

Linda M. Hodge



First Selectman

**Board of Selectmen Special Meeting Minutes
Thursday, November 13, 2008
Colchester Town Hall
Meeting Room 1 – 7:00 p.m.**

RECEIVED
COLCHESTER, CT
2008 NOV 17 PM 12:17
Nancy A. Bray
NANCY A. BRAY
TOWN CLERK

MEMBERS PRESENT: First Selectman Linda Hodge, Stan Soby, Rosemary Coyle, John Malsbenden

MEMBERS ABSENT: Greg Cordova

OTHERS PRESENT: Mike Caplet, Sean O'Leary, Pam Scheibelein, John Chaponis, Susan Nikirk, Gerald Nikirk, Robert Kvederas, press members, and other citizens

1. **Call to Order:** First Selectman L. Hodge called the meeting to order at 7:00 p.m.
2. **Approve Minutes of the October 16, 2008 Colchester Commission Chairmen Meeting:** J. Malsbenden moved to accept the minutes of the October 16, 2008 Colchester Commission Chairmen meeting minutes as presented, seconded by S. Soby. Unanimously approved. MOTION CARRIED
3. **Approve Minutes of the October 16, 2008 Regular Board of Selectmen Meeting:** R. Coyle moved to accept the minutes of the October 16, 2008 Regular Board of Selectmen meeting minutes as presented, seconded by S. Soby. Unanimously approved. MOTION CARRIED
4. **Approve Minutes of the October 20, 2008 Special Joint Board of Selectmen, Board of Finance, and Board of Education Meeting:** S. Soby moved to accept the minutes of the October 20, 2008 Special Joint Board of Selectmen, Board of Finance, and Board of Education meeting minutes as presented, seconded by R. Coyle. Unanimously approved. MOTION CARRIED
5. **Approve Minutes of the October 24, 2008 Special Board of Selectmen Meeting:** J. Malsbenden moved to accept the minutes of the October 24, 2008 Special Board of Selectmen meeting minutes with an amendment that they note S. Soby, G. Cordova, and R. Coyle attended the meeting through conference call, seconded by S. Soby. Unanimously approved. MOTION CARRIED
6. **Citizen's Comments:** None
7. **Boards and Commissions – Interviews and/or Possible Appointments and Resignations**
 - a. **Parks & Recreation Commission (member; term expires 11/01/12): Sean O'Leary (to be interviewed):** The Board of Selectmen interviewed Sean O'Leary. J. Malsbenden moved to appoint Sean O'Leary to the Parks & Recreation Commission as a member for a term to expire on 11/01/12, seconded by S. Soby. Unanimously approved. MOTION CARRIED.

- b. Historic District Commission (member; term expires 11/01/13): Robert Kvederas (to be interviewed):** The Board of Selectmen interviewed Robert Kvederas. R. Coyle moved to appoint Robert Kvederas to the Historic District Commission as a member with a term to expire on 11/01/13, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
- c. Youth Services Advisory Board (member; term expires 03/01/11): Pam Scheibelein (to be interviewed):** The Board of Selectmen interviewed Pam Scheibelein. R. Coyle moved to appoint Pam Scheibelein to the Youth Services Advisory Board as a member with a term to expire on 03/01/11, seconded by S. Soby. Unanimously approved. MOTION CARRIED.

- 8. Discussion and Possible Action on Rev. Susan Nikirk Comments and Correspondence Regarding Assessment:** First Selectman Linda Hodge reviewed correspondence regarding the assessment of property belonging to Rev. Susan Nikirk. She further noted that per state statute as outlined in a legal opinion letter supplied by town counsel, the Board of Selectmen has no authority to remedy this issue. Selectman J. Malsbenden read correspondence for the record, including a letter dated October 24, 2008 from First Selectman Linda Hodge to Reverend Susan Nikirk regarding "follow-up to your presentation to both the October 16, 2008 meeting of the Board of Selectmen and to our conversation this evening" (attachment #2), a letter dated October 21, 2008 from John Chaponis to Nikirk Ministries regarding "your M-3 Tax Exempt Return in reference to the October 1, 2008 Grand List" (attachment #3), a letter dated November 9, 2008 from Rev. Susan Nikirk to Ms. Linda Hodge regarding "our recent phone conversation on the matter of the attached October 21, 2008 letter sent to Vine Training & Worship Center from John Chaponis, Tax Assessor of Colchester (attachment #4). First Selectman L. Hodge confirmed that the letter dated November 9th was received yesterday and that it was forwarded with the letter dated October 21, 2008 to town counsel today. She further confirmed that per town counsel, the Connecticut Superior Court is the only available remedy for this issue at this time as the Board of Selectmen has no jurisdiction.

R. Coyle left the meeting as a voting member at 7:28 p.m. and returned to the meeting as a voting member at 7:29 p.m.

Without objection, First Selectman L. Hodge called to recess the meeting to establish order at 7:40 p.m. The meeting was reconvened at 7:42 p.m.

- 9. Discussion and Possible Action on Recplex Concession Stand RFP:** J. Malsbenden moved to approve the Recplex Concession Stand RFP as presented per the recommendation of the Parks & Recreation Commission, and to authorize the First Selectman to sign all necessary documents, seconded by R. Coyle. Following discussion, all members present voted in favor. MOTION CARRIED.
- 10. Discussion and Possible Action on the Agreement Documents between the Town of Colchester and Contractors Supplying Plowing and Sanding Equipment:** J. Malsbenden moved to approve the agreement documents between the Town of Colchester and Contractors Supplying Plowing and Sanding Equipment, and to authorize the First Selectman to sign all necessary documents, seconded by S. Soby. Following discussion, all members present voted in favor. MOTION CARRIED.
- 11. Discussion and Possible Action on Restricted Parking on Hayward Avenue:** R. Coyle moved to approve the installation of signs on the east (business) side of Hayward Avenue, leaving the 24 spaces on the west (green) side unrestricted, indicating 2 hour maximum parking between the hours of 6 a.m. and 12 p.m. Monday through Friday with vehicles being towed at owner's expense, per the recommendation of Mark Decker, the Public Works Director, and Sal Tassone, the Town Engineer, and to authorize the First Selectman to sign all necessary documents, seconded by S. Soby. Following discussion, all members present voted in favor. MOTION CARRIED.

12. Discussion and Ratification of First Selectman's Signature on the Funding Application (2008-09) for the Colchester Youth Services Bureau: J. Malsbenden moved to ratify the First Selectman's Signature on the funding application (2008-09) for the Colchester Youth Services Bureau and to approve the application, and to authorize the First Selectman to sign all other necessary documents, seconded by S. Soby. Following discussion, all members present voted in favor. MOTION CARRIED.

13. Discussion and Possible Action on Bond Reduction Recommendation for Brookstone Estates Subdivision, Red Schoolhouse Road and Brookstone Drive, Colchester, CT. Owner/Developer: Brookstone LLC -- Mario Mucciacciaro: S. Soby moved to approve the reduction of the Subdivision Surety Bond (Bond #KO7740359) by \$276,193.00, leaving a bond balance of \$116,931.00, per recommendation of Sal Tassone, the Town Engineer, and to authorize the First Selectman to sign all necessary documents, seconded by J. Malsbenden. Following discussion, all members present voted in favor. MOTION CARRIED.

14. Citizen's Comments: None

15. Adjourn: S. Soby moved to adjourn at 7:47 p.m., seconded by R. Coyle. Unanimously approved. MOTION CARRIED.

Attachments

1. Letter dated October 24, 2008, from First Selectman Linda Hodge to Mr. Larry Wagner of Wagner & Associates regarding the CDBG application preparation
2. Letter dated October 24, 2008, from First Selectman Linda Hodge to Reverend Susan Nikirk regarding "follow-up to your presentation to both the October 16, 2008 meeting of the Board of Selectmen and to our conversation this evening"
3. Letter dated October 21, 2008, from John Chaponis to Nikirk Ministries regarding "your M-3 Tax Exempt Return in reference to the October 1, 2008 Grand List"
4. Letter dated November 9, 2008, from Rev. Susan Nikirk to Ms. Linda Hodge regarding "our recent phone conversation on the matter of the attached October 21, 2008 letter sent to Vine Training & Worship Center from John Chaponis, Tax Assessor of Colchester"

Respectfully submitted,


Michael J. Caplet
Executive Assistant to the First Selectman

October 24, 2008

Mr. Larry Wagner
Wagner & Associates
51 Lakeside Boulevard East
Waterbury, CT 06708

Dear Larry,

I have reviewed your letter of October 21 2008. Unfortunately you seem to have heard only a small piece of what was said that evening, which was a very brief, multiple sentence recap of an entire presentation to the Board of Selectmen two weeks previous.

First I want to assure you that the statement you refer to as you "not having the time to complete our application" was not made in the context in which it seems to have been conveyed. In fact, we have gone to great lengths to praise your history and to explain that the development of the background population/demographic materials and the engineering/construction materials was the cause of the delay in having our grant considered. I enclose a news article published last week that also confirms our respect for you.

I am sorry that there was some miscommunication regarding our statements. Your contributions to this town are noted and appreciated.

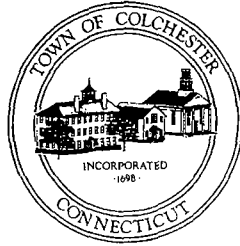
If you have any further concerns at any time, please do not hesitate to call me.

Sincerely

Linda M. Hodge
First Selectman

Enclosure

Linda M. Hodge



First Selectman

October 24, 2008

VIA FAX AND REGULAR MAIL

Reverend Susan Nikirk
Vine Training & Worship Center, Inc.
P.O. Box 211
Colchester, CT 06415

Dear Reverend Nikirk,

This letter is in follow-up to your presentation to both the October 16, 2008 meeting of the Board of Selectmen and to our conversation this evening.

As you heard at that meeting, the entire Board of Selectmen was interested in the facts of your presentation. Not knowing that you would be appearing so that I could ensure that all resources needed by the Board would also be present for them to fully consider the matter, the Board requested that a special meeting be scheduled to hear all information available and that the Tax Assessor also be present at that meeting. At the same time, they directed me to request advice from legal counsel as to whether the Board of Selectmen could take any action to remedy the situation if they found that a remedy was needed.

Unfortunately, due to previous commitments, there was no immediate date/time available for the Board of Selectmen to hold a special meeting when all of them could be present (at their request). The next Board of Selectmen meeting will be on November 13, 2008 at 7:00 p.m. in Town Hall meeting Room #1. This item will be on that agenda so that the Board of Selectmen are fully informed.

I also spoke with Tricia Coblenz, Colchester's Tax Collector, and was assured that your delinquent tax bill would not be sent to the attorney for collection in the immediate future; however, you do need to know that this does not stop the interest from accumulating. Again, state law precludes us from waiving interest.

Additionally, I just today received the opinion letter from legal counsel (attached) which does confirm what I stated in my September 21st letter to you – that the only way "remedy" can be made is either through the Board of Assessment Appeals or court. The Board of Selectmen cannot, by law, make changes to the Assessor's determination.

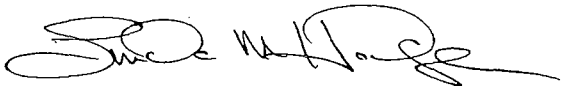
And, finally related to the meeting of the 16th, I understand that Mike Caplet faxed you a copy of the letter I sent dated September 21, 2008, that you have received it, and per our conversation this evening you will be requesting the refund.

Also, per our conversation this evening, I want to reiterate that I had no knowledge of the letter sent to you on October 21, 2008 from John Chaponis, our Assessor, and will be following up with him next week. I understand your confusion and will be looking for your letter regarding his request.

I also understand that you will be meeting with both Senators Dodd and Lieberman in the upcoming week and will take any further action you deem necessary to resolve this issue.

Please know that like you, I too wish to settle this matter. If you have any questions or further concerns, please call me.

Sincerely,

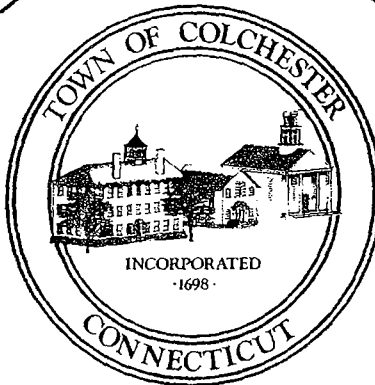
A handwritten signature in black ink, appearing to read "Linda M. Hodge", with a stylized flourish at the end.

Linda M. Hodge
First Selectman

Attachment – Letter from Shipman & Goodwin dated 10/23/08

cc: Board of Selectmen
John Chaponis
Tricia Coblentz

John J. Chaponis, C.C.M.A. II, C.T.A.



Assessor

October 21, 2008

Nikirk Ministries
P.O. Box 211
Colchester, Connecticut 06415

I am in receipt of your M-3 Tax Exempt Return in reference to the October 1, 2008 Grand List. In order for a religious organization to receive an exemption the provisions of §12-81(13) of the Connecticut General Statutes must be met.

Please provide this office with the following additional information in order to assist us in reaching a decision on this matter.

1. A copy of minutes of the officers meetings and of other general meetings of the church.
2. A record of religious services conducted since located in the Town of Colchester, including the type of services.
3. Name of officiating clergyman or woman. Documentation relative to the Reverend's theological/education training, including degrees.
4. A list of pastoral duties performed by the Reverend in the past year.
5. Financial records, including total financial contributions for the past year.
6. A copy of the IRS notice of exemption for the Nikirk Ministries.
7. A copy of any charter and or trust documents.

Please provide this documentation on or before November 21, 2008.

Thank you for your cooperation in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J. Chaponis", is written over a faint, illegible stamp.

John J. Chaponis, CCMA II
Assessor



52 Mill Street
Colchester, CT 06415 USA
Tel (860) 537-5881
Fax (860) 537-1779

Gerald & Susan Nikirk
Pastors/Founders

November 9, 2008

Ms. Linda Hodge, First Selectwoman
Town of Colchester
127 Norwich Avenue
Colchester, CT 06415

Dear Ms. Hodge:

This letter is regarding our recent phone conversation on the matter of the attached October 21, 2008 letter sent to Vine Training & Worship Center from John Chaponis, Tax Assessor of Colchester. As you can see from the attached letter from him there are seven requirements being made.

I have been advised from Senator Dodd's office at my recent meeting there to ask the following questions to your tax assessor's office.

1. How many churches/religious organizations in Colchester have been asked to supply these seven requirements? (Below I have listed 10 organizations by name.) Please provide us with copies from these organizations of the seven requirements.

List of religious organizations in the Town of Colchester:

Abundant Life of the Assemblies of God, Ahavath Achim Synagogue, Christian Life Chapel, Colchester Bible Baptist Church, Colchester Federated Church, Kingdom Hall of Jehovah's Witnesses, My Brother's Keeper, St. Andrew Roman Catholic Church, St. Mary's Ukrainian Catholic Church, Westchester Congregational Church.

2. Why are the Connecticut General Statutes not enough? The Connecticut Statues of 12-81(13) do not require what Mr. Chaponis is requesting.

3. Where is it in the Town of Colchester By-Laws that these seven requirements must be answered in order for a religious organization to receive an exemption of real estate taxes?

We are being harassed and are being asked for things that the assessor has no legal right to have. We have been and still are a legal 501c3 tax-exempt religious organization/church recognized by the Federal Government. What is being done to us is a direct attack against a 501c3 Religious Organization. I hope this matter can be resolved quickly and with integrity to what is right.

Respectfully yours,

Rev. Susan Nikirk, President

cc: John Chaponis, Tax Assessor