

Linda M. Hodge



First Selectman

Board of Selectmen Regular Meeting Minutes
Thursday, April 2, 2009
Colchester Town Hall
Meeting Room 1 at 7:00 p.m.

RECEIVED
COLCHESTER, CT
2009 APR -6 AM 11:42
NANCY A. BRAY
TOWN CLERK
Nancy A. Bray

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

MEMBERS ABSENT:

OTHERS PRESENT: Mike Caplet, Chief Walter Cox, Adam Tuner, Brian Owens, Shannon Dumigan, Jeff Passacantando, Rob Labonte, Ryan Blessing, David Dander, Walter Cox, Jean Hess-Walsh, Greg Plunkett, Candice Maynard, Jon Sandberg, Dorothy Mrowka, Bruce Hayn, John Chaponis, Ron Goldstein, Gay St. Louis, Leann Hill, Bob Hodge, Nancy Bray, Maggie Cosgrove, and other citizens

- 1. Call to Order:** First Selectman L. Hodge called the meeting to order at 7:00 p.m.
- 2. Additions to the Agenda:** No additions. First Selectman L. Hodge requested by unanimous consent that item #19 should be moved to immediately follow whichever item is currently being discussed at the time when Maggie Cosgrove arrives at the meeting.
- 3. Approve Minutes of the March 19, 2009 Board of Selectmen Regular Meeting:** R. Coyle moved to approve the minutes of the March 19, 2009 Board of Selectmen regular meeting as presented, seconded by S. Soby. J Malsbenden abstained. All remaining members present voted in favor. MOTION CARRIED.
- 4. Approve Minutes of the March 25, 2009 Board of Selectmen Special Meeting:** J. Malsbenden moved to approve the minutes of the March 25, 2009 Board of Selectmen special meeting as presented with the amendment to page 3, item d, line 5, with "questions or J. Stavola" to "questions of J. Stavola", seconded by R. Coyle. Unanimously approved. MOTION CARRIED.
- 5. Approve Minutes of the March 26, 2009 Board of Selectmen Special Meeting:** J. Malsbenden moved to approve the minutes of the March 26, 2009 Board of Selectmen special meeting as presented, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
- 6. Approve Minutes of the March 30, 2009 Board of Selectmen Special Meeting:** J. Malsbenden moved to approve the minutes of the March 30, 2009 Board of Selectmen special meeting as presented, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
- 7. Citizen's Comments:** David Dander spoke regarding his opinion that statements which were made at the Public Hearing for Mr. Stavola were false and presented a packet for the minutes. (attachment)

Rob Labonte read a statement on behalf of the Colchester Police Union noting their opinion regarding the appropriation of funds to fill the vacant police officer position and the abilities of the Connecticut State Police to supervise the evening shift of Colchester officers.

L Hodge noted that the only issue that went to the Board of Selectmen was the vote of no confidence. She wasn't present at the meeting when it was sent to the Ethics Commission. The Police Commission members were advised that it was not an ethics issue, but the Police Commission still submitted a complaint. Linda further noted that she has pulled together meetings with and information from neighboring towns to advance police rank structure and worked with Police Commission members and officers to begin writing the regulations to do so.

Brian Owens spoke regarding the performance of the evening shift of the Colchester Police and the abilities of the Connecticut State Police to supervise the evening shift of Colchester officers.

8. Boards and Commissions – Interviews and/or Possible Appointments and Resignations

- a. **Sewer & Water Commission (filling member vacancy left by Lisandro Suarez; new term to expire on 06/01/12): Gay St. Louis (to be interviewed):** The Board of Selectmen interviewed Gay St. Louis.
- b. **Parks & Recreation Commission (filling member vacancy left by Steven Ashe; term expires 11/01/10 or filling alternate vacancy left by Eric Kundahl; term expires 11/01/09):**
 - **Frank Ricci (interviewed on 02/19/09), Robert P. Jones, Jr. (interviewed on 02/05/09), Jean S. Hess-Walsh (interviewed on 02/05/09), Melissa Kennedy (interviewed on 02/05/09), Albert Spranzo (interviewed on 02/05/09):** J. Malsbenden moved to appoint Melissa Kennedy as a member of the Parks & Recreation Commission, filling a member vacancy left by Steven Ashe, for a term to expire on 11/01/10, and to appoint Albert Spranzo as an alternate of the Parks & Recreation Commission, filling a vacancy left by Eric Kundahl, for a term to expire on 11/01/09, as recommended by the Parks & Recreation Commission, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
- c. **Colchester Housing Authority (member reappointment; new term to expire on 05/01/14): Geraldine Desanto:** R. Coyle moved to reappoint Geraldine Desanto as a member of the Colchester Housing Authority for a new term to expire on 05/01/14, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
- d. **Police Commission (accept resignation): Arthur Standish:** R. Coyle moved to accept the resignation of Arthur Standish from the Police Commission with deep regrets, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

9. Budget Transfers: None

10. Tax Refunds & Rebates: After review, J. Malsbenden moved to approve tax refunds in the amount of \$529.69 to Mercedes-Benz Financial, \$20.48 to Timothy Forget, \$3,949.78 to Eric Hall and Michelle Petri, \$148.45 to Wilfred Vachon, \$51.54 to Nissan Infiniti Lt., \$22.78 to VM Credit Leasing Ltd., \$639.25 to Robert and Francine Norris, \$50.00 to MDD LLC, \$8.74 to Teresa Ollis, \$7.77 to Shawn Mawhiney, \$162.36 to David Gillmore, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.

19. Discussion and Possible Action Regarding Current Fiscal Budget (2008-09): First Selectman L. Hodge and Maggie Cosgrove presented on the status of the current fiscal budget (2008-09), including her recommendations to address the projected revenue shortfall. The Board of Selectmen discussed this issue with Bruce Hayn, Ron Goldstein,

Jon Sandberg, and Maggie Cosgrove. First Selectman L. Hodge called for a brief recess at 8:46 p.m. and reconvened the meeting at 8:53 p.m. The Board of Selectmen agreed to schedule a special joint Board of Finance and Board of Selectmen meeting for Monday, April 6, 2009 at 6:30 p.m., where the First Selectman will present figures including, (1) anticipated increase in 2008-09 revenues as result of the proposed fee increases, (2) anticipated gains in revenue and subsequent costs of additional collection staff in the tax office, (3) areas cut to decrease overall deficit for 2008-09, (4) general fund analysis. No further action was taken.

- 11. Discussion and Possible Action on Consultant Selection for Professional Services Toward Office of Policy Management Grant:** Adam Turner presented on the consultant selection. S. Soby moved to approve scope and enter into agreement with RK Associates Group per the recommendation of Town Planner Adam Turner and Selectman John Malsbenden, and to authorize the First Selectman to sign all necessary documents, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
- 12. Discussion and Possible Action on Connecticut Energy Community Goals (Greg Plunkett and Candice Maynard):** Candice Maynard presented on the Connecticut energy community goals and the grant received to carry out the work.
- 13. Discussion and Possible Action on Fire Prevention & Safety Grant:** Chief Walter Cox introduced Jean Hess-Walsh as the newly hired Fire and EMS Administrative Assistant. R. Coyle moved to approve the fire prevention & safety grant as presented, per the recommendation of Chief Walter Cox, and to authorize the First Selectman to sign all necessary documents, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
- 14. Discussion and Possible Action on Mohegan Tribal Fire Department Paramedic Intercept Agreement:** S. Soby moved to approve the Mohegan Tribal Fire Department Paramedic Intercept Agreement as presented, per the recommendation of Chief Walter Cox, and to authorize the First Selectman to sign all necessary documents, seconded by J. Malsbenden. Unanimously approved. MOTION CARRIED.
- 15. Discussion and Possible Action on Police and Youth Program - Funding Opportunity of the Juvenile Justice Advisory Committee:** R. Coyle moved to approve the application for Police and Youth Program Funding Opportunity of the Juvenile Justice Advisory Committee as presented and recommended by Val Geato and Jay Cohen, and to authorize the First Selectman to sign all necessary documents, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
- 16. Discussion and Possible Action on Sports League Field Use Policy:** G. Cordova moved to approve the amendments to the Sports League Field Use Policy as presented and recommended by the Parks & Recreation Commission, and to authorize the First Selectman to sign all necessary documents, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
- 17. Discussion and Possible Action on Fertilizer Bid Selection:** J. Malsbenden moved to approve the award of the fertilizer bid to Nutrients Plus as presented and as recommended by Jay Cohen, and to authorize the First Selectman to sign all necessary documents, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
- 18. Discussion and Possible Action on COPS Hiring Recovery Program Application:** S. Soby moved to approve the COPS Hiring Recovery Program application as presented and as recommended by the First Selectman, 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.

20. Citizen's Comments: David Dander spoke regarding his opinion on the participation of the First Selectman in Ethics Commission meetings and his concern that the complaint made by the Police Commission regarding its Chairman was not properly addressed and presented a packet for the minutes.

21. First Selectman's Report: First Selectman L. Hodge presented on the ceremony scheduled for April 7th to honor the Bacon Academy girl's basketball team, her meeting with Jim Butler from SeCCOG regarding the stimulus projects, her work with Adam Turner regarding Colchester farming, and the scheduled rally at the Capital regarding the expected state budget proposal.

22. Liaison Reports: Selectmen Malsbenden reported on the Planning & Zoning Commission.

23. Adjourn: R. Coyle moved to adjourn at 9:35 p.m., seconded by S. Soby. Unanimously approved. MOTION CARRIED.

Attachments

1. 2009 Programs/Activities Supporting the Community Wildlife Habitat of Colchester initiative, dated 03/11/09
2. Memorandum dated 04/02/09, from Siobhan Grogan to the Board of Selectmen, regarding "Monthly Report for March 2009"
3. Packet from David Dander referred to during his citizen's comments of item #7
4. Packet from David Dander referred to during his citizen's comments of item #20

Respectfully submitted,



Michael J. Caplet
Executive Assistant to the First Selectman

2009 Programs/Activities Supporting the Community Wildlife Habitat of Colchester Initiative

January 28, 2009, Cragin Memorial Library, 7:00 p.m.

The Colchester Garden Club and Cragin Memorial Library will co-sponsor a talk by Kasha Breau and Audubon Educator/Naturalist on "Birds and Creating a Garden Habitat". (Note: more than 35 people attended this program)

February 15, 2009 Cohen Woodlands, 1:00 p.m. **(School vacation)**

Family hike at Cohen Woodlands as part of Colchester Land Trust – Discover Colchester, and Community Wildlife Habitat family series (Note: More than 66 adults and children participated in the hike)

February 18, 2009, Cragin Memorial Library, 7:00 p.m.

The Cragin Memorial Library is offering a talk on Sustainable Living which includes sustainable gardening practices by Tom Worthley, UCONN Cooperative Extension Educator.

March 11, 2009, Cragin Memorial Library, 7:00 p.m.

The Cragin Memorial Library is offering a talk on Wildlife in Connecticut provided by DEP trained Master Wildlife Conservationist, Al Petell of East Hampton. (Note: Program attended by 46 adults and 12 children)

March 19, 2009, Cragin Memorial Library, 6:30 p.m.

Colchester Garden Club member-guest program on Organic Gardening – Sustainable Practices. Topics include: importance of soil health, compost being the key to organic gardening, plant diversity including native plants, encouraging beneficial insects, and water management. (Note: Extended invitation to Joe Hage to offer to set number of students in his Bacon Academy Environmental Studies class.)

March 24, 2009, Cragin Memorial Library, 7:00 p.m.

The Colchester Garden Club will sponsor Deborah Kent, Landscape Designer, Certified Organic Property Manager, and former local TV newscaster on Landscaping Design and incorporating native plants.

April 15, 2009, Cragin Library, 6:30 p.m. **(School vacation)**

The Community Wildlife Habitat of Colchester team will offer a program with Brian Kleinman, Riverside Reptiles to families.

April 30, 2009, Cragin Memorial Library, 7:00 p.m.

The Colchester Garden Club and Cragin Memorial Library are co-sponsoring a talk on Butterflies and Moths in the Garden with John Himmelman, Children's Author, Naturalist and Illustrator.

May 1, 2009, Cohen Woodlands, 5:00 p.m.

Colchester Parks and Recreation to deliver program on how to get started on letterboxing.

May 2009 (Date, time, location to be determined)

Community Wildlife Habitat of Colchester and Colchester Land Trust to deliver a family hike focused on local pond life.

2009 Programs/Activities Supporting the Community Wildlife Habitat of Colchester Initiative

May 21, 2009, Cragin Memorial Library, 6:30 p.m.

Colchester Garden Club member-guest meeting will include a program on Herbs in the Landscape with Carol King Platt, Landscape Designer and long time contributor of gardening articles to The New London Day.

June 2009 (Date, time location to be determined)

Community Wildlife Habitat of Colchester family program of who is growing up in our yards focused on animals' habitats and raising their young.

June 2009 (Date, time, location to be determined)

Community Wildlife Habitat of Colchester and Colchester Land Trust to deliver another nature-oriented family hike.

September 2009 (Date, time location to be determined)

Community Wildlife Habitat of Colchester family program of who is living our rivers, and streams about riparian invertebrates to stimulate interest in the 2009 CT DEP Riparian Invertebrate Testing to gauge the health of our waterways. (Important since Colchester's rivers flow into two watersheds where one of them includes drinking water).

September 2009 (Date, time, location to be determined)

Community Wildlife Habitat of Colchester and Colchester Land Trust to deliver another nature-oriented family hike.

October 2009 (likely the first Saturday in October, good activities to involve parents and children)

CT DEP riparian invertebrate testing of Colchester rivers and streams (4 year cycle). Volunteers needed to learn how, then test, designated locations in Colchester rivers and streams to determine the health and cleanliness of our waterways. Team will be in contact with CT DEP to help promote and involve Colchester residents in this volunteer work.

11

March 10, 2009

Katherine Kosiba, Co-Chairman
Ellen Falbowski, Co-Chairman
Colchester Community Wildlife Habitat Project
514 Old Hartford Road
Colchester CT 06415

Dear Ms. Kosiba and Ms. Falbowski,

It is with great pleasure that the Connecticut Audubon Society has partnered with The Colchester Garden Club to pursue the Colchester Community Wildlife Habitat Project's certification.

The CT Audubon seeks to engage and educate a diverse community of all ages about our environment in order to inspire a lifelong sensitivity and active concern for its preservation; provide the highest quality information, education, programs, experiences and challenges to motivate responsible action for living in harmony with nature; promote the conservation and stewardship of species, habitats and ecosystems in the state. This is our heritage.

Connecticut Audubon Society preserves over 2,600 acres of open space in Connecticut, manages 19 sanctuaries around the state, and operates nature facilities in Fairfield, Milford, Pomfret, Glastonbury as well as an EcoTravel office in Essex and an Environmental Advocacy Office in Hartford. We are an independent organization founded in 1898 and not affiliated with any national or governmental group.

We are looking forward to working with the Colchester Community Wildlife Habitat team. Together with other supporters, we can not fail in achieving our initiative in 2009. Through awareness and commitment we can protect conservation and wildlife preservation for future generations.

I personally am very proud to be a member of both organizations. There is hope if people will begin to awaken that spiritual part of themselves, that heartfelt knowledge that we are caretakers of this planet. ~Brooke Medicine Eagle

Sincerely,

Sally Carbone
Director, Connecticut Audubon Society at Glastonbury



Town of Colchester
Cragin Memorial Library
The public library of Colchester since 1905

TO: Board of Selectmen, Town of Colchester
Board of Finance, Town of Colchester
Cragin Board of Trustees
FROM: Siobhan Grogan, Library Director
RE: Monthly Report for March 2009
DATE: April 2, 2009

REGISTERED PATRONS: 14,888 (Colchester residents: 10,906)
CIRCULATION for March: 13,678 nonprint circulation: 35% of total
CIRCULATION (Calendar year): 38,751 CIRCULATION (Fiscal year): 125,629
Statewide Interlibrary Loan: Borrowed 150 items, loaned 50 items

Computer Use (Internet, Microsoft Office, iconn.org, InfoAnytime, etc.): 1,776

Computer Assistance to Visitors: 46 times

Newsletter for March: Circulation 800

Children's Display Case: Model cars loaned by Nick Baldi

Upstairs Display Case: Newspapers from the Civil War era

PROGRAMS:

Internet classes (2)	4 learners
Yoga classes (3)	84 participants
Book Repair programs (4) 59 books repaired	14 participants
Climbing Above Stress program	3 attendees
Abraham Lincoln presentation	75 in audience
Where are All the Critters Coming From?	53 attendees
Landscape and Garden Design program	40 in audience
Women's History Month presentation at Dublin Village	12 participants
"Twilight" movie for teens	15 in audience

continued → → →

PROGRAMS, continued

Wii game days (3)	6 participants
Story Times	
Wilds Ones (2)	17 babies, 17 adults
Two and Three years olds (4)	47 children, 34 adults
Four and Five Year olds (4)	28 children
PJ Storytime (2)	2 children, 4 adults
“Paws” and Read	5 readers
Dr. Seuss Day crafts	19 children
Dr. Seuss movie marathon	19 in audience
New Play Area with train track and toys	240 children
Book discussion: <u>Rules</u> by Cynthia Lord	3 middle schoolers
Volunteer program	12 volunteers, 86 hours
Meeting Rooms (4)	72 meetings, 849 attendees

Colchester Police Union

AFSCME Council 15

Local 2693T

(09/04/08)

On 09/03/08 the Colchester Police Union held a meeting with it's members in order to discuss the current and past leadership of the Colchester Police Commission of which is presently under the direction of Chairman William Otfinoski. As a result of population expansion and town growth, in 1985 the Colchester Police Commission was formed to implement a plan to eventually establish a police department independent of the State Police. The results of several studies initiated by the town of Colchester, in addition to a recent public survey reveal the importance of substantial increases in manpower and suggest that the town would benefit from the establishment of a full time police force. Although there has been some growth in employee numbers, officer retention in light of the current situation remains a questionable endeavor.

With consideration to the needs of the Colchester Police and the Town of Colchester, the Union is not satisfied with Chairman Otfinoski's leadership. His resistance to forward movement, his lack of motivation, his unwillingness to acknowledge recommendations from leaders in the law enforcement community, and his unpredictable behavior and often inappropriate conduct towards Colchester Police Officers is unacceptable.

The Union is not satisfied with Chairman Otfinoski's inappropriate outbursts and insults at public and private meetings when presented with ideas for positive change. His threats will not be tolerated. Additionally, his failure to act when informed of gross negligences affecting the Colchester Police and the Town of Colchester is unacceptable.

The Union is not satisfied with Chairman Otfinoski's performance. The same ideas, recommendations, and the same problems (some of them very substantial) affecting the Colchester Police and the Town of Colchester are discussed meeting after meeting, month after month, and year after year, with very limited or no results. His outright refusal to discuss certain topics relative to those problems is counterproductive.

Very recently, a public meeting was held with Colchester Police Commission and Colchester Police Union members present, during which time Chairman Otfinoski, without just cause, insulted the senior members of the department. Furthermore, without just cause, he insulted deceased Colchester brother Officer First Class, Richard Duval, a decorated officer revered by many. His comments were unnecessarily deleterious, unprofessional, and unbecfitting the Chair of a Police Commission.

In a decision voted unanimously by members of the Colchester Police Union, we

have no confidence in Chairman Otfinoski's leadership and respectfully request his immediate resignation from the Chair and all other Colchester Police Commission duties.

Police Union President
Tim Edwards

Police Union V.P.
Robert Labonte

Robert Suchecki

Brian Owens

Jeff Simkulak

Cyril Green

Shannon Dumigan

Thomas Kelo

John Passacantando

CC. Colchester 1st Selectman Linda Hodge
Colchester Police Commission
Resident Trooper Supv. SGT Shane Hassett

Linda Hodge said, "Those issues were heard by the police commission originally and a unanimous decision was made. They were then heard by the Board of Selectmen, we did not ignore it and a unanimous decision was made, and then it was sent to the ethics commission."

Rosemary Coyle, said, "You're confusing my issues. I'm trying to figure out what you're talking about."

Linda Hodge responded, "The issues that went to the ethics commission."

Rosemary Coyle said, "That had to do with the negotiations."

Linda Hodge responded, "No...well they did. They had to do with the vote of no confidence around the negotiations which the Board of Selectmen heard."

Board of Selectmen Regular Meeting Minutes
Thursday, September 18, 2008
Colchester Town Hall
Meeting Room 1 – 7:00 p.m.

28. Executive Session Regarding:

- a. **Personnel Matter – William Otfinoski**
- b. **Strategies for Collective Bargaining for Police Union AFSCME Council 15 Local 2693T and for Administrators Union MEUI Local 506, SEIU, AFL—CIO, CLC**

R. Coyle moved to enter into executive session to discuss Personnel Matter – William Otfinoski and Strategies for Collective Bargaining for Police Union AFSCME Council 15 Local 2693T and for Administrators Union MEUI Local 506, SEIU, AFL—CIO, CLC, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

The selectmen entered into executive session at 10:45 p.m. and came out of executive session at 11:10 p.m.

29. Adjourn: G. Cordova moved to adjourn at 11:11 p.m., seconded by J. Malsbenden. Unanimously approved. MOTION CARRIED.

§ 53-6. Investigation procedures; time limits; notice and hearings.

A. Upon the complaint of any person on a form prescribed by the Commission, signed under penalty of false statement, or upon its own complaint, the Commission shall investigate any alleged violation of this code. Until such time as the Commission makes a determination of probable cause, any allegations

and any information supplied to or received from the Commission shall not be disclosed to any party by a complainant, witness or Commission or staff member, except upon the written request of the respondent.

(1) Not later than 10 days after the receipt or issuance of such complaint, the Commission shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant. Complaints shall be noted as received at a scheduled meeting.

(2) If the complaint has been filed by a member of the public, the Commission shall review the complaint to determine:

(a) Whether the allegations contained therein if proved would constitute a violation of any provision of the code. If the Commission determines that the complaint does not allege sufficient facts to constitute a violation, the Commission shall dismiss the complaint and duly notify the complainant and respondent by registered or certified mail.

(b) If the Commission determines that the complaint alleges sufficient facts to constitute a violation, then within 30 days after so determining, the Commission shall fix a date for the commencement of the hearing on the allegation contained therein. Such hearing shall be conducted in two phases. In the first

MINUTES

POLICE COMMISSION MEETING
MONDAY, DECEMBER 15, 2008
6:30 P.M. - MEETING ROOM 3

Commissioner J. Stavola's Statement - J. Stavola stated that B. Otfmoski has made statements on behalf of the police commission in negotiations and arbitration. J. Stavola stated that B. Otfmoski does not represent any of his views and has asked B. Otfmoski several times about progress in negotiations only to be told that he wasn't able to discuss the issues. Past practice indicated that the Chairman has requested the police commission to enter into executive session to discuss strategy or negotiations with respect to collective bargaining. J. Stavola says he finds it difficult to understand how the chairman can discuss issues and make statements that impact negotiations without consulting with the entire police commission thus the Chairman's decision violates

- 1) Section 8, Paragraph F of the "Police Commission Rules of Procedure" **and**
- 2) Section 3, Paragraph B of the "Police Commission Bylaws" which reads "All members of the commission shall participate fully in commission meetings and activities and shall have such duties as may from time to time be assisted by the commission.

Based on these violations the chairman should step-down from the chairmanship and resign from the police commission. G. Morron **MOTIONED** to further discuss the statements made by Commissioner Stavola **SECONDED** by J. Jones. All members present voted in favor. **MOTION CARRIED.**

Police Commission Minutes 01/08/09

Printer Friendly Version

John Jones made a motion to go into an executive session to discuss possible violation(s) of "Colchester Police Commission By-laws" and "Rules of Procedures" by Commissioner Bill Otfmoski regarding police contract negotiations and invited Selectman Stan Soby and Selectman Rosemary Coyte to attend.

The motion was seconded by Commissioner Glen Morron and passed unanimously.

The Board of Police Commissioners came out of executive session at 6:30 P.M.

John Jones made a motion that the issues involving Chairman Otfmoski be sent to the Ethics Commission for review and possible further action. Chairman Otfmoski was asked to step down temporarily from the Chairman position until the issues in questions are resolved by the Ethics Commission.

The motion was seconded by Glen Morron and passed unanimously.

Chairman Otfmoski voluntarily stepped down temporarily from his Chairman position until the issues are resolved by the Ethics Commission.

§ 53-3. Municipal Ethics Commission.

A. There shall be a Municipal Ethics Commission consisting of five members. The members shall be appointed by vote of the Board of Selectmen for terms of three years, except that, of the initially appointed members, one shall serve for one year, two for two years and two for three years. No individual shall be appointed to more than two consecutive three-year terms, provided that any member may continue in office until a successor has been appointed. No more than three members shall be members of the same political party.

B. All members shall be electors of the municipality. No member shall:

- (1) Have held public office or have been a candidate for public office for a two-year period prior to appointment;
- (2) Hold office in any political party or political committee; or
- (3) Be a public official in any other capacity other than a notary public or Justice of the Peace.

Colchester Ethics Commission Meeting Minutes
Tuesday, February 3, 2009
Town Hall, 127 Norwich Ave, Colchester
First Selectman's Conference Room – 7:00p.m.

Members present: Chair Genea Bell, Robert Esteve, Thomas Cleary, Jacqueline Twedt, Selectman Linda Riley-Hodge

Members absent: Dan Henderson

Staff present: Audrie Evans, Clerk

1. Called to order at 7:07
2. Public Comment: None
3. Discussion and Action:

A. Probable cause determination on a complaint alleging a violation of the Code of Ethics.

Motion to enter into executive session by R. Esteve, 2nd by J. Twedt, with the following people present: G. Bell, J. Twedt, R. Esteve, T. Cleary, Selectman L. Hodge in ex officio capacity, Bill Otfinoski, Jean Anderson, for purposes of discussion of probable cause determination on a complaint alleging a violation of the Code of Ethics at 7:10

Meeting reconvened into regular session at 7:38

Motion by J. Twedt the commission finds that complaint #2009-01 lacks sufficient probable cause to support a finding of a violation of the code of ethics pursuant to section 53-6A2a, 2nd by T. Cleary.

Vote approved, unanimous.

§ 53-6. Investigation procedures; time limits; notice and hearings.

A. Upon the complaint of any person on a form prescribed by the Commission, signed under penalty of false statement, or upon its own complaint, the Commission shall investigate any alleged violation of this code. Until such time as the Commission makes a determination of probable cause, any allegations

and any information supplied to or received from the Commission shall not be disclosed to any party by a complainant, witness or Commission or staff member, except upon the written request of the respondent.

(1) Not later than 10 days after the receipt or issuance of such complaint, the Commission shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed and shall provide notice of the receipt of such complaint to the complainant. Complaints shall be noted as received at a scheduled meeting.

(2) If the complaint has been filed by a member of the public, the Commission shall review the complaint to determine:

(a) Whether the allegations contained therein if proved would constitute a violation of any provision of the code. If the Commission determines that the complaint does not allege sufficient facts to constitute a violation, the Commission shall dismiss the complaint and duly notify the complainant and respondent by registered or certified mail.

(b) If the Commission determines that the complaint alleges sufficient facts to constitute a violation, then within 30 days after so determining, the Commission shall fix a date for the commencement of the hearing on the allegation contained therein. Such hearing shall be conducted in two phases. In the first phase, the Commission will make a confidential determination as to whether there is probable cause to believe the facts alleged in the complaint actually occurred. If the Commission does not make a finding of probable cause, the complaint and all records for the hearing shall remain confidential except upon the written request of the respondent. If the Commission makes a finding of probable cause, the Commission shall proceed to the second phase, which shall be a public hearing to determine whether a violation has occurred. The hearing date regarding any complaint shall be not more than 60 days after the filing of the complaint.

Colchester Ethics Commission Investigation Policy

Town Charter Chapter 53 describes the Code of Ethics for the Town of Colchester. Sections 53-5, 53-6 and 53-7 describe the procedure for receiving a complaint, investigation procedures, time limits, notices, confidentiality and more.

Alleging a violation of the of the Ethics Code is a serious matter and gets addressed in a serious manner.

Complaints must be in writing and must be signed under penalty of false statement before a legal witness. See Chapter 53-5 for acceptable legal witnesses (i.e. a Notary public). If complainant intentionally makes a false statement, he/she shall be subject to fines and penalties of up to one year imprisonment.

Upon receipt of a formal complaint (per 53-5), the Ethics Commission performs an initial assessment to determine if sufficient facts have been presented to constitute a violation of the Code of Ethics. If there are not sufficient facts, the complaint will be dismissed.

If the Commission determines that sufficient facts have been presented, a formal hearing process is initiated. The hearing process has two phases. In the first phase, the Commission makes a confidential determination as to whether there is probable cause to believe the facts as alleged in the complaint. If the Commission determines that there is not probable cause that the violation occurred, the complaint and all records remain confidential.

If the Commission makes a determination of probable cause, it enters the second phase of the hearing process. The second phase is a public hearing to determine whether a violation has occurred.

The public hearing process is a serious matter. The Commission has the power to hold hearings, administer oaths, subpoena witnesses and demand information that the Commission deems relevant to the complaint. The respondent has the right to appear, may be represented by legal counsel and may examine and cross-examine witnesses. All witnesses are sworn.

The Commission may find a violation only if at least four members concur.

There are strict rules governing disclosure of a formal complaint. These are described in Sections 53-6 and 53-7.