enhanced constituent experience, and strategy execution.
- Lead HR Learning & Performance Academic Certification Programs for ~10,000 employees focusing on Strategy, Organization, Culture, Curriculum, Tools/Technology, and Measurement/Evaluation.
- Pioneered an HR L&P team redesign better aligning to business needs, creating adaptability, and improving employee morale and productivity. Additionally, focused on relationship building with key stakeholders.
- Implemented an HR L&P Transformation including a 30/60/90 Day plan to better meet training and
 development needs instituting a learning strategy aligned with the Enterprise vision and long-term business
 strategy: Outcomes included improved job satisfaction, increased productivity, and an upgraded learning
 curriculum that is cutting edge, effective, and efficient across all Academic Programs and Lines Of Business.
- Guest presenter for several leadership outlets including performance review town-halls, creating effective executive updates summit, Black Belt and Green Belt symposiums.
- As a Master Black Belt, Agile Scrum Master, and Executive Leader, I served on the Aetna Certification Review
 'Board of Directors' for Black/Green Belt Academic Program project reviews and employee belt certifications.

SIKORSKY AIRCRAFT, Stratford, CT

6/2011 - 7/2016

Commercial and Global Military Systems & Services (C&GMSS) (8/2013 - 7/2016)

Associate Director, Program Quality / ACE Master / Ethics & Compliance Officer / African American Forum Sr. Advisor Directed program life cycle quality including proposal support, requirements flow-down, quality system compliance, problem resolution, and customer interface on delivered quality, reporting to Program Presidents and EVP of Quality.

- Managed Program Quality Managers, Engineers, and Lean and Agile Consultants partnering closely with HR,
 Fleet Maintenance, Overhaul & Repair, Services, Materials, and Production on Key Projects, Sprints, and Tasks.
- Developed strategies, partnered with internal and external resources; using data analytics to better forecast aircraft and aircraft component maintenance schedules, component life expectancies, and parts replenishment.
- Implemented and managed continuous improvement operating systems, set customer focused and data driven cost, quality, and delivery targets/metrics, improved employee Lean and Agile competency and event facilitation.
- Promoted the Sikorsky Quality Management System and Lean Agile Operating System serving as the Commercial
 and Global Military Systems and Services representative on Executive Quality Council and Lean Agile Council.
- Engaged in strategic planning and policy deployment as a member of the Sikorsky Sr. Leadership Team.
- Appointed Sr. Advisor to the African American Forum, driving diversity initiatives aligned to company objectives.
- Directed lean initiatives resulting in significant growth with above plan performance in revenue and margins.
- Sikorsky President's Award 2014 (Excellence in Execution): Coatesville, PA S-92 Completions (Lean Consultant).

Associate Director, Enterprise Lean Transformation and ACE Competency Dev. (6/2011 - 8/2013)

Achieving Competitive Excellence (ACE) Master & Master Black Belt / African American Forum Sr. Advisor

Developed and instituted a Sikorsky 'Enterprise Lean and Agile Transformation and Academic Program' designed to drive metric alignment and improvements in order to meet and exceed business operating and financial goals and objectives.

- Managed RFPs, contracts, and projects with vendors/providers such as Deloitte, Porsche Consulting, and Shainin.
- Established and facilitated executive steering committees governing Enterprise Lean and Agile Transformations.
- Facilitated the initial transformation of Sikorsky's pilot transformation site (Troy, Alabama) resulting in the following Key Performance Indicator Improvements: ROI +758%, Capacity +29%, Lead Time -21%, Productivity +12%, Inventory -37%, NITO +36% as a demonstration of business results.
- Managed the progression of 21 manufacturing and business process sites' Lean and Agile Transformations targeting at least 10% Productivity improvement, 15% Net Inventory reduction, and alignment to company KPI objectives.
- Established and executed a Practitioner & Master Academic Certification Program building Lean competency.
- Developed over 15,000 employees providing Associate, Practitioner, & Master classroom and OJT at various company sites; Practitioner is ≥ Lean Six Sigma Black Belt and Master is ≥ Lean Six Sigma Master Black Belt.
- Sikorsky President's Award 2013 (Excellence in Execution): Bridgeport, CT Aerostructures (Lean Consultant)
- Sikorsky President's Award 2012 (Excellence in Execution): Troy, AL Aerostructures (Lean Consultant)

UTC POWER, South Windsor, CT

11/2009 - 6/2011

Director, Lean Transformation/Agile Programs / Achieving Competitive Excellence (ACE) Practitioner
Appointed to the Sr. Leadership team and responsible for assessing and improving UTC Power's cross-functional processes while UTC underwent strategic initiatives to assess the business as a part of the UTC portfolio of companies.

Established an organization alignment matrix identifying the interconnectivity between businesses and

- functions leading to more efficient teaming and overall process execution.
- Instituted policy deployment of the company's strategy, objectives, metrics, culture, and values throughout the organization's various departments leading to measurable KPIs, accountability, and favorable results/outcomes.
- Revamped the company's metrics, KPIs, and targets to better align with increasing shareholder value.
- Drove management restructuring and facility utilization initiatives optimizing results, product flow, and capacity.

SIKORSKY AIRCRAFT, Trumbull, CT

11/2007 - 11/2009

General Manager, Hydraulics & Electrical (Ex. Landing Gear, Brakes) / Achieving Competitive Excellence Practitioner Managed an Integrated Product Team (IPT) of Engineers, Operations Managers, Lean Consultants, Materials Managers, Mechanics and coordinated Global Service Centers with full P&L responsibility reporting directly to the VP, Operations.

- Achieved record O&R/New Mfg, Sales of \$92.6M in 2009 with ownership of Hydraulic & Electrical P&Ls.
- Services Division O&R/New Mfg. Margins of \$41.67M (45%) realized in 2009 with execution of IPT business plans.
- Achieved 35% increase in Hydraulic & Electrical P&L sales from \$38M in 2007 to \$51.3M in 2008 at 36% margins.
- Drove measurement and accountability with metrics dashboards featuring KPIs and other measurements such as On-Time Starts/Finish, OEE, Preferred Service Center and Provider performance ratings, Supplier Gold, Etc.
- Demonstrated improved throughput by reducing year-end Inventory & WIP against a 35% increase in sales.
- Implemented a forecasting model conducting Fleet Maintenance and Component/Asset repair analytics supporting high volume products with required materials and reducing component shortages.

UTC CORPORATE HEADQUARTERS, Farmington, CT

6/2006 - 11/2007

Senior Lean Consultant (North America), Achieving Competitive Excellence (ACE) Practitioner

Drove Lean advancement of all UTC divisions through curriculum development, training, council leadership, and providing consulting services for Value Stream Mapping, Kaizen, and Production Readiness for Operations and BP.

- Chaired the Lean Operations Transformation Council, consisting of experts from all UTC Divisions; in partnership with the Lean Supply Chain Council focusing on Operations Transformation and Value Chain Optimization.
- Managed UTC Lean Provider contracts and RFPs with 3rd party consulting firms driving service standardization.
- Facilitated 100+ Operations Transformations for UTC companies, suppliers, service centers, and customers.

UTC CORPORATE HEADQUARTERS, Farmington, CT

6/2004 - 6/2006

Human Resources Leadership Development Program

- UTC FIRE & SECURITY, Human Resources & Operations Business Integration Manager Farmington, CT
- PRATT & WHITNEY, Labor & Industrial Relations Manager East Hartford, CT
- UTC CORPORATE HEADQUARTERS, Corporate Benefits Projects Manager Hartford, CT

PRATT & WHITNEY, East Hartford, CT

6/2002 - 6/2004

Operations Manager & Value Stream Manager, F119 / F135 Turbine Exhaust Case (TEC), Nozzle, & Tailcone Managed Operations and financial performance of the F119 & F135 Nozzle, Turbine Exhaust Case, & Tailcone Value Streams including production assembly, overhaul & repair, development assembly, supply chain management, transportation/logistics, machining, and fleet scheduling and maintenance schedules.

NOT FOR PROFIT & COMMUNITY VOLUNTEER ACTIVITY

BACON ACADEMY HIGH SCHOOL, Intro to Business & College Preparation Volunteer Colchester, CT COLCHESTER SOCCER CLUB, Vice President of Travel Soccer (competitive) Operations Colchester, CT COLCHESTER SOCCER CLUB, U9 Girls & U14 Girls Travel Soccer (competitive) Coach Colchester, CT COLCHESTER BASKETBALL, 6th & 8Th Grade Girls Travel/AAU Basketball (competitive) Coach Colchester, CT

EDUCATION

Master of Science (MS) Quality Systems Management (Lean/Six Sigma Methods; Black Belt) NATIONAL GRADUATE SCHOOL Falmouth, MA

Master of Business Administration (MBA), Operations & Corporate Strategy PURDUE UNIVERSITY, Krannert Graduate School of Management West Lafayette, IN

Bachelor of Science (BS) Economics / Transportation Logistics NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY Greensboro, NC

