

Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Board of Finance Minutes Special Meeting Minutes Wednesday, January 4, 2017 Colchester Town Hall Immediately following the Public Budget Forum

MEMBERS PRESENT: Chairman Rob Tarlov, Thomas Kane, Andreas Bisbikos, Andrea Migliaccio, and Roberta Lepore

MEMBERS ABSENT: none

OTHERS PRESENT: First Selectman A Shilosky, CFO M Cosgrove, Board of Education B Bernier, TC G Furman, BOS D Mizla, Registrar D Mrowka, Superintendent J Mathieu, PW J Paggioli, S Lowe, M Paggioli, J Maine, J Kelley, T Peters, M Hayes, S Schuester, J Spaulding, Mr. & Mrs. Curtis, D Bouchard J McNair, and Clerk T. Dean

1. Call to Order

R Tarlov called the meeting to order at 7:45p.m.

2. Approval of Minutes: December 7, 2016 Regular Meeting

R Tarlov asked to amend the minutes to include an attachment with a statement from D Bouchard. The attached statement will reflect D Bouchard's Citizen Comment agenda #4

T Kane moved to approve the Regular Board of Finance meeting minutes of December 7, 2016, as amended, seconded by A Migliaccio. Unanimously approved. MOTION CARRIED

3. Transparency Software Presentation - Munis

J Fox from Tyler Technologies presented

4. Executive Session – Discussion of Potential Legal Issue

R Tarlov needed to include more detail as to the reason of the executive session. No executive session took place.

5. Board of Finance Vacancy – Discussion and Possible Action

acquisition and that it will be on the 2/8/17 meeting agenda.

R Tarlov read statement (attached)

T Kane moved to appoint Stefani Lowe to the Board of Finance for a term to end at the next municipal election on November 2017, seconded by Andreas Bisbikos. Unanimously approved. MOTION CARRIED.

S Schuster swore in Stefani Lowe as a Board of Finance member.

Stefanie Lowe joined the Board

6. Citizens Comments

D Bouchard commented on the statement made by R Tarlov in agenda item #5. Stated the legal opinion back in November was clear, stated there was a special meeting previously to appoint R Lepore and questioned why it couldn't happen for this vacancy. Stated the state does not have jurisdiction over a minor party, and the CIP can have parameters on who to allow in the party. Stated the CIP bylaws were the same for the state and the town. Stated the CIP bylaws were tweaked on December 6, 2016.

S Schuster stated that everyone is entitled to their own opinion, and he was glad he was part of the finish. L Curtis spoke to her correspondence to the First Selectman and R Tarlov regarding considering to add a question to the Budget Survey on the town's willingness to consider municipal bonding.

J Kelley stated his displeasure on the ongoing question as to what the cost is incurred to educate the Norwich students. He wonders why it was not challenged by the BOF. Questioned the recent land acquisition and where it stands and that it should go to a town meeting. Advised the Board to take fiscal responsibility for the town. Stated his approval of D Bouchard's work on the CIP. R Tarlov responded regarding the land

B Bernier (speaking as a citizen) stated that the Norwich student funding was discussed at Board of Education meetings and any citizens that have concerns should join the BOE committee meetings.

7. Correspondence – 7 correspondence received (attached)

8. 2017-2018 Budget

a. Department Head Presentations

- i. Assessor- moved to 1/18 meeting
- ii. Public Works Director Jim Paggioli presented (attached)
- iii. Town Clerk Gayle Furman presented (attached)

b. Budget Calendar - Discussion and Possible Action

R Tarlov stated they are still working on the calendar. Finalized are the presentation dates; 2/28 Present BOE and Town Budget, 3/1 Town Budget discussed, 3/2 BOE budget discussed.

c. Budget Communications – Discussion and Possible Action

Weekly articles have been created and will be posted on the town website and weekly FS updates.

d. Facebook page and survey

R Tarlov would like to include a question on open space preservation and if residents have an interest in preserving and if not move on. Discussion on how to word survey questions. Declining enrollment question discussed, and will be two separate questions vs one.

9. First Selectman

a. Transfer Requests - none

b. First Selectman's report

Revenue for Planning & Zoning dept. as of 12/30 has reached 91% of projected revenue for 2016-2017 FY. Stated the duplex project next to the RecPlex CO has not been issued as of yet. J Paggioli stated that the water & sewer system has not been hooked up yet. Completing may be around 45 days, and could impact student enrollment. A high end house development in the planning stages.

10. New Business

a. Discussion and Possible Action on Purchase of Map #22, Lot 49 on Lebanon Avenue

A Shilosky stated there is a piece of property behind Town Hall. The senior center subcommittee has recommended the property to be used for a potential senior center. BOS approved with BOF approval. Funds would come from unassigned fund balance. It will then go to a Town Hall Meeting. A Bisbikos and T Kane stated the topography, location and parcel is ideal as well as a good value.

T Kane moved to appropriate \$90,000 for purchase of property on Lebanon Ave, seconded by A Bisbikos. Unanimously approved with one abstention by S Lowe. MOTION CARRIED.

11. Old Business - none

12. Liaison Reports

T Kane reported on the Building Committee – some problems with bidders, working on that now.

13. Citizens Comments

L Curtis thanked the Board for consideration of adding the guestions to the survey

T Peters asked if the fund balance is better now from bonding. M Cosgrove stated that it's the results of last year fiscal operations, due to a mild winter. The building permit is over projected revenue and the property tax collection rate is at 98.8 percent. Both the expenditure side and revenue side are better.

D Bouchard stated the housing complex next to the RecPlex, due to its high rent, will most likely in her opinion not be filled with families. Asked in agenda item #10a, where was the process of when the property went to purchase and when the transfer was complete. A Shiosky stated it went before the BOS for approval, and then to the BOF for approval. It will now go to a Town Meeting. M Cosgrove stated that the BOS recommends to the BOF because of how the meeting days fall. The transaction is not final.

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17. Adjournment

A Migliaccio moved to adjourn at 9:58pm seconded by R Lepore. Unanimously approved. MOTION CARRIED.

Respectfully submitted,

Tricia Dean, Clerk

Attachments: R Tarlov Statement Correspondence Presentations (2) Shortly after James McNair submitted his resignation in September, Art Shilosky informed the Board of Finance that he was requesting a legal opinion and that we should hold up the replacement process until that opinion is received.

Despite the CIP claiming that there was a legal decision rendered, there was not. What was issued on November 4 was a legal opinion by the Town's attorney, and in the view of several Town board members was based on incomplete facts and a failure to address all questions.

On that day, I submitted questions to Art Shilosky on facts not addressed in the opinion. Over the next several days other elected officials and other citizens also asked about questions and elements not addressed in the opinion. As subsequent replies failed to answer these questions and provided conflicting information, we continued to press for answers, and finally following the December Board of Finance meeting, when those questions still had not been addressed, we requested a meeting be scheduled with the attorney to get the answers directly. That was finally scheduled for last Thursday.

The CIP chairman publicly stated that the Board of Finance had sufficient information to make a decision at our December 7 meeting, however, since November 4, I have received conflicting information and direction from Town officials. The information continued to be in constant flux as the same people provided us different directions from day to day. The very day of that 12/7 meeting, 3 of the applicants were called, told they were not eligible, then were recalled to tell them they were. I was informed at 3:00 before that night's meeting that based on new information, all were eligible, and then also at that meeting the Board and the candidates were told that all four candidates to be interviewed were eligible. After hearing comments from several citizens at that meeting that were divergent with Town Administrators, the Board of Finance was unanimous in the opinion that we needed to get more clarification before we made an appointment. Had we made a decision that evening and chose one of the CIP applicants, both of whom we were told were eligible enrolled CIP candidates, we may have possibly appointed an applicant who we learned two days later was not eligible. We delayed a decision that night based on comments made by members and supporters of the CIP candidates.

The information received on December 9 sited a State Statute as to why Tearice Peters was not eligible, but still did not address the other applicants or answer any of our questions.

Although the CIP chair stated that she had a letter from Ted Bromley in the Secretary of State's office, the BOF was not provided that correspondence, but did have access to correspondence from an election official in the Secretary of State's office that stated that the CIP party status applied to the 2015 election, not to the 2013 election as well as information provided through the Town Clerk from Ted Bromley.

The CIP chairman stated that the BOF was breaking precedent by not appointing a replacement for a vacancy within 60 days and demanded that we schedule a special meeting. Although the Charter states that the BOF, BOS or BOE fill a vacancy within 60 days, there is no consequence or remedy should we not be able to meet that deadline, and this Board as well as other Boards have not always been able to do so within that time frame, being more concerned with choosing the right candidate than meeting a deadline. This Board has never held a special meeting to replace a vacancy nor did we yet have answers needed to take action. Added to variability in information and direction received, this board lost 5 weeks and 3 meetings, waiting for a legal opinion, before being told by the First Selectman that we could begin the process for filling the vacancy.

This Board did not put off a vote to avoid appointing a CIP candidate, but wanted to be sure we represented all voters and all interested applicants, followed the right process, and considered all factors. I have received input from many directions, and sorting through this information to determine what is true, and when true, still relevant to the situation and the question asked, has been arduous and time consuming.

Town officials were also concerned that this Board's decision, if not based on all factors could still set precedence for future decisions. I continued to ask questions and to pursue the answers to make sure this Board had a clear understanding of all factors before making a decision.

In a second conference call yesterday with the Town attorney after he had additional discussion with Ted Bromley, he stated this is the most complicated set of circumstances surrounding a vacancy that he has ever encountered.

What we found:

The opinion provided to the Board of Finance is specific to this situation and may not be applicable to future vacancies.

Had this Board had only three Republicans, rather than 4, the Charter would have been the guiding document and James McNair's replacement would have been a Democrat.

Because there were four Republicans, the maximum allowed on a 6 person board, State Statutes were triggered and became the guiding document. Those statutes provide a different set of definitions for party affiliation than our charter. Those statutes dictate that the replacement should be a CIP enrolled member, however, further research in answering some of our questions showed that there should not have been only one potential eligible applicant.

What we learned was that the CIP by-laws had been submitted to the State on October 5, 2016. A different set, dated October 31, was submitted to our Town Clerk on December 6, 2016 and conflict with State Statute. The CIP party leadership created the misconception that there was only one eligible applicant by limiting party membership in those By-Laws filed with the Town. A party cannot limit access to interested members. Any Democrat, Republican or unaffiliated voter is eligible to register/enroll with the CIP party and for the Registrars to deny so, would be a misdemeanor. Although a Democrat or Republican would have remained registered with their current party for 90 days and not have been eligible, any unaffiliated voter could have registered with the CIP party and become an eligible applicant for this vacant position.

Based on this new information learned yesterday, our attorney stated we could make a case for extending the period for applications to give all eligible voters a chance to apply, but in my personal opinion, I do not believe that we would find any more unaffiliated applicants interested in both joining the CIP party and in applying for the Board of Finance position. Although in the past, unaffiliated voters have registered as Republicans or Democrats to become eligible to apply for vacant positions, I do not believe at the present time it would be in the interest of fairness and transparency to have people join the CIP simply to become eligible for the vacant position. In addition the threat of litigation is very real, and in such things, win or lose, there is a financial cost and a disruption in conducting the business of Town that must be balanced with any potential benefit or long term implication of a favorable decision. In my opinion, Stefani Lowe is a very acceptable applicant, I feel she would be a good addition to this Board and I think that we should take the next step and take a vote tonight.

From:

Robert Tarlov

Sent:

Tuesday, January 3, 2017 9:30 AM

To:

Tricia Dean

Subject:

Curtis: please include in correspondence for Wednesday's Meeting

From: Leslie Curtis < lesliescurtis@yahoo.com> Sent: Thursday, December 8, 2016 12:46 PM

To: Art Shilosky; Robert Tarlov

Cc: 'Andy and Angela George'; Lisa Hageman

Subject: Follow Up To Our Meeting and Emails of December 1

To follow up on the discussion and subsequent and subsequent emails of December 1st, I would like to call your attention to the article in the Hartford Courant today (December 8) at the top of the page on B8 about the proactive steps that Middletown in taking to preserve development rights on its agricultural lands.

In my view this is one example of a pro-active approach to doing what local governments can do by adopting policies that recognition of the long term value to our community of preserving such precious natural resources such as prime and locally important agricultural soils. The approach taken in Middletown and other surrounding towns is just one of many ways that Town Government can employ to further the cause of moving forward with this long term goal. It will certainly require the ability of our town to find sources of public funding that currently do not currently exist in a meaningful way in our recent budgets.

I hope that discussions about this topic are happening at Town Hall and I look forward to feedback from both of you on this and my previous emails.

Thanks, Leslie Curtis

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Tuesday, January 3, 2017 9:30 AM

To:

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Subject:

Curtis: please include in correspondence for Wednesday's Meeting

From: Leslie Curtis < lesliescurtis@yahoo.com> Sent: Thursday, December 1, 2016 3:50 PM

To: Art Shilosky

Cc: Robert Tarlov; Andy George; Lisa Hageman

Subject: Agriculture Commission Action on Recommending Municipal Bonding Funding for Land Preservation in

Colchester

Hi Art,

As I promised to do this afternoon, I researched when the action endorsed by the Agriculture Commission regarding the financing of open space was discussed and voted on. This was done in its meeting on February 23, 2015. The relevant discussion of and approved motion on this subject is described in Item 6 on page 3 of the minutes of that meeting which are, of course, available on the Town's website.

Thank you for taking the time out of your busy schedule this afternoon to start this important conversation. I have emailed the Chairman of the Board of Finance about this, as you suggested, and copied you and officers of the Colchester Land Trust on that email. I trust you have already received this email.

Leslie Curtis

From: Robert Tarlov

Sent: Tuesday, January 3, 2017 9:31 AM

To: Tricia Dean

Subject: Curtis: please include in correspondence for Wednesday's Meeting

From: Leslie Curtis <lesliescurtis@yahoo.com> Sent: Thursday, December 1, 2016 3:22 PM

To: Robert Tarlov

Cc: Art Shilosky; Andy George; Lisa Hageman

Subject: Survey Question Suggestion

Hi Rob,

Art Shilosky and I just had a very good discussion this afternoon in his office about the reviving the idea of the Town of Colchester getting serious at this juncture about the possibilities of using municipal bonding for open space and farmland preservation in perpetuity.

Art told me that you are preparing your annual budget survey, and he suggested that you might be open to the idea of including a question asking whether survey takers would be open to paying potentially more in taxes (1% more, for example) to specifically fund the town's ability to protect appropriate parcels as they may come available in the future. The exact wording of the question would need to be refined, but I'm sure we could work this out satisfactorily.

This seems to be to be an excellent first step, and I believe Art is in philosophical agreement with me that taking the step to moving this issue to the forefront of public opinion is appropriate at this juncture.

I'm sure you recall that several years ago Lisa Hageman and I appeared before the Board of Finance to advocate for this point of view, but probably there are only you and Tom Kane left on the BoF who recall the discussion that evning.

So many towns around Colchester have had their voters approve referendums for this kind of targeted civic spending. I think with the stock market back to robust gains after the great recession (and the current ability to bond at historically low interest rates) that it would be as good a time as any for the citizens of our town to start to contemplate this issue. Putting such a question on the survey would be a great first step to open the door to further discussion and wider public education.

I am copying Andy and Lisa (President and Vice President of the Colchester Land Trust) on this memo since the Board at its last meeting tasked me with starting a discussion of this idea with the appropriate Town officials.

If you'd like to brainstorm with me about how to word such a survey question, I'd be happy to add my perspectives to this effort. I can be reached by email at this address or on my home phone at 860-537-8208.

It seems to me that this is certainly an issue that should be framed as an opportunity to make meaningful civic investments now to maintain our town's character, natural resources, and quality of life for the long term.

Thanks, Rob, for all the tireless work you do to help Colchester maintain its fiscal responsibility to the taxpayers,

Leslie Curtis

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Thanks, Leslie Curtis

From:

Robert Tarlov

Sent:

Tuesday, January 3, 2017 9:26 AM

To:

Tricia Dean

Subject:

Fw: BOF Vacancy - Speial Meeting 1/4/2017

Please include in Correspondence for Wednesday's meeting

Rob Tarlov, Chairman, Board of Finance 860-608-4293

From: deee bouchard <deeedeee1963@yahoo.com>

Sent: Monday, January 2, 2017 2:07 PM

To: Robert Tarlov; Art Shilosky

Cc: Thomas Kane; Andreas Bisbikos; Andrea Migliaccio; Roberta Lepore

Subject: BOF Vacancy - Speial Meeting 1/4/2017

Dear Chairman Tarlov,

I have just reviewed the BOF agenda for 1/4/2017. ARTICLE 7 - Order of Business - in the BOF Bylaws, establishes the meeting order of business, allowing for "citizens comments" before any BOF official business is discussed or transacted. Is there a reason the BOF has chosen to change the Agenda format for the 1/4/2017 meeting?

Sincerely,

Deanna Bouchard CIP Chairman

From: Dee <<u>deeedeee1963@yahoo.com</u>> **Date:** December 19, 2016 at 10:27:51 AM EST

To: "ashilosky@colchesterct.gov" <ashilosky@colchesterct.gov>, Robert Tarlov

<BOFChair@colchesterct.gov>

Cc: Thomas Kane < tkane@colchesterct.gov >, "abisbikos@colchesterct.gov"

, "amigliaccio@colchesterct.gov">, "amigliaccio@colchesterct.gov, "amigliaccio@colchesterct.gov">, "amigliaccio@colchesterct.gov, "amigliaccio@colchesterct.gov

"<u>rlepore@colchesterct.gov</u>" < <u>rlepore@colchesterct.gov</u>>

Subject: Re: BOF Vacancy

Dear Chairman Tarlov, First Selectman Shilosky & Colchester BOF Board Members, For the record, Tearice Peters formally rescinded her application for the Board of Finance vacancy on December 8, 2016.

This should alleviate any questions Chairman Tarlov has about which CIP member can be appointed to the BOF, thus eliminating the need for Chairman Tarlov to spend additional taxpayer dollars for another ruling by the Towns Attorneys, which I was told he has formally ask for.

The BOF should immediately move to appoint CIP Member Stefanie Lowe, to the Board of Finance before January 2nd,

to comply with both the provisions of the Town Charter and the legal decision of Shipman & Goodwin.

The fact that Chairman Tarlov is out-of-state during this time period, should NOT preclude the BOF from meeting and upholding the provisions of legal decision, and ensuring the integrity of the Board of Finance.

Sincerely,

Deanna Bouchard CIP Chairman

On Dec 17, 2016, at 9:58 AM, deee bouchard < deeedeee 1963@yahoo.com > wrote:

Dear First Selectman Shilosky,

On Friday, December 9, 2016, we spoke in regards to the vacancy on the BOF. In our conversation you confirmed that the Town Clerk, received an official ruling from Ted Bromley, a Staff Attorney for the CT SOTS, which stated that Stefanie Lowe, a CIP member, is the ONLY eligible applicant per CGS 9-167 and CGS 9-59.

Your comment was, "I consider this matter closed, the Board has to appoint Stefani Lowe". You further stated that you had forwarded this information to BOF Chairman Tarlov, and that we should be hearing from the BOF Chairman on the next steps. To date, neither Stefani nor I have been contacted by Chairman Tarlov.

The CIP has been very patient as this process has unfolded. We have watched as past precedent in the process of filling a vacancy has been ignored and a new process, which one could view as partisan politics, has taken over.

We have been restrained in any comments to the press, despite our unequal treatment in this process. We have watched as the BOF Chair ignored the taxpayer-funded Legal Decision of the Towns Attorneys, and questioned the ruling (on the 34 day after it was rendered) in the very meeting in which a CIP member SHOULD HAVE been appointed to the Board. The BOF Chair allowed citizens, Dot Mrowka and Gayle Furman to interrupt the process claiming they had a "new ruling" from the SOTS, but failed to present any formal document on record, which, if they were acting in an official capacity should have been disclosed by the BOF Chair formally adding it to the agenda or if speaking as citizens should have been read during the correspondence section on the agenda, neith took place.

The CIP is frustrated by the actions of the BOF Chairman and of these individuals, all which appear to be using their official elected positions for political influence or gain. The CIP would request that the BOF take action to appoint CIP Member Stefani Lowe to the Board of Finance before the end of the year. The BOF should uphold the Legal

Decision and comply with the Towns Charter by appointing the new member of the BOF before January 2, 2017.

Sincerely,

Deanna Bouchard CIPChairman On Dec 17, 2016, at 9:58 AM, deee bouchard < deeedeee1963@yahoo.com> wrote:

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Sincerely,

Deanna Bouchard CIPChairman

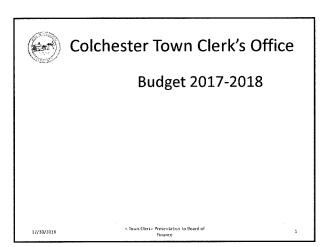
Department of Public Works

- Operationally No New Initiatives
- Highway, Fleet, Transfer Station, Grounds Maintenance –
 Stay Present course.
- Facilities Reprogram Part-time Salary of Facility Maintainer to Professional Services for contracted services when required. Revenue Neutral.

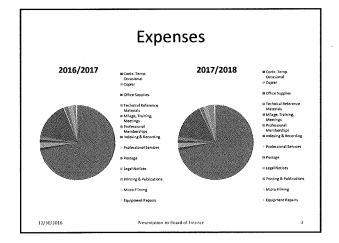
Capital Improvement Plan

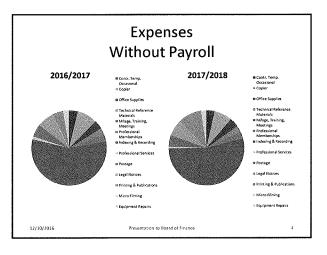
- 1) Continue funding of existing multi-year funding projects. (Blue)
- 2) Continued increase of \$50,000 per year for Road Improvement budget to gradually achieve required town wide funding for adequate Town Wide Pavement Maintenance.
- 3) New Projects added to list: (Yellow/Orange)
- Senior Center Window Replacement FY 18-19. \$115,000 Funding Source to be determined.
- Paper Mill Bridge FY 17-18, 18-19, \$75,000/yr Matching funds for Local Bridge Grant. 50-50 funding. Two previous STEAP grants were unsuccessful.
- Town Hall FY 19-20 Replace 30 year old Asphalt Shingle Roof, \$75,000
- Senior Center FY 20-21, \$40,000, U/G Tank Removal and A/G Tank Install.
- 4) (Purple) Projects listed but for discussion on need, these are enhancements to existing facilities. Additional projects not listed, additional parking at Senior Center - \$45,000.
- 5) Lease Purchase Options Fire apparatus replacement- Discussion.

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Anticipated Expenses 2016/2017 Assistant will have certification and contractual raise which will increase her hourly pay. Increase from 35 hour work week to 37.5 hour work week est. Increase of \$5,348 Regular Payroll Cont Temp Occasional Copier Office Supplies 102,980 108,328 1,500 3,600 1,500 No Increase Based on 1st 5 months Decrease of \$300 Based on 1st 5 months Increase of \$200 Technical Reference Materials Mileage, Training, Meetings Professional Memberships 1,195 1,000 300 23,000 500 2,200 3,000 No Increase No Increase Price Increases Increase of \$50 No Increase Based on 1st 5 months Decrease of \$200 Based on 1st 5 months Decrease of \$100 23,000 300 2,100 3,000 Postage Legal Notices Printing & Publication Micro Filming Equipment & Repairs Total 300 143,725 12/30/2016

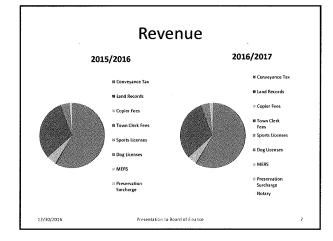




Anticipated Revenue 2016/2017

	Actual	Projected		
	2015/2016	2016/2017		
Conveyance Tax	194,133	199,532	Based on 1st 5 months Increase of \$5,399	
Land Records	2,168	2,153	Based on 1st 5 months Decrease of \$15	
Copier Fees	15,775	15,057	Based on 1st 5 months Decrease of \$738	
Yown Clerk Fees	104,438	106,223	Based on 1st 5 months Increase of \$1,785	
Sports Licenses	426	400	Based on 1st 5 months Decrease of \$26	
Dog Licenses	13,500	13,500	Based on Last Year	
MERS	2,477	2,607	Based on 1st 5 months and 2015 Increase of \$130	
Preservation Surcharge	2,168	2,153	Based on 1st 5 months and 2015 Decrease of \$15	
Total	335,085	341,625	Increase of \$6,540	
12/30/2016	Preventation to Board of Finance			

Possible Added Revenue 2017/2018



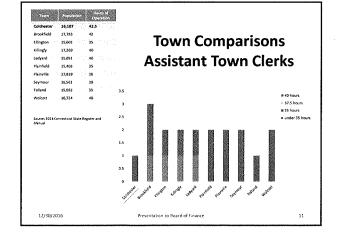
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Current Staffing 40101 – Regular Payroll \$102,980 Town Clerk – Gayle Furman \$62,472 Assistant Town Clerk – Joanie Campbell \$40,508 40101 – Assistant Increased Hours \$3,054 (est)

Current Issues

- · Customer wait time/care
- Missed Department Head Meetings
- Multiple Customers/Phone
- Lack of time for Town Clerk business during regular work hours with other businesses
- · Lack of time for organization or back filing

30/2016 Presentation to Board of Finance



Discussion • Questions 12/30/2016 Presentation to Reard of Finance 12