

Gregg Schuster



First Selectman

**Board of Selectmen Regular Meeting Minutes  
Thursday, December 2, 2010  
Colchester Town Hall**

**Meeting Room 1 –  
Immediately Following Public Hearing at 7:00pm**

RECEIVED  
COLCHESTER, CT  
2010 DEC - 3 PM 4:10  
NANCY A. BRAY  
*Rosemary Coyle*

**MEMBERS PRESENT:** First Selectman Gregg Schuster, Selectman Rosemary Coyle, Selectman James Ford, Selectman Stan Soby, and Selectman Greg Cordova

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Derrik Kennedy, Dot Mrowka, Nancy Bray, Greg Plunkett, Sal Tassone, Rob Tarlov, Arthur Shilosky, Katy Nally, Ryan Blessing, Al Hemingway, and members of the public.

**1. Call to Order**

First Selectman G. Schuster called the meeting to order at 7:02 p.m.

**2. Additions to the Agenda**

S. Soby moved to add to the agenda item #5D, "Parks & Recreation Commission. Chris Ferrante to be re-appointed to a term to expire 12/31/14. Chris Ferrante to be interviewed," and item #8, "Discussion and Possible Action on Police Commission," and renumber accordingly, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

**3. Approve Minutes of the November 18, 2010 Board of Selectmen Regular Meeting**

J. Ford moved to approve the minutes of the November 18, 2010 Board of Selectmen Regular Meeting amended with the addition of a letter of support for Glenn Morron's re-appointment to the Police Commission and Selectman Coyle's name to her letter to the Board, seconded by G. Cordova. S. Soby abstained. Remaining selectmen approved. MOTION CARRIED.

**4. Citizen's Comments**

None.

**5. Boards and Commissions – Interviews and/or Possible Appointments and Resignations**

a. **Board of Assessment Appeals. Tearice Peters to be interviewed.**  
Tearice Peters was interviewed.

b. **Zoning Board of Appeals. Member appointment to a vacated term currently held by Arthur Shilosky set to expire on 12/31/10 for a new term to expire 12/31/15. Patricia Hayn to be interviewed.**

Patricia Hayn was interviewed. R. Coyle moved to approve the appointment of Patricia Hayn for a term to expire 12/31/15, seconded by S. Soby. Unanimously approved. MOTION CARRIED.

- c. **Economic Development Commission. Member appointment to a vacant term previously held by Jeffrey Koonankeil for a term to expire 10/31/14. Barbara Hagerman to be interviewed.**  
Barbara Hagerman was interviewed.
- d. **Parks & Recreation Commission. Chris Ferrante to be re-appointed to a term to expire 12/31/14. Chris Ferrante to be interviewed.**  
Chris Ferrante was interviewed. R Coyle moved to re-appoint Chris Ferrante to the Parks & Recreation Commission for a new term to expire 12/31/14, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
- e. **Police Commission. Patrick Mickens to be interviewed.**  
Patrick Mickens was not present. No action taken.
- f. **Police Commission. Frank Jackter, John W. Carroll IV, and Robert L. Kanaitis all interviewed on 10/26/10.**  
No action taken.

Open Terms to Expire On:

- i. 11/01/12
- ii. 11/01/11

6. **Budget Transfers**  
None

7. **Tax Refunds & Rebates**

R. Coyle moved to approve tax refunds in the amount of \$7.52 to Leasecomm Corp, \$117.58 to Toyota Motor Credit Corp, \$2,505.31 to David & Krisin Martin, \$13.28 to Lynnann Persampieri, and \$36.60 to Donald Lerro, seconded by S. Soby. Unanimously approved. MOTION CARRIED.

8. **Discussion and Possible Action on the Police Commission**

R. Coyle moved to request an opinion from legal counsel regarding matters raised in her memo to the Board (attached), seconded by J. Ford. Discussion on cost of request and quote from counsel. Discussion on terminology of “chair” and “meeting facilitator.” R. Coyle moved to amend her motion to postpone further discussion by the Board until the next Board of Selectmen meeting, seconded by J. Ford. Discussion on action of answering questions raised by R. Coyle. R. Coyle moved to withdraw the motion to amend, seconded by J. Ford. Unanimously approved. MOTION CARRIED. R. Coyle moved to withdraw the motion to request a legal opinion from counsel, seconded by J. Ford. Unanimously approved. MOTION CARRIED. J. Ford moved to table further discussion on this action item to the next BoS meeting, seconded by R. Coyle. Unanimously approved. MOTION CARRIED. Discussion on discontinuance of Crown Victoria as a police cruiser.

9. **Discussion and Possible Action on Acceptance of Veccadola Drive and Oak Farm Drive as Town Roads**

R. Coyle moved to accept Veccadola Drive and portion of Oak Farm Drive from station 0+00 (its intersection with Route 16) to station 28+75 (end of temporary cul-de-sac) as town roads, seconded by J. Ford. Unanimously approved. MOTION CARRIED.

10. **Discussion and Possible Action on Disposal Policy (3<sup>rd</sup> Reading)**

R. Coyle moved to approve the Disposal Policy as presented and to add it to the Town Policy Manual, seconded by G. Cordova. Unanimously Approved. MOTION CARRIED.

11. **Discussion and Possible Action on Flag Policy (2<sup>nd</sup> Reading)**

S. Soby moved to approve the Flag Policy as presented and to add it to the Town Policy Manual, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

12. **Discussion and Possible Action on Facilities Director Job Description**  
G. Cordova moved to approve the Director of Facilities, Operations, and Grounds job description amended to correct a typo on pg. 3, “main” to “may”, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
13. **Discussion and Possible Action on Recreation Specialist**  
G. Cordova moved to approve the position of recreation specialist as a full-time position on a temporary basis until June, 30, 2011, seconded by S. Soby. Discussion on solvency of the Program Fund, to be continued at next BoS meeting. Unanimously approved. MOTION CARRIED.
14. **Discussion and Possible Action on Performance Contracting for Energy Improvements**  
G. Cordova moved to approve the Performance Contract for Energy Improvements with Celtic Energy and to authorize the First Selectman to sign all necessary documents, seconded by S. Soby. Discussion on contract language and Town responsibilities. Unanimously approved. MOTION CARRIED.
15. **Discussion and Possible Action on STEAP Grant Contract**  
S. Soby moved to certify that Gregg Schuster, First Selectman of Colchester is authorized to execute on behalf of this municipal corporation, a Grant Agreement with the State of Connecticut, for financial assistance to complete the Streetscape Improvements in the Central Row, along Lebanon Avenue and at the entrance to the Airline Trail Spur (STEAP 2011-15). In addition, Gregg Schuster is hereby authorized to enter into such agreements, contracts, and execute all documents necessary to said grant with the State of Connecticut. It is further moved that Gregg Schuster was elected First Selectman, for a term of office beginning on November 16, 2009 and continuing until November 21, 2011 and that as the First Selectman, Gregg Schuster serves as the Chief Executive Officer for the Town of Colchester and has both the authority and the office to sign a grant agreement for financial assistance to complete the Streetscape Improvements in the Central Row, along Lebanon Avenue and at the entrance to the Airline Trail Spur (STEAP 2011-15) on behalf of the Town of Colchester, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
16. **Discussion and Possible Action on Revaluation Contract**  
R. Coyle moved to approve the revaluation contract with Vision Appraisal for the FY2011 Revaluation and authorize the First Selectman to sign all necessary documents, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
17. **Discussion and Possible Action on Ballot Mandate Letter**  
S. Soby moved to approve the ballot mandate letter, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
18. **Discussion and Possible Action on Ad-Hoc Facilities Committee Direction**  
No action taken.
19. **Citizen’s Comments**  
D. Mrowka commented on the lack of heat in the Registrar’s Office and the upcoming Registrar’s budget.
20. **First Selectman’s Report**  
First Selectman G. Schuster read his “State of the Town” address (attached).
21. **Liaison Report**  
  
S. Soby reported that the Planning & Zoning Commission has preliminary plans to renovate the gas station on Route 85 and on discussions regarding the background of revisions of zoning regulations. S. Soby further reported that today was a promotion

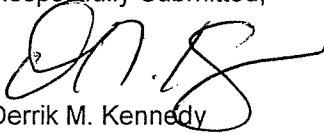
G. Codova reported that the Youth Services Bureau is requesting further assistance from Food Bank volunteers to stack and organize food, that open youth center attendance has dropped 50% this year; and Val Geato is working on getting the Juvenile Review Board to reconvene.

J. Ford reported that the Health District Task Force is reporting to the Board of Selectmen on 12/16 and will be giving their final report.

**22. Adjourn**

R. Coyle moved to adjourn at 8:59 p.m., seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

Respectfully Submitted,



Derrick M. Kennedy  
Executive Assistant to the First Selectman

Attachments:

- Memo from Selectman Coyle regarding the Police Commission
- Memo from Town Engineer Tassone regarding road acceptance
- Ballot Mandate Letter
- First Selectman Schuster's State of the Town address

To: First Selectman Gregg Schuster and the Board of Selectmen  
From: Selectman Rosemary Coyle  
Date: December 2, 2010  
Re: Addition to the agenda for Discussion and Possible Action concerning the Police Commission

At the last Police Commission Meeting, Selectman Soby stated that he will fill the role of Commission Chairman on a temporary basis until a decision is made on how to move forward. While I recognize and understand Selectman Soby's desire to assist and help the Police Commission at the bequest of the First Selectman, I see this as a possible violation of the Town Charter, Town Ordinances, and State Statutes.

I am therefore proposing an addition to the agenda to get a written legal opinion to the questions I have proposed in this memo and any other questions that may arise during our discussion.

Until that time as we receive the written opinion, I do not believe the Police Commission can move forward until they elect a chair as per Connecticut General Statutes and Colchester Ordinances.

- 1. I am requesting a written legal opinion to answer the questions posed in this memo. Can a member of the Board of Selectman act as an ex-officio chair of the Police Commission based on the Town Charter, Town Ordinances, and State Statutes? (see highlighted sections)**
- 2. Shouldn't the Board of Selectman have had to vote to appoint a member of the Board of Selectman as an ex-officio member of a committee? If we did not in the case of the Police Commission, wouldn't that violate the Charter?**

The Board of Selectmen approves our appointment as liaisons to committee and commissions but not as ex-officio members. The only ex-officio member listed in the Charter is the First Selectman. To date the Board of Selectman has not done this. There is a difference between a liaison and an ex-officio member.

li·ai·son (lī-ā-zŏn, lē-ā'-)n.

- a.** An instance or a means of communication between different groups or units of an organization, especially in the armed forces.
  - b.** One that maintains communication: served as the President's liaison with Congress.
- a.** A close relationship, connection, or link.

Ex-officio member

An **ex-officio member** is a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office. Depending on the particular body, such a member may or not have the power to vote in the body's decisions.

- 3.** The Town Ordinance 18-31 states that "a member of the Commission, being duly elected by the majority of the Commission, and appointed by the Board of Selectmen, will serve as a liaison officer for the Town of Colchester (this Commission and Board of Selectmen), to the Department of Public Safety,

Division of State Police, for all responsibilities relative to the contractual agreement references to the Chief Executive Officer of the Town of Colchester.”

**Since the person acting in that capacity is no longer on the Police Commission, who is handling these responsibilities? Would it be proper for an ex-officio member of the Police Commission or a liaison of the Police Commission to carry out these duties?**

4. Ordinance 18-35 and Connecticut General Statutes 7-275 state “Pursuant to C.G.S. § 7-275, the Commission shall elect one of its number to be Chair and one to be clerk.”

**Wasn't it a violation of the Colchester Charter, State Statutes and Colchester Ordinances to have a member of the Board of Selectman act as chair of the Police Commission?**

**§ C-203. Eligibility for election of elected officials and members of elected boards.**

A. Any elector of the Town is eligible for election as an elected official or member of an elected board, provided:

- (1) No elector shall simultaneously hold more than one elected position; and
- (2) No elector shall simultaneously hold an elected position and an appointed position, whether as a member of an appointed board or as an appointed official.

**§ C-302. Powers and duties of the First Selectman.**

A. The First Selectman shall be the Chief Executive Officer of the Town and shall be a full voting and participating member of the Board of Selectmen. The First Selectman shall also be a nonvoting ex-officio member of all Town departments and Town boards. The First Selectman shall exercise such additional powers and have such additional duties as are set forth in the General Statutes and in this Charter.

**§ C-402. Powers and duties of the Board of Selectmen.**

H. The Board of Selectmen shall oversee the internal operations of all Town departments and Town boards and any office which the Board of Selectmen fills by appointment. The Board of Selectmen may name one or more of its members to serve along with the First Selectman as a nonvoting ex-officio member of any appointed board.

**§ C-701. Appointed officials.**

The Town may have any appointed official as permitted by the General Statutes or this Charter.

**§ C-702. Appointed boards.**

The Town shall have the following appointed boards, and such other appointed boards as are created pursuant to this Charter, whose members shall be appointed as provided in this Charter:

November 29, 2010

Code Administration  
Building Official  
Fire Marshal  
Wetlands Enforcement



Planning and Zoning  
Planning Director  
Zoning Enforcement  
Town Engineer

To: Colchester Board of Selectmen  
From: Salvatore A. Tassone P.E. – Town Engineer  
Re: Acceptance of roads as Town Roads

A handwritten signature in black ink, appearing to read "Sal Tassone", is written over the "From:" line of the letterhead.

The following roads have been completed and a 10% road maintenance bond is in effect for each of the roads. It is therefore recommended that these roads be accepted as Town Roads.

**Please note:**

**It is advantageous for the Town to have these roads accepted prior to the end of year 2010 so they may be reported on the upcoming State TAR (Town aid for roads) yearly map update. If these roads are accepted prior to the end of 2010, the Town will be eligible to receive potential TAR funding to help maintain these roads.**

**Veccadola Drive** (located off of Route 149)

This is an approximately 1100 feet long cul-de-sac. intersecting with Route 149/Westchester Road.

**Oak Farm Drive – station 0+00 to 28+75** (located off of Route 16)

This is the approximately 2,875 feet long temporary cul-de-sac portion of Oak Farm Drive located within phase C of the White Oak Farms Subdivision. This road intersects with Route 16/Lebanon Avenue.

Please see attached map for the location of these two roads.

**RECOMMENDED MOTION:**

**Recommend that the Town of Colchester accept Veccadola Drive and portion of Oak Farm Drive from station 0+00 (its intersection with Route 16) to station 28+75 (end of temporary cul-de-sac) as town roads.**

Gregg Schuster



First Selectman

December 2, 2010

Dear Sen. Daily and Rep. Orange,

First, on behalf of the town, please accept our congratulations on your recent re-election. I hope that we will be able to work together over the next two years for the betterment of all of Colchester.

I am writing to you today to inform you of Colchester's position on mandating the number of ballots a municipality must order. While we fully believe that municipalities should always have enough ballots on hand to meet the needs of the voters, we do not believe a mandate is necessary to deal with this situation. Clearly, Bridgeport made some very bad decisions in their election planning and we hope that never occurs again. However, we want to point out that while one city did not order enough ballots, 168 other municipalities did. Mandating that all these towns and cities purchase more ballots than necessary simply increases the costs to the municipalities and the taxpayers without providing any real benefit.

In Colchester, our registrars look at past voter turnout and absentee ballot requests to judge the appropriate number of ballots to order. They always err on the side of caution to ensure we have enough ballots. Mandating the number of ballots to order would simply be a waste of taxpayer money. However, we have no issue with a mandate on the number of ballots if the state should choose to pay for them.

We urge you to not support or vote for any unfunded mandate that requires municipalities to purchase a certain number of ballots. The Colchester Board of Selectmen, Democratic Registrar Dorothy Mrowka, and Republican Registrar Denise Mizla all concur in this opinion.

Sincerely,

Gregg Schuster  
First Selectman



Gregg Schuster



First Selectman

**State of the Town  
Colchester, CT  
2010**

Although it is not required by our Town Charter, I feel compelled to report on the State of the Town.

After having served as First Selectman of Colchester for a year now, I am happy to report that the state of the town is good.

The last year has seen a lot of change and many successes. When administrations change, a seamless transition is needed to ensure everything continues to function properly. This is not an easy task and was made even more challenging by the retirement of the Department Clerk and the resignation of the Executive Assistant to the First Selectman. Within the span of a couple of months, the entire workforce of the First Selectman's office had turned over. Thanks to the efforts of the outgoing administration, the professionalism of our department heads, and the tireless efforts of the incoming team, transition went very smoothly and without any major issues.

Transition was only the beginning though and the daunting task of putting together a budget in tough economic times began almost immediately. Because of an unanticipated reduction in our grand list and a shortfall in our predicted investment income, we were in a hole from the very start.

By implementing a budget freeze, we were able to reduce expenditures to deal with the loss of revenue in that fiscal year. As we planned for the 2010-2011 budget though, we had to make tough choices. Several positions were eliminated and the boards had to set priorities on what to fund. In the end, the boards presented a lean budget which moved us forward and I am very grateful that the town ultimately supported our recommendations. It should still be noted though that the town budget is

less than it was five years ago. The continued reduction of the town budget has forced some tough choices over the years and as the state decides how much aid to give to municipalities, more tough choices may have to be made.

I feel that part of the reason for the success of the budget was the unprecedented outreach of the public officials to the voters. By going out to the various community groups, we were able to answer questions and discuss our recommendations. In fact, I believe that communication is critically important and we have continued to increase our efforts in this area. The full Board of Selectmen meeting packets can now be found online. Budget surveys and community forums were used to gain input from the community. I distribute weekly community updates via e-mail and write a column in the Colchester Bulletin twice a month. Still more can be done to increase communication. We are currently in the process of revising our website to be more user-friendly and contain more content than ever before. Additionally, we are also investigating the Virtual Town Meeting concept to reach out to more citizens.

One of the most important roles of town government is the maintenance of our infrastructure. Although still not at adequate levels, we were able to increase our efforts on the upkeep of our roads. We are also in the middle of a grant-funded project to map out a sewer and water system expansion in order to plan for the expected needs of new businesses. Additionally, we were awarded a grant to work on the streetscape of Lebanon Avenue. These projects are important to help businesses open and thrive in Colchester.

When I assumed office, there was a lot of work to be done on establishing operational guidelines for Colchester. It turns out that there is no manual on how to be a First Selectman or how to run a town. One of my goals is to establish an operational framework that defines how we want to run Colchester. To accomplish this, Colchester needs to put in place policies that dictate how we want to do things. To date, we have approved a Hiring and Dismissal Policy, an Acceptable Computer Network Use Policy, Police Compensatory Time Policy, Colchester-Hayward Fire Department Policy on Staff Members Serving as Chiefs, a Board and Commission Handbook, and a Police Commission Operating Policy. For the first time ever, these and other policies approved throughout the years, have been placed in a single manual for easy reference.

Aside from policies, we have made great strides in improving our operations in town and increasing our efficiency. Cragin Library instituted some technology upgrades and joined a consortium with other Connecticut libraries. This allowed us to not fill a vacant position and

decrease the library budget while improving the services available to residents.

For a year, we have been looking at our legal services and have decided to use some new firms and explore using Human Resource firms instead of lawyers for certain projects. Over the last two fiscal years, we spent on average \$14,500 per month on legal services. By utilizing other law firms and employing different legal strategies, we are now averaging only \$5,700 per month.

Also this year, we formed the Health District Task Force to make a recommendation on if Colchester should join a district and if so, which one. Joining a district could help streamline and enhance our access to health related services. The task force has worked very hard on this project and we look forward to hearing their report.

We continue to explore how to best deliver community services such as senior, youth, social, and recreational services. A working group within town hall is examining the best operational model to deliver these services as we speak. Additionally, the Senior Center Study Group and the Ad Hoc Facilities Committee have been formed to examine the potential options of where these services should be located in the future.

Within town hall, we have consolidated some services this year. The Animal Control Officer now reports to the Resident State Trooper in order for our enforcement employees to work closer together. Also, Youth Services and Social Services have been merged into one department. This allows the town to provide social services during all business hours when previously those services were only available twenty hours per week.

Town employees have been instrumental in all of these efforts and we are lucky to have the level of quality we enjoy with our staff. They continue to be professional and understanding of the economic times we are in. Nearly all union and non-union employees gave some form of concession this year to help keep our budget increase as small as possible.

Our relationship with the six unions that represent most of our town employees remains good. All prohibited practice complaints that had been filed against the town prior to me assuming office have been withdrawn and no new ones have been filed. Additionally, all grievances filed have been dealt with quickly and without the need to proceed to arbitration. Multiple MOUs and one successor contract have been successfully negotiated and I expect to finalize a contract with the new library union very soon.

While our employees are the heart of the town, the community truly is the soul. The time and effort various members of the community have spent on making sure we all live in a great town continues to astound me. We held several events this year which would not have been possible without the support of the community.

The 57 Fest and all the other many celebrations we have throughout the year help drive the sense of community and spirit that is Colchester. This year, we also celebrated the designation of Colchester as a Community Wildlife Habitat, the opening of a dog park, and the building and dedication of a new baseball field in memory of Cody Camp. Additionally, we continue to explore methods of preserving open space and our farms. This year alone we have accepted multiple acres of open space. We had a successful inaugural season for the farmer's market and the town is actively considering the formation of an Agriculture Commission to continue to support our farmers. All of this was made possible by the support and leadership of the community. Those that have led the way on these and other projects should be proud of what they have achieved and the legacy they are creating.

Businesses are also a major part of our community. I'm happy to report that many of our storefronts are beginning to fill up. The CVS plaza and the Westchester plaza have been filled this year with a new karate school, Radio Shack, and Suburban Home Medical. A Sears Hometown Store recently opened as well.

The town has also approved the plans for both Settler's Greene on Lebanon Avenue, and the large Parum Road project without any legal challenges. Tractor Supply Company has expressed an interest in opening a location in Colchester soon and we are anxiously waiting for developers to begin construction on these projects.

Although we have gained much as a community this year, that does not mean we are without any losses. Every year, we inevitably see community members pass on. While there are numerous individuals that we lost this year, I believe three deserve special recognition. Gary Avery, Ron Crabb, and Gary Harris all served Colchester with distinction. Their contributions to our town will always be remembered and we were extremely fortunate to have these individuals amongst us.

We have certainly accomplished a lot here in Colchester over the last year and I'm sure there is much more to come. As I have reviewed our accomplishments, I certainly hope this has not been interpreted as me taking credit for all that has been done. The only thing a First Selectman can do is provide leadership and guidance. The successes I listed are a testament to the hard work and dedication of our town staff, volunteers,

and board and commission members. I want to sincerely thank each and every one of them for their tireless work and dedication to Colchester. Without their efforts, advice, and guidance, none of this would have been possible. All of Colchester should take great pride in what we have achieved together.

This is not meant to say that we are without challenges. The state is facing a massive budget deficit which could entail cuts to municipal aid. We will need to soon make decisions on how to pay for the sewer and water expansion needed to support some of the approved businesses that will be opening. Our infrastructure needs, including roads, buildings, and vehicles, has not been appropriately funded for some time and we are feeling the effects of that.

Despite the many challenges we face, I am confident that Colchester is up to the task. As we have demonstrated so many times before, our community will make smart and thoughtful decisions about our future and we will continue to have the support of the outstanding staff members and volunteers that have helped make Colchester the great town it is today.