

**RIVER EAST**

# News Bulletin

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**Henny Simon, 91, of Colchester, spoke to a crowd of more than 100 at Colchester Federated Church last week about her experience growing up Jewish in 1940s Germany and struggling to survive in Nazi concentration camps. She's shown here with three other Colchester residents enjoying refreshments after the speech. From left are Jeannette Tomlinson, Odessa Turner, Simon and Dolores Sawchuk.**

## Holocaust Survivor Shares Story

by Julianna Roche

Henny Rosenbaum Simon is far from your average 91-year-old. Described as "a living treasure" by Jerry Fischer, executive director of the Jewish Federation of Eastern Connecticut, the Colchester resident grew up in 1940s Germany, being forced along with her mother by Nazis into concentration camps, where she worked, starved and struggled to survive.

Last Sunday afternoon, Simon spoke at Colchester Federated Church to a crowd of over 100 people, sharing her triumphant story of survival.

Born in Hanover, Germany, Simon said she had a "very normal life" as a Jewish child and was "fully integrated into society." In the late 1930s, however, that all changed as Germany fell under the control of dictator Adolf Hitler and the Nazi Party, who sought to purify the German race by eliminating any outsiders or foreigners, including Jewish people.

By then, Simon recalled being called a "dirty Jew girl" by classmates and her teacher telling her she could no longer give her accordion lessons because she was Jewish.

Simon recalled that on Nov. 9, 1938, she went to school and noticed stores with glass windows shattered and broken. On her way home, she said she remembers seeing "heavy, black smoke in the distance" that "seemed like there was a big fire."

Once she arrived home, her mother told her the terrible news – their synagogue was burn-

ing down.

That night, over 7,000 Jewish businesses, including synagogues, cemeteries, hospitals, schools and homes were trashed, burned or looted, while dozens of Jewish people were killed. It would later be referred to as Kristallnacht, or the "Night of Broken Glass" – the start of the Holocaust.

It was the first time Simon felt fear for her life.

"That day all synagogues in Germany were burned," she said. "To me, this day was the beginning of the Holocaust – the first time I was really afraid."

After that, even more restrictions for Jewish people were implemented, she said, adding, for example, they were only allowed to shop at designated stores between 5 and 7 p.m. each day, and were no longer allowed to go to the theater or any other cultural events.

"I became an outsider," she said.

As a teen, while working in Hanover as a dressmaker, "Jews were not allowed to speak or work in the same room as non-Jews," Simon said. She could not even apply to high school. (In 1976, she did attain her GED, however.)

In 1940, Simon and her mother were separated from her father, who acquired a visa to go to Shanghai, China. Not long after, Simon and her mother were herded into a ghetto and, later, concentration camps in Latvia and Poland.

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## State Trooper Charged in Brutal Beating

by Julianna Roche



**Xavier Cruz**

A police officer assigned to the Troop K barracks in Colchester was one of two state troopers arrested this week in connection with the alleged brutal beating of a man while the two were off-duty.

State troopers Xavier Cruz, of Troop K, and Rupert Laird, of Troop C in Tolland, were each arrested by Wethersfield Police Monday and charged with first-degree kidnapping with a firearm, deprivation of rights by force or threat and second-degree assault with a firearm.

The men, both 30, appeared Tuesday before Judge Joan Alexander at New Britain Superior Court and are now on house arrest, after each posted \$750,000 bail.

According to a nine-page arrest warrant affidavit on file at the courthouse, the alleged victim of the Feb. 18 attack told police he was kicked and punched over 20 times, and was beaten with a police baton at least 15 times.

The night before the incident, the man, who knew both troopers, reported having some drinks and partying with his girlfriend's daugh-

ter and the daughter's boyfriend, Cruz, at T's Café in Hartford until the club closed at approximately 3:30 a.m.

The alleged victim told police Cruz invited them back to his home in Wethersfield, where there were about seven people partying in the kitchen. The man said he then began flirting with another woman – Laird's girlfriend – and reportedly grabbed her buttocks.

According to police, the man eventually left the party to go home, but his girlfriend wouldn't let him into the apartment, so he texted Cruz and asked if he could return to his house. He reported to police that as he pulled into Cruz's driveway, Laird drove in behind him and blocked him in.

The man told police, according to the affidavit, that Laird proceeded to take a black handgun from his pants, point it at his chest and say "You know I can kill you right?" Laird then added, "You know what, I'm not even going to do this because I'm a cop, but I've got connections... if I was going to kill you, no one would find your body."

After the two men walked into Cruz's home, Laird reportedly told the victim he was "going to pay" for touching his girlfriend, and that they were going to settle it "the old-school way." The warrant states Laird and Cruz then ordered him to take off his glasses, to go downstairs to

the basement and strip down to his underwear.

Once downstairs, Laird head-butted the man, drawing blood just above his left eye, and ordered him to get on his knees before he started to kick and punch him. The affidavit states that during the attack, Laird also told the man to grab a pipe above him so that he couldn't use his arms to protect himself from the beating.

The affidavit said Cruz then called Laird's girlfriend and ordered the man to apologize to her. Laird asked her to pick a number between one and 10, and when she said four, he told Cruz that was the number of beatings the man would receive.

The alleged victim told police each round lasted between five and seven minutes, though, he said, it could have been longer. He told police Laird at one point leaned in and "whispered something to him like, 'You don't think this is the first time I've done this...do you?'" according to the affidavit.

While the man told police Cruz never hit him, he didn't ask Laird to stop either. At one point during the attack, according to the affidavit, the man even asked Cruz to "make him [Laird] stop," to which Cruz replied, "No."

Following the beating, the man told police that the troopers handed him a pile of napkins and a bottle of carpet cleaner, and told him to clean up his blood. Laird then said, according

to the warrant, that the victim was "going to get hit for each spot of blood he missed."

The man said cleaning was very hard because he was in pain and wasn't wearing his glasses, so it was difficult to see the three smaller blood spots he missed. According to the warrant, Laird saw the missed spots and told Cruz to "take a video of this" before subsequently hitting the victim twice with his police baton, causing him to fall down, and once more after he fell. The affidavit does not indicate whether Cruz actually did video the attack, though.

According to the affidavit, Laird then told the alleged victim to "tell people he got bruised up because he was drunk and fell" and that he "better not tell anyone about what happened."

Two days later, on Feb. 20, the man checked himself into St. Francis Hospital and Medical Center because he was having trouble breathing and believed his ribs were broken. An emergency nurse called Wethersfield Police to report the alleged assault.

After interviewing the alleged victim, police subsequently obtained a search warrant for Cruz's house and, while searching his basement, they found a paper towel in the garbage covered in blood, blood droplets on the wall, carpet, and both inside and outside of the refrigerator. According to the affidavit, police then

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**Holocaust Survivor cont. from Front Page**

During the three and a half years Simon lived in concentration camps, she said she "faced death daily" and even came close to being killed once, when she developed a frostbitten toe that made it difficult to walk and work.

She hid her condition from the Germans, however, telling them she "had work to do" – a lie that, she said, ultimately "saved my life."

Simon's jobs in the camps included everything from carrying planks of wood, shoveling snow off railroads, peeling potatoes and cleaning empty houses in the ghetto, where she sorted clothes and kitchen utensils while being constantly watched by Nazi soldiers.

Once, she said, a girl was caught stealing a bar of soap. She was then taken to the cemetery along with five hostages, where they were all shot and killed.

"If you were caught [stealing], it meant death – not only for the person who took something, but five of his or her coworkers," she said. "We faced death daily. It did not scare us anymore. We simply lived one day at a time."

Simon said those who worked in the concentration camps would receive a daily ration of 200 grams of bread, and those who didn't received 100 grams.

"Do you have any idea how much that is? It's a slice of bread," she said, adding that her "constant companions were hunger, cold and fear."

The conditions were "hell," and prisoners were forced to work even if it "was 40 degrees below zero." It was a horrifying situation which caused many to fall ill, including Simon's mother, who she said was eventually transported to a hospital at another camp.

"A food supply truck came. [My mother] was put on a wooden stretcher and put on the back of the truck," Simon said. She said prisoners who transported food back and forth would often deliver letters to Simon from her mother.

"These prisoners put their life on the line because it was forbidden to write," she said, adding that if they were caught, they would be killed.

Simon remembered receiving one letter where her mother said she was beginning to feel well enough to walk again – but her hope that she would see her mother again was short lived.

"I heard there was an accident and I knew the people in the hospital would be the first ones to be taken to the forest and killed," she said. "I never saw my mother again."

One day soon after, Simon said Nazi soldiers lined prisoners up and ordered anyone over the age of 30 to step over to the other side of the yard – they were shot and killed.

"I overheard one girl asking the guard 'can I



**Henny Simon as a teen in Germany.**

go with my mother?' The guard answered 'if you want to, but you will be sorry,'" Simon said.

In 1945, Simon's imprisonment came to an end when her camp in Poland was liberated by Russian troops and she was later able to immigrate to the United States with her first husband, where she reunited with her father. She now resides in Colchester and is a great-grandmother.

It wasn't until she met her second husband – Robert Simon – that she was encouraged enough to speak about her experience, which she started doing in 1986. Since, she has spoken at schools, community centers, libraries, senior centers and churches, and written a book about her experience, entitled *Am I My Brother's Keeper? The Story of a Holocaust Survivor*. Following her speech Sunday, Simon was presented with a special proclamation on behalf of the town.

"It's not easy to speak about my life and the Holocaust, but it's so very important," Simon said.

When asked by a member of the audience what got her through her imprisonment in various concentration camps, Simon simply replied "perseverance."

"That's my motto," she said. "Never give up."

**Trooper Charged cont. from Front Page**

seized one area of the blood-stained carpet, a Woolite carpet cleaner with a scrub bush attached to its end, and both troopers' cell phones.

Two days after the search, Laird's girlfriend called police and told them the alleged victim had grabbed her buttocks and confirmed that Laird had called her during the assault, asking her to pick a number one through 10, though she did not know why at the time, the warrant states.

According to police, both Cruz and Laird have since been ordered to be put on house arrest – prohibiting them from going to work –

and were ordered to turn over their passports and weapons they own, and to not have contact with each other or the victim.

In a statement issued Tuesday, Connecticut State Police stated that "immediately upon learning of the egregious conduct" of Laird and Cruz, it had suspended the two men's "police powers, confiscated their weapons, badges and patrol vehicles, and opened its own administrative inquiry. Both troopers are suspended pending the outcome of the proceedings."

Laird and Cruz are next due in court March 29.

**From the Editor's Desk****Observations & Ruminations**

by Mike Thompson

I've long been an Oscars watcher. But I confess that, the past couple of years, as my trips to the movies grew much fewer and further between, my interest has waned a bit. It's tough to make watching the Oscars "appointment television" when you literally haven't seen a single thing that's been nominated for an award.

But this year I wound up seeing one of the nominated films, as well as, oddly, all the nominated live action and animated short subjects, so I decided to sit down and watch. Boy am I glad I did.

As probably the vast majority of those reading this have heard – and maybe, like me, you saw it live, even though the show ran awfully late for a school night – the wrong movie was announced as Best Picture. It was a huge blunder, a gaffe that had never been done on the Oscars before and hopefully never will again. It wasn't just *any* category; it was the Best Picture, the cream of the crop, the biggest, and last, award of the night.

Three producers of the Best Picture that wasn't, *La La Land*, gave acceptance speeches before the movie's cast and crew were told they didn't actually win. And then one of those poor producers had to announce *La La Land* didn't win; "This is not a joke," he told the stunned audience. Rather, it was *Moonlight* that won. So the *La La Land* folks quickly exited stage right, while the *Moonlight* people took the stage to accept the award.

Presenter Warren Beatty, it would later be revealed, had been given the wrong envelope before walking on stage; it was an envelope listing the winner for Best Actress – which happened to be Emma Stone from *La La Land*. Watching the telecast, you could tell that after Warren opened the envelope and read its contents, he was flustered, and didn't quite know what to do. He eventually showed the card to fellow presenter Faye Dunaway, who saw *La La Land* listed and announced it as Best Picture.

Cue the music from the movie, cue everybody hugging and cheering and climbing up on stage – and then cue an accountant from PricewaterhouseCoopers running out onstage to tell everybody something went horribly wrong.

I realize it's just an awards show, but it was difficult not to feel bad for everyone involved. First and foremost for the folks behind *La La Land* (which, incidentally, was the only one of the Best Picture nominees I'd seen). Yes, the movie had won other awards earlier in the night, but this one was the biggie. To be told that you've won it, allowed to celebrate, give speeches, and then be notified "woops..... nevermind!" must've been pretty awful.

But the makers of *Moonlight* get some sympathy too. Yeah, at the end of the day they won Best Picture, but they lost their moment. I mean, the producers of that film got to give their speeches too, but the celebration was greatly overshadowed by the gigantic snafu

that just happened. It was their moment in the spotlight, and they were sort of robbed of it. That said, it's obviously better to think you lost something only to learn you've won it than the other way around, so my sympathy lies much more with the *La La Land* folks.

There's some sympathy for Warren Beatty and Faye Dunaway too. Neither of them came across all that well; Warren knew something was wrong but didn't address it, and Faye apparently just saw *La La Land* on the card and went with it, despite the fact the name listed above *La La Land* was Emma Stone's, and not one of the film's producers. Still, it's not their fault they were given the wrong card. Yes, when he realized there was something wrong (which, again, he apparently did) Warren could've called one of the PricewaterhouseCoopers accountants on stage to figure out what to do, but he didn't. In his defense, this was very much an unprecedented situation, and it was all happening live. So I can't really fault him for not knowing what to do at that moment. It should also be noted *La La Land* was very much favored to win, so it wasn't a stretch to assume that *La La Land* was the winner anyway. Who knows, maybe that's what Faye Dunaway felt too. (Faye has reportedly declined to speak about the incident.)

And yes, I even feel bad for the PricewaterhouseCoopers employee who ultimately is responsible for this whole thing by handing Warren the wrong card to begin with. That employee, Brian Cullinan, is probably the best known PricewaterhouseCoopers accountant on the planet right now – but he's famous for all the wrong reasons. I'm sure he feels terrible about it. It was an honest mistake – it just occurred at the worst possible moment. I saw Tuesday Brian has worked the Oscars for PricewaterhouseCoopers since 2014.

And speaking of PricewaterhouseCoopers, at the end of every Oscars broadcast, I've noticed there's a disclaimer on the TV screen stressing that absolutely no one outside of PricewaterhouseCoopers knows the results until the envelope is torn open and they're read aloud on stage. I've always wondered a little if that could possibly be true. Surely, *somebody* else – probably a member of the TV production crew – knows the winner. It sounds good to say that no one else knows, but come on. Is that really true?

It probably is. When *La La Land* was announced the winner, a graphic stating as such appeared on the screen, and the movie's theme song began to be played. There certainly was no indication anything was wrong....again, not until PricewaterhouseCoopers staff ran on stage several moments later. So maybe it's indeed true no one knows but the accounting firm.

One thing's for sure: you can almost guarantee the TV ratings for next year's Oscars broadcast will spike – as the entire country will be eager to see if that unthinkable mistake will happen again.

\* \* \*

See you next week.

# Amid Uncertainty, RHAM Budget Presented Without State Aid

by Geeta S. Sandberg

With a lack of definites from the state regarding just how much aid is going to be cut from the school district – or what new costs it might be responsible for – RHAM Superintendent of Schools Bob Siminski presented a proposed 2016-17 budget this week that didn’t include any state reimbursement, resulting in a spending package more than 6 percent higher than the current year’s.

“What the governor has said has had a very strong impact on how we prepared the budget because there are so many unknowns,” he stated Monday.

The presented budget clocks in at \$29,772,275 for an increase of \$1,741,916, or 6.21 percent, over current year spending.

Last month, Gov. Dannel P. Malloy released a proposed two-year, \$41.51 billion state budget that changes the way special education funds are disbursed and asks municipalities to pay for one-third of the Connecticut State Teachers’ Retirement System.

The budget also diverts funding a majority of towns in favor of the poorest cities through a reformulation of the way the state administers aid through the Education Cost Sharing (ECS) grant.

The new formula for ECS funding determines wealth based on factors including the strength of a town’s grand list, median household income and the number of residents on the state’s Medicaid program for children, and then uses that information to decide how much ECS funds each municipality receives.

By those calculations, the three towns that make up Region 8 would be looking at a combined decrease in ECS and special education

funding from the current year of \$2,897,084; \$655,899 for Andover, \$1,540,747 for Hebron and \$690,438 for Marlborough. The three towns would also see a combined increase in their budgets of approximately \$2,634,544 from the teachers’ pension payment; \$432,456 for Andover, \$1,362,129 for Hebron, and \$840,959 for Marlborough.

However, regional school districts were not included in the information that’s been released by the state so far on the changes, so the amount of ECS funding the three towns receive that will go to RHAM, as well as the portion of the teachers’ pension the school district will be responsible for, is not yet known.

And it’s for that reason the budget proposal shared during Monday’s meeting was a “gross continuation” budget that doesn’t include any offsetting ECS funds, nor an amount for teacher retirement.

“Regional school districts have been left out of the mix, so how do we calculate?” Siminski wondered. “When I budgeted, I budgeted a gross amount so we can go back and figure out what that [the changes] means when the state decides to clarify.”

The presented proposal, he explained, continues existing programming and addresses statutory requirements, and includes a 2.2 percent salary increase for administrators as per their contract, and 1 percent increase plus step for certified staff (“step” is a way of determining a teacher’s salary based on factors such as years of experience and education level). Negotiations for non-certified staff are also scheduled to begin in the fall.

In response to declining enrollment, the pro-

posal also includes a reduction of five teachers, which would bring the number of middle school teams from six to five.

Meanwhile, diesel fuel has been budgeted at \$124,208, and \$205,662 is included for heating. This is in line with the current year even though the school will be utilizing natural gas instead of heating oil following the board’s decision to switch utilities as part of an 8-mile natural gas expansion project in the Town of Hebron.

The actual heating cost for next year is anticipated to be \$105,662 as a result of the switch, but the \$100,000 surplus will be given to Hebron for the cost of converting the school equipment to be compatible with natural gas; the cost for the district’s conversion – \$264,000 – will be included in the amount Hebron will borrow to pay for the project, with RHAM reimbursing the municipality with fuel savings.

Siminski said paying back the town will take about two and a half years, after which the district will realize those savings.

Along with the above, Siminski noted the impact of school choice, or students from the sending towns who choose to attend magnet or vocational agricultural schools instead of RHAM; the school district has to foot the tuition bill for those students, estimated to be 74 next year, for a projected cost of \$380,173.

He mentioned, however, that number is a decrease from the current year’s amount of \$2,327.

“We’ve been able to bring some students back and that’s progress we want to keep ensuring,” the superintendent said.

On the other hand, the cost for special edu-

cation tuition is increasing.

Siminski stated, “Special education has been one of the budget drivers; the cost is increasing and we’re transporting kids to programs further away.”

The cost for special education transportation is budgeted at \$647,212 — up from \$422,437 in the current year — while the cost for special education is budgeted at \$1,814,237 for the 2017-18 school year, compared to \$907,916 in the current year.

The majority of that increase comes from private tuition, which is for schools that offer programs for students with high needs. For example, Siminski said, a school may provide a program for a student with autism.

Along with the continuation budget, Siminski also provided several decision packages the board could decide to add, including the addition of a full-time athletic director for \$120,000 and additional coaches to the tune of \$48,878 — both have been requested by parents and students during recent public comments.

Other decision packages include funds for various capital needs in the facilities and on the grounds, for \$300,100 and \$114,400, respectively.

Now that the initial proposal has been presented, the board will deliberate on the numbers and whether or not to add any of the decision packages — or eliminate elsewhere.

Siminski reiterated the numbers would also change once more clarity was garnered from the state.

A public budget hearing is slated to take place April 3.

# Andover Selectmen Receive Update on CIP Projects

by Geeta S. Sandberg

The Board of Selectmen this week received information from the Capital Improvement Planning Committee to keep the board apprised of the various requests and the committee’s recommendations in light of Gov. Dannel Malloy’s proposed budget that included a net reduction in state municipal aid to Andover of approximately \$1 million.

The requests received by the committee for 2017-18 included \$583,000 from the Public Works Department, \$102,500 from the Recreation Commission, and \$85,000 from the Fire Commission.

In an interoffice memo sent to the selectmen by CIP Chairman Dan Warren, he explained, however, the committee recommended limiting appropriations for the 2017-18 year.

“In light of the uncertain state budget climate and its potential effect on Andover’s budget, the CIP Committee arrived at a consensus to recommend limiting capital project appropriations... to the anticipated amount received from the Town Aid Road grant program for road improvement work in accordance with the soon-to-be completed road condition survey, and necessary funds to complete the heating system upgrades to the Public Safety Complex and removal of the existing heating oil underground storage tank.”

The above requests equate to \$190,000 for road work, \$60,000 for the heating upgrades, and \$25,000 for tank removal, for a \$275,000 total.

Warren furthered, “It is presumed Local Capital Improvement Program (LoCIP) funds can be used for the Public Safety Complex work

if the General Assembly takes appropriate action.”

Selectwoman Cathy Desrosiers, who is also a member of the CIP Committee, explained Wednesday, “We have more meetings – this is just to let you know what we’re looking at; this is what came before us.”

Selectman Jay Lindy added, “We’ve got to keep in mind what the governor is going to take away from us. The stuff here has got to be done, especially the tank removal, but I think we can’t recommend anything until CIP meets again and then the Board of Finance can tell us how to finance it.”

Meanwhile, Vice First Selectman Jeff Maguire added the select board should note “Dan requested departments submit their forms in December, well before Malloy’s budget was proposed. So we all know we’re not spending that money.”

In sum the CIP requests received by the committee totaled \$770,500.

Desrosiers furthered, however, that the governor’s budget “is not cast in concrete yet.”

“The taxpayers in Andover have had a decade of no increase in taxes, but there’s not a lot of place for wiggle room in this town [budget],” she said. “Once the governor cuts... it’s going to become our expenditure, our issue, so we’re going to have to ask, ‘what do we keep cutting?’”

Or, alternately, a tax increase may be on the horizon, she warned.

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An update was also provided this week on the Town Administrator Search Committee,

which has been tasked with hiring a professional administrator to take over the day-to-day operations of running the town from the first selectmen.

Taxpayers voted last November to approve recommended charter changes that would bring the administrator to town. According to the revised charter, said administrator “shall be the Chief Executive Officer of the Town of Andover responsible to the Board of Selectmen for the supervision, direction and administration of all Town of Andover departments, agencies and offices except the Board of Education and town agencies whose head or members are elected by popular vote.”

The revised charter further states the administrator will be appointed by the Board of Selectmen “exclusively on the basis of executive, technical and administrative qualifications, character, educational background, training/certification and professionally related experience. Educational training must include a minimum of a baccalaureate degree.”

At Wednesday’s meeting Maguire – who is a member of the search committee along with Lindy, Board of Finance member Jeff Murray and two residents – explained several meetings had already been held, and at the most recent one earlier that evening, “we went over and discussed the verbiage and text as far as what we need to put in publications” advertising the position.

He added the committee also worked on the job description and reached out to the town managers in Bolton and Coventry to ask them to come and assist the committee during the

process.

“So we’re hopeful the job will be posted at the beginning of next month and to start the interview process as early as possible,” Maguire said.

Linddy added of the committee, “This is probably the best committee I’ve served on; everyone brings something to the table. This committee, they all know what they’re looking for and they’re looking for the best they can get for this town.”

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Also Wednesday, selectwoman Julia Haverl explained students studying acoustical engineering at the University of Hartford recently stopped by the Town Hall’s community room to study acoustics in the space.

The room is notorious for being full of echoes, and swallowing up the voice of anyone speaking during meetings – even with the help of a microphone – making it difficult for those in the audience to hear.

The students, Haverl said, “could tell the room was full of a lot of reverberation.”

She added the class looked around and is now responsible for returning to school and designing a way to improve the acoustics in the space, such as changing the window coverings or hanging structures from the ceiling that would fill up some of the empty space, thereby helping with the acoustics.

“They’ll present a written report,” Haverl explained. “There’s no cost; it’s just a class exercise, then we can decide if we want to use any of it.”

# East Hampton Councilman Slammed for Facebook Post

by Elizabeth Regan

The Town Council voted Tuesday to approve a project manager for the planned municipal complex on Route 66 – which spurred one member to post about it on social media while the meeting was still going on.

Councilors voted 5 to 1 to select a project manager based on an exemption in the town's purchasing ordinance that allows them to select a "uniquely qualified" – commonly referred to as a "single source provider" – contractor without asking for any other bids.

The move was a departure from previous plans to use a separate provision, called a bid waiver, to bypass the sealed bid process.

Last month, councilors selected a 5.4-acre piece of land within the 59-acre Edgewater Hill mixed-use development near the Marlborough border as the site for a new town hall and police department. The location, proposed by Edgewater Hill developers Steven and Lisa Motto, won out over seven other submissions.

The Mottos said they would donate the property; they would also serve as project managers for a 4-percent cut of the total project cost. They estimated it would cost between \$12 and \$18 million, likely coming in around \$15 million.

Using the exemption for a uniquely-qualified contractor requires approval by a simple majority of council members. Had the council used the bid waiver provision, however, the motion would have required approval by three-fourths of the council.

The single 'nay' vote Tuesday belonged to Ted Hintz, who then promptly logged onto the Facebook group "Let's Talk East Hampton" to share the breaking news.

"The town council just went around the super majority vote on a bid waiver by asserting an exemption that does not require a super majority," he wrote. "The most egregious of use of power!"

His post went on to cite conflict-of-interest concerns based on the Mottos' ownership of the larger development at the same time they are being hired to act in the town's best interest.

"Are you kidding, how can [Steven Motto] be the town's representative and not be in conflict. How about the saying the fox watching the hen (sic) house!" he wrote. "Remember he is getting a percentage of the ENTIRE project. This need (sic) to go down!"

Hintz had expressed similar sentiments during council discussion on the matter. He was

joined by councilor Mark Philhower in his concerns, though Philhower ended up voting in favor of exempting the project manager role from the bidding process.

Hintz and Philhower objected to what they characterized as the council's "back-door" approach. They suggested there were not enough votes for a three-fourths majority on a bid waiver, so officials were left to come up with another way to get the Mottos approved as project managers.

Town Manager Michael Maniscalco had submitted a report to councilors prior to the meeting explaining he started looking into "the legality of a bid waiver" after discussion with multiple council members. That led him to discover the single-source provider exemption was the more appropriate option, he said.

"Through a legal review it has been determined that, as a result of the awarded bid, the town has created a single entity that can provide the [owners project manager] services for the town hall/police department at the Edgewater development," Maniscalco said.

After roughly 15 minutes of discussion during Tuesday's meeting that included several sarcastic comments from Hintz, councilor Pete Brown called him out for acting like a child.

"Bring it on, Pete," Hintz replied.

Brown, who said he felt sorry for the way the Mottos were being characterized throughout the discussion, added that he thought their proposal was "a great idea."

"It's never going to be the right time," Brown said. "Thirty years ago it wasn't the right time. Ten years ago it wasn't the right time. We have to pick a time. That's why we were elected: to make some decisions. The condition of the police department, the condition of the town hall – we've got to move beyond that. And this, to me, is the best opportunity to do that."

Melissa Engel also spoke in favor of the Mottos when she brushed off the conflict-of-interest concerns brought up by Hintz and Philhower.

"I don't think we have any less than 500 pairs of eyes that will be watching. So I'm not sure how [Steve Motto] could get away with doing anything underhanded or unscrupulous or, quite honestly, why would he want to," Engel said. "They live in town. They've made an investment there. What bad thing would they want to do with this development, which represents their property and represents the town of East

Hampton and has his name on it?"

Hintz and Philhower maintained during the meeting that the town mishandled the process from the beginning, when they issued a Request for Proposals that sought only a location for the municipal complex.

Philhower said there would likely have been a larger number of comparable options if the RFP had asked for both a location and someone to develop it. Maybe then some of the proposals would have come in with a fee lower than 4 percent, he added.

"I just hope no developers come forward and sue the town for the RFP not being sent out correctly," Philhower said. "You could be dealing with that."

Philhower, a heating and cooling contractor, does work for developers, including Wayne Rand.

According to an email obtained through a Freedom of Information request, Rand wrote a Feb. 21 letter to the council after the three sites he submitted for consideration were rejected by the council.

The properties were on 259 West High St., 195 West High St. and 3 Main St. Asking prices ranged from \$300,000 to \$725,000.

"I was under the impression from conversations with town officials that you were looking for land proposals only," Rand wrote. "I had no idea you were open to other types of proposals."

He said he has another site in mind that "could be a superior site for a police department, town hall and many other town buildings" that he will present "unless the town is not open to new proposals."

Town Council Chairwoman Patience Anderson responded the same day that the town has already voted on the site and is moving forward.

"The RFP we sent out was clear about what the Town was looking for. There was certainly plenty of leeway that would have allowed for a variety of options to present to the Town Council," Anderson wrote to Rand in the email. "We had an open process and provided opportunity for questions to be posed to the Town Manager should any have arisen. You were afforded equal opportunity to propose the land you had in mind."

\* \* \*

During the public comment period toward the end of Tuesday's meeting, resident Mary Ann Dostaler mentioned the post that had shown up

on Facebook after the vote to exempt the project manager position from the bidding process.

"I don't know if there's a council policy about having members at the table post to social media while you're at the table, but one member did tonight," Dostaler said.

"That'd be me," Hintz replied. Then he added that if Anderson can post on social media about town business, so can he.

Anderson's reply was terse: "I don't do it during a meeting, Mr. Hintz."

While she did not address the situation any further that evening, Anderson said Wednesday she was disgusted by Hintz's behavior.

"I think it's inappropriate," she said. "I think it's disrespect, not only to the council members at the table but to the residents that elected them. I expect every council member to come to a meeting prepared and to avoid any distractions, and I would expect them to participate in a courteous and respectful way – none of which occurred last night with regard to Mr. Hintz."

The council does not have a policy on the books regarding the use of social media by councilors, she explained, though she has ideas about how to change that.

It may be a good time to review council by-laws to see how such problems can be avoided in the future, according to Anderson.

"I don't think it's proper to gag any council member from using social media to express their opinions, but during a council meeting I think it's a violation of the oath you take as a council member," she said.

Hintz on Thursday stood by his Facebook post.

"Unfortunately, I don't subscribe to Twitter, or I would have tweeted, too," he said.

He also disputed Anderson's authority to criticize the use of social media.

"This coming from the person who runs town meetings via Facebook," he said. "She tells the public what's going to happen before we get to a Town Council meeting. There's no more blatant disrespect than having a council member find out what's happening in town via a Facebook page."

Hintz said he suggested the council look into a social media policy last year, but Anderson and the rest of the council weren't interested.

According to minutes from the April 26 Town Council meeting, "it was agreed that council members would use common sense when posting on social media."

## Marlborough School Board Approves 1.44 Percent Budget Increase

by Julianna Roche

The third time was the charm for the Board of Education, who unanimously approved Superintendent of Schools David Sklarz' proposal last week to reduce the budget increase to 1.44 percent for the 2017-18 fiscal year.

It marked the third reduction to his initially proposed 4.98 percent budget increase, which he presented in December.

The new proposal includes a \$74,840 reduction from the total budget, bringing the new total to \$7.33 million.

"We were already reducing the budget and this is just a good sign, a healthy sign that we received unanimous support from the board," Sklarz said this week, especially considering usually "not everyone agrees" on what should be eliminated.

According to the proposal, one 0.5 full time

equivalent (FTE) Spanish teacher will be eliminated, reducing the total budget by \$42,465. A total of \$7,375 worth of benefits and health insurance for the remaining 0.5 FTE Spanish teacher will also be reduced.

While Sklarz said the reduction means the school "won't be able to offer Spanish as much as possible" (with the goal of having Spanish for every student, every day of the week), he noted that having the same Spanish teacher from kindergarten through sixth grade will give students an opportunity to "develop a relationship" with them.

"We have to find areas that we can make reductions that have the least impact on children," Sklarz said, adding that reducing one 0.5 FTE Spanish teacher was something the board "felt

we could adjust to."

The proposal also includes reducing AHM Youth & Family Services by one day per week, which will save \$16,000, as well as a \$4,500 reduction to property service water fees and \$4,500 instructional supplies.

"None of us wanted to make any cuts.... anything we reduce is going to have an impact," Sklarz said, adding that the education board's goal is to make reductions that have "the least impact" and "greatest return."

"I always say we're not two Marlboroughs; we're one Marlborough," he continued. "And I think [the unanimously approved budget] showed that we believe it that we're all in this together."

Board of Education Chairwoman Ruth Kelly

agreed. She said this week she was "sure nobody on the board wanted to make the cuts we had to make," but added she was "very pleased" with the unanimous vote, especially "in view of what's happening in the state – it was inevitable we needed to hold the budget down." Last month, Gov. Dannel P. Malloy presented a proposed state budget that would slash the amount of state aid going to Marlborough and other area towns.

The next step, she continued, will be presenting the budget to the Board of Finance.

With the state aid situation the way it is, Kelly said, "The Board [of Finance] is in a terrible predicament. I would not want their job. ... [Crafting a budget] wasn't easy for us and it won't be easy for them."

# \$55.65 Million Budget Package Proposed for Colchester

by Julianna Roche

First Selectman Art Shilosky delivered the first presentation of his proposed budget for the 2017-18 fiscal year to the Board of Finance Wednesday night – a spending package totaling \$14,759,263, with a 2.57 percent increase or \$369,551 over current year spending.

Combined with the Board of Education's proposed budget package of \$40,886,805 – an increase of \$1,181,341, or 2.05 percent higher than the current year – Colchester is looking at an overall spending package of \$55,645,668 – a \$1,550,892 or 2.87 percent increase over the current year.

Shilosky's budget features a proposed mill rate of 32.19, up 1.28 mills from last year's 30.91. Taxpayers can determine their taxes by multiplying the mill rate by their total assessments. Because one mill is equal to \$1 in tax per \$1,000 of assessed property, under the proposed mill rate of 32.19, a resident with a home assessed at \$250,000 would pay \$8,048 in taxes.

However, Shilosky added that if Gov. Dannel P. Malloy's proposed budget changes are approved – last month, the governor proposed a new state budget that would cut more than \$2 million in state aid to Colchester, as well as saddle the town with a \$2.15 million payment toward teachers' pensions – the mill rate would bump up to 35.38, a drastic 14.46 percent increase from last year.

The town and school budgets are due to be voted on separately at referendum on Tuesday, May 2.

Public safety expenditures, which include police, fire and emergency management, saw the largest increase within the budget, with the overall category up by 7.12 percent or \$191,489. In terms of police services, Shilosky explained there will be an increase in the town's share of the resident state trooper from 85 percent to 100 percent as well as expected replacement of uniforms, officer gear, body armor, and Taser units. The fire marshal position, which is currently part-time, will also become a full-time position under the proposed changes.

"As many of you know, we had four fires last year [including] one fatality," Shilosky said, adding that the fire marshal's current workload of 25 hours "is stretching his time" and "we need him for 40."

Public works expenditures also saw an increase from \$3,377,938 to \$3,518,788, or 4.17 percent, with \$50,000 worth of additional funds set aside for road improvements and increased costs for hot patch. Shilosky said there will also be interior and exterior repairs done to the town garage, wash bay and salt shed. Additionally, the budget includes increased transfer station costs and materials for removal and transportation. Lastly, the facility manager position, which is currently a vacant part-time position, will be eliminated completely and services will instead be provided by outside contractors.

Community and human services, which is increasing 3.64 percent from \$1,566,434 to \$1,623,497, includes increased hours for a substance abuse counselor, which is a contracted service and increased costs for the Chatham Health District. Shilosky explained there would also be increased funding for books at Cragin Memorial Library and funding for a senior services' nutrition site supervisor.

Capital and transportation, Shilosky noted, includes many items in different phases of funding, which include matching funds for the replacement of Paper Mill Road Bridge, which is expected to be completed in two years.

Both general government and debt service were the two categories which saw decreases in the proposed spending package.

In general government, the town budget decreased by 3.51 percent from \$3,694,918 to \$3,565,382. Shilosky explained that reduced legal fees for union negotiations were the main contribution to the decrease; while he added that other highlights in the category include the addition of a part-time department clerk and an increase in funding for technology supplies and software licensing and maintenance.

"I would like to say the [Colchester IT de-

partment] is in the 21<sup>st</sup> century," Shilosky said, adding that at the moment, it was more likely in the "20<sup>th</sup> or 19<sup>th</sup> century" with "computers breaking down."

"We need to catch up," he added.

The debt service line also decreased by 2.75 percent from \$1,842,266 to \$1,791,666.

\* \* \*

The proposed 2017-18 education budget was also presented to the finance board Wednesday night by Superintendent of Schools Jeff Mathieu. The school budget, which was written about in depth in last week's *Rivereast*, comes in at \$40.89 million, a 2.05 percent increase over the current year's budget. The package includes funding for several items Mathieu had initially planned to cut, but the board wound up restoring last week, using \$367,900 in expected revenue from Norwich student tuition to offset part of the increase.

The budget proposal still includes some staff reductions, which he explained is a move that addresses decreasing student enrollment within the school district.

A total of 4.2 full time equivalent (FTE) positions will be cut, including three special education paraprofessionals from William J. Johnston Middle School (WJJMS) and one special education paraprofessional and .2 FTE math teacher from Bacon Academy.

However, Mathieu restored a ticketed-to-be-cut 0.6 FTE world language teacher and 0.4 FTE social studies teacher at Bacon Academy, and one FTE Scientific Based Research Interventionist English position from WJJMS.

Mathieu additionally restored two library media paraprofessional positions, one at Colchester Elementary School and the other at WJJMS, as well as one regular education paraprofessional position at Jack Jackter Intermediate School (JJIS). The vacant information technology position, which he originally planned to delay filling, will also be filled.

All athletic programs initially proposed to be cut were also reinstated – which include all

sports programs at WJJMS, as well as the freshmen basketball, freshmen soccer, indoor track, tennis, and golf programs at Bacon.

\* \* \*

While some residents questioned whether the Norwich tuition money was simply being used as "a slush fund," during the public discussion following the presentations of the budget, there was a strong show of support for the education budget increase by most – including resident Michael Hayes, who said the education board "went well and above the call of duty" establishing the budget and he supported the budget "100 percent."

Resident Shane Anderson, who stated he also worked as a teacher in another town, agreed – adding that "what disturbs me the most is we're bringing education down to dollars and cents, [but] it's not about the numbers in front of us; it should be about what we're doing for the kids in our town."

Among those in attendance were also several Bacon Academy students, including Jenna Pan who expressed support for the budget and stressed the importance of retaining teacher positions rather than cutting them.

"I don't think people realize how much [losing teachers] affects us," she said.

WJJMS school nurse Cindy Noniewicz agreed, adding she supports this budget and "going forward would like to see the Colchester public schools system grow."

Meanwhile, resident Christine Moody, another budget supporter, said she's "seen what [the school board has] gone through" and "it's not easy."

She added that cutting clubs or programs would be doing "a disservice to kids." She then mentioned previous school budgets that had cut even more than this one does, and added, "I get why people are going to magnet schools."

\* \* \*

The next public hearing regarding the town and education budget will take place on Monday, April 3, at 7 p.m. in Town Hall.

## Recommendations for Colchester Charter Revisions Submitted

by Julianna Roche

Following nearly one year of thorough revision, the Charter Review Commission (CRC) has finalized a draft of proposed changes to the town charter, which Chairman Gregg LePage said is now awaiting legal review by the town's attorneys before it will move to a public hearing this spring – "if all goes well."

"We've gone through the charter – I can't tell you how many times," he said, adding that the last time the charter was revised was in 2006.

The charter, which is the town's foundational document, outlines the roles and responsibilities of elected and appointed officials, and provides the framework for how government operates. While state statute requires towns to revisit their charters at least once every 10 years, LePage said towns have the option to review it every year.

Since last April, the commission has gone through the charter in depth and discussed potential changes or revisions, which are now included in their finalized draft proposal.

"A lot of things we've been looking at have to do with efficiency and trying to streamline across the charter," he said.

Once the proposed changes are reviewed by the town's attorneys, the CRC will set a date for a public hearing, which will "most likely" be at the end of April or early May, according to LePage.

"People can come and comment, and understand some of our recommendations," he con-

tinued, adding that if the proposed changes receive enough public support during the hearing, the Board of Selectmen will then have 45 days to "accept the recommendations as given to them or if they have any suggested changes [or] anything else they would like us to consider, they can bring it back to us."

LePage said the proposed changes, which consist of both major and smaller, technical revisions, will likely be broken down into six questions placed on the ballot for the 2017 municipal elections in November.

"We can make suggested proposed questions, [but] it's really the Board of Selectmen that makes the final decision," he added.

The questions, LePage continued, will likely include proposed changes such as turning the tax collector and town clerk positions from elected positions into appointed ones.

He explained that this would be beneficial because it would "widen the pool of candidates" to choose from. Currently, the town is limited to electing a Colchester resident.

If both roles were appointed positions, LePage added there could also be "set qualifications for the job... right now, as far as running for either one of those positions, there are no set qualifications."

Theoretically, he explained, someone could get elected to one of the positions and then spend two to three years of their term acquiring the training and certifications necessary for

the position.

The proposal also calls for establishing a consistent four-year term length, which would become a standard for any of the town's elected positions.

"We have elected boards and elected positions with terms of all different lengths," LePage said. "Some are two, some are four, [and] some are six."

If approved, the change would affect elected positions on both the Board of Finance and Board of Selectmen, which currently have a six-year and a two-year term length, respectively.

"If you have a new [first] selectman that comes on... by the time that person is fully functional, it's almost time to go through the election process again," LePage said, adding that "it seems to make more sense" to establish a consistent term length.

The CRC is also recommending eliminating the treasurer position, whose duties are "very redundant of the chief financial officer's" Lepage said in September.

Because the position is paid, the town would benefit from a small savings from the treasurer's annual salary of \$4,500 if the position was eliminated.

While those are among the bigger changes, LePage explained that smaller, more technical changes are also an important part of the revision process – which include for example, updating the thresholds for sending real estate

purchases and sales by the town, budget transfers and supplemental appropriations to town meetings.

For example, the threshold for real estate purchases and sales by the town would be upped from \$10,000 to 2 percent of the Board of Selectmen's total budget, excluding debt and capital.

"Below a certain dollar amount would [then] just require approval by the Board of Finance," LePage explained. "We are still playing around with the percentages, but the goal is to avoid town meetings for transfers and appropriations that are small dollars."

\* \* \*

LePage said the CRC hopes to have all charter changes finalized and submitted to the Board of Selectmen for review by June, at which point the commission will schedule two public forums and several informational sessions regarding the revisions to give residents an opportunity to ask questions and provide feedback.

The CRC strongly encourages members of the public to participate.

\* \* \*

The Charter Revision Commission's next meeting is Wednesday, March 8, at 7 p.m. in Town Hall. The commission holds meetings on the second and fourth Wednesdays of every month; the meetings are open to the public. For more information, email [charterreview@colchester.gov](mailto:charterreview@colchester.gov).

# Controversy Over Home Parking Area in Portland

by Elizabeth Regan

A gravel parking area in front of a well-maintained Main Street home has pitted one Portland man's concern for his disabled wife against neighborhood fears about declining property values, unsightliness and public safety.

The Zoning Board of Appeals voted last Thursday to deny an application by Richard and Cathy O'Keefe for a zoning variance to allow a 20-foot by 24-foot gravel parking area to remain in front of their house.

Zoning regulations prohibit parking in front yards and prevent homeowners from constructing parking areas there. Despite the local law, cars have long been seen parked in front of homes on Main Street, especially in the area between Arvid Road and Russell Avenue.

According to an audio recording of the meeting, Richard O'Keefe told members of the zoning appeals board he had the parking area installed last fall on his 484 Main St. property after securing a permit from the state Department of Transportation. He said staff in the local public works department advised him a state permit was all he needed.

The family purchased the home in July, according to assessor's records.

"My wife is handicapped, and that was the whole idea," he said. "I wanted to surprise her: 'Now you can park here. You don't have to go up and down stairs and go through that excruciating pain.'"

But the DOT is not the proper authority to issue a permit for anything other than the portion of the property on the state's right-of-way, according to Portland Zoning Enforcement Officer Dan Bourret. He said the request should have gone through the building department.

Bourret issued a Nov. 18 notice of violation and a Dec. 23 cease-and-desist order.

Richard and Cathy O'Keefe told zoning appeals board members they went through what they believed to be the correct process based on advice from town staff in the public works department and their interaction with the DOT.

The couple's application for a zoning variance states Cathy O'Keefe has been disabled since 2003 through "different injuries that have made it so that there are days when she is unable to get out of a chair, no less walk." They said she has a handicapped parking sticker from the state.

The couple also mentioned a daughter living

with them whose respiratory problems sometimes make it impossible for her to manage the stairs.

According to state statute and relevant case law, local zoning officials may grant variances when the applicants prove "exceptional difficulty or unusual hardship" outside of the property owner's control.

But numerous residents submitted written testimony and spoke before the Zoning Board of Appeals that the decision to purchase the home was well within the O'Keefe's control and that they should have known what they were getting into when they bought the two-story Cape Cod-style home last summer.

They also questioned why the parking area would be big enough for two cars if the concerns revolved around Cathy O'Keefe's disability.

Another concern repeated throughout the hearing was one of property values. A letter read into the record from Main Street residents Daniel and Jamelyn Davis said the issue is part of a far-reaching and longstanding problem on the thoroughfare.

"Over the years, there have [been] multiple efforts to improve the character of Main Street," the Davis' wrote. "There have been formal studies, grassroots efforts, improvement projects, etc. A common theme has always been the issue of cars and parking. The presence of vehicles in front of the homes has, time and again, been brought up as a deterrent to the attractiveness of the street and property values."

But according to state Commission on Human Rights and Opportunities attorney Michelle Dumas Keuler, zoning officials must look beyond local regulations and statutes pertaining to zoning appeals boards in order to meet the needs of those with disabilities.

Keuler said this week that the federal Fair Housing Act requires a municipality's policies, practices and services to reflect "reasonable accommodation" for disabled homeowners and tenants "so they can live as readily as anyone else who does not have a disability."

Keuler, who said she has been involved in a handful of such cases herself, said courts across the country have commonly upheld the federal "reasonable accommodation" requirements in situations involving parking areas for disabled

people.

"Just because the zoning officials say 'no' doesn't mean they're right," Keuler said.

Bourret's suggestion for reasonable accommodation was for the couple to install a "power lift chair" in their basement, which is accessible from their paved driveway.

"I thought that might be an accommodation to assist you in not going up stairs, but then not having parking in the front yard," Bourret told members of the Zoning Board of Appeals at the hearing.

High Street resident Bill Pollack agreed it's a matter of compromise between the family's needs and the town's best interest. He pointed to public safety issues that can emerge when people back out of front yard parking areas on Main Street, which can endanger both pedestrians and other drivers.

"A chair lift inside the house does not affect anybody else and gets over the hump of access," he said.

But Cathy O'Keefe didn't see it that way.

"I hope nothing ever happens to you," she told the board members and the public. "I never expected this to happen to me. You try to keep it together when things happen, and chair lifts or whatever are not the answer."

The O'Keefes, as well as their son, John, said the issue has raised harassment concerns. They cited a situation the previous evening during which two neighbors came out to take pictures of three cars parked in front of their home, including one that was blocking the sidewalk.

Richard O'Keefe said he was visited by the police the next morning based on a complaint about the car blocking the sidewalk.

Kitch Breen Czernicki, a Main Street resident and a selectman, stood up to identify herself to ZBA members as the one who called the police and her husband as the one who took the photos.

"We have been very upset about this. We live in a historic home. We live in a neighborhood that has number of historic homes. Your policy says that you can't have parking lots on your front lawn," she said. "I'm sorry for the O'Keefes' medical issues, but I will reiterate, they knew they had four vehicles when they bought the house; they knew they had a medical issue when they bought the house. They

chose to purchase the house. The ownership for what happens after that is theirs."

The effect of the ongoing parking area dispute on the O'Keefe's lives was further evident when they opened the *Rivereast* to see a letter to the editor several weeks ago, Cathy O'Keefe said. The letter suggested the request for a zoning variance might be based on "convenience" or "laziness."

Cathy O'Keefe bristled at the allegation.

"I just don't understand how you can deny a handicapped person from having a parking spot," she said. "Then I read in the paper they're saying 'lazy people.' You're calling a handicapped person a lazy person?"

Discussion by ZBA members was brief. Rose Aletta, who was elected chairwoman immediately preceding the public hearing, said the decision must be based on whether or not there is a "hardship" out of the homeowner's control and whether or not there is an alternative solution.

Aletta emphasized approving a zoning variance is a serious decision because it conveys with the deed. That means future owners of the property would be entitled to have a parking area in front of the house even if they don't need it and despite the fact that nobody else in town is allowed to have one.

ZBA member Kurt Peterson said he has public safety concerns based on traffic in and out of the parking area, while Michael Lastrina said he felt he still needed more information.

Ultimately, the vote on a motion to approve the variance application was 2-2, with Aletta and Lastrina voting for it and Peterson and Robert Casati voting against.

State law requires at least four affirmative votes to grant a variance.

According to Keuler, residents like the O'Keefes are entitled to file a federal Fair Housing complaint through the Commission on Human Rights and Opportunities if they feel they have been subject to discrimination based on disability.

Richard O'Keefe said Thursday that he will be retaining a lawyer in order to appeal the Zoning Board of Appeals decision. He will also be looking into filing a federal discrimination complaint through the Commission on Human Rights and Opportunities.

# Counterproposal Postpones Elmcrest Vote in Portland

by Elizabeth Regan

The Board of Selectmen's vote on a tax abatement agreement that will determine the fate of the former Elmcrest Hospital property was postponed Wednesday after an eleventh-hour counterproposal from the developer.

Property owner Fred Hassan stood up in front of the selectmen to present his chosen developer's counteroffer, which he said would be the last.

"What they asked for is what they have to have, or they're not going to do it," Hassan said.

Dan Bertram, whose Danbury-based BRT General Corporation teamed up with the Rochester NY-based DiMarco Group for the venture, has been adamant they need a tax abatement agreement in order to move forward with a \$30 million plan for 238 apartments and an 89,400 square foot neighborhood shopping center.

On the other side of the table, several selectmen used the same negotiation tactic when they called the town's offer a "take it or leave it" proposal.

According to First Selectwoman Susan Bransfield, the difference between the two offers is a total of \$485,000 over 14 years.

She indicated the benefits of the mixed-use development – both tangible and intangible – make up for the relatively small amount of money the town would lose by conceding to the developer's offer.

She said Bertram's mixed-use development would put an end to years of blight, help bring three historic homes to their former glory, and lead to improvements for the town's water and sewer infrastructure, roads and sidewalks. It would raise property values for homeowners and promote economic development on Main Street and Route 66, she added.

But selectmen who have been on record opposing a tax abatement, like Brian Flood and Ben Srb, argue it should not be up to the town

to offer a tax incentive for a property that the owners allowed to become blighted in the first place.

Srb said Wednesday that a state budget proposal from Gov. Dannel P. Malloy, which includes an unprecedented hit to funding for most local school districts, will be disastrous if implemented by the state legislature. Though it's uncertain how the state budget mess will ultimately shake out, he said it could lead to extensive teacher layoffs and much larger class sizes – the impact of which could be exacerbated by the new students the development would bring to town.

"I know you say more revenue is great," Srb told Hassan, "but if your costs exceed your revenue, that's not great."

Selectmen like Fred Knous and Michael Pelton disagreed, saying the impact of the small number of school children likely to live in a complex designed for millennials and empty nesters is negligible.

And for Hassan, Srb's argument about the state's bleak financial picture actually underscores the importance of the mixed-use development.

"If the state of Connecticut is cutting your budget, you'd think you would welcome a developer to come in and spend \$30 million-plus in your town and add tremendous amounts of money to the tax roll and help you balance your budget, rather than to turn him away and detract from the budget. You should be looking for development, not opposing it," Hassan told Srb.

But Srb said selectmen weren't "opposed" to a tax abatement agreement; instead, the issue is the "difference between what the town proposed and what BRT proposed."

That difference equates to \$34,650 per year, according to Bransfield.

Under the terms of the agreement put forth by the selectmen, Bertram would pay 15 percent of the property taxes on all new construction and improvements for the first two years. He would pay 20 percent the next two years, 30 percent in year five, 35 percent in year six and 40 percent in year seven.

According to an analysis by Finance Director Tom Robinson, the town would receive \$2.6 million in taxes if the selectmen's tax incentive agreement was ratified.

Bertram's last-minute and final offer would have the developer paying 15 percent of the property taxes on new construction and improvements for all seven years.

That plan would be worth \$2.1 million to the town, according to Robinson's figures.

The seven-year tax abatement agreement would go into effect on a rolling basis upon the completion of each new or renovated building on the site. Finance Director Tom Robinson has said the total duration of the tax incentive agreement would be about 14 years from the issuance of the first certificate of occupancy, based on the developer's two-phase construction schedule.

The selectmen last year rescinded one tax abatement application from Bertram and rejected a subsequent application. Both of those failed requests were for a seven-year tax deferral of 100 percent of property taxes on all new construction and improvements upon completion.

The recent round of negotiations began two months ago between Bransfield, Bertram and their legal counsel. Discussions evolved over the past several weeks to include the full Board of Selectmen and have yielded multiple proposals and counterproposals.

Hassan told selectmen Wednesday that Bertram's counter offer represents an increase of \$240,000 in the amount of taxes he would

be paying to the town. That's because Hassan, along with the heirs of the former Elmcrest Hospital owners and medical directors, agreed to reduce the sale price by the same amount so Bertram can put that money toward property taxes.

"The reason why we're doing that is because, in the spirit of what the doctors did over there with Elmcrest, I think they would prefer to see the project built as it is presently being proposed. We're willing to take a hit on that," Hassan explained.

If the parties cannot agree on a tax abatement agreement, Bertram has vowed to pursue a more adversarial option using the state's affordable housing statute. He has suggested two slightly different approaches, both of which include more than 400 apartments geared toward families. The case would likely end up in court, where presumptions are in favor of developers.

The remaining point of contention between the two offers involves the selectmen's insistence that 70 percent of the apartments in the mixed-use development have no more than one bedroom.

Under Bertram's proposal, 70 percent of the apartments in one building would be composed of one-bedroom units or studios. Units of that size would make up 60 percent of the other apartment building.

Selectmen were adamant about ensuring two-bedroom units account for no more than 30 percent of the units in either building.

Selectmen will meet in executive session Tuesday, March 7 at 5 p.m. at the town hall to get legal questions answered by the town attorney. There will be no action taken on the tax abatement that day, according to Bransfield. She said selectmen would schedule another meeting as early as Thursday for a vote.

# Everett Sentenced to 20 Months in Prison

by Geeta S. Sandberg

Former Hebron resident Elizabeth Everett was sentenced to 20 months in prison this week in relation to the 2014 death of RHAM Middle School teacher Dawn Mallory.

Everett, 52, was sentenced Tuesday following a trial that concluded in December, when she was found guilty of misconduct with a motor vehicle by criminal negligence and unsafe backing.

On the morning of March 14, 2014, Everett, who now resides in Wethersfield, struck Mallory, 65, of Groton, when she was backing up her sports utility vehicle in the middle school parking lot after dropping her son off at school. As a result of the accident Mallory suffered a skull fracture and bleeding in the brain; she passed away two weeks later, after her family removed her from life support.

Everett, who was found to have a blood-alcohol content of .07 following the accident (the legal limit for intoxication is .08), was also charged with – but found not guilty of – second-degree manslaughter with a motor vehicle, second-degree manslaughter due to recklessness with a motor vehicle, and operating a motor vehicle under the influence of alcohol.

During her trial, Judge James Graham explained in order to be found guilty of the manslaughter charges it had to have been proven that Mallory died as a result of Everett being intoxicated, and that “was not done.”

As for the charge of operating a motor vehicle under the influence of alcohol Graham explained under the subsection of the law which Everett was charged, blood-alcohol level should be submitted for testing only if the defendant requests it and “she did not.”

Graham added, however, that the evidence proved beyond a reasonable doubt Everett backed up her motor vehicle into Mallory, resulting in her death.

In addition, the charge of misconduct with a motor vehicle by criminal negligence was proven, Graham said, when Everett backed up from the school bus zone at a time when teachers and students would be present, “so she failed

to recognize a risk.”

The location – at the entrance to the school – as well as the time of day should have all caused Everett to act with caution, he said. At the same time, Graham explained “no person walking would expect a car to be backing up out of the bus zone.”

Although Everett was found guilty of the above charges in relation to the incident, the tragedy also shed light on issues with the traffic flow on campus and, following Mallory’s passing, the RHAM Board of Education hired an engineering firm to study traffic at the two schools and make suggestions for improvements; temporary changes were made in the aftermath, but several permanent recommendations were also brought before the board.

To finance those recommendations, a state grant was applied for – and recently approved – that Superintendent of Schools Bob Siminski said was expected to be around \$1.5 million.

On Thursday morning he was working with the school system’s director of maintenance on the specifications for an engineer so the district could go out to bid for services.

“Once we do that we hire the engineer then, really, the work of designing what that parking lot’s going to look like will take place,” he explained. “I would expect at some point in time there will also be some period of public comment. I’m hoping we’ll have an engineer by mid-April and can begin the process then.”

Speaking to Everett’s sentencing, Siminski added he hoped what would now follow is some closure.

“I’m just glad to put it all behind us,” he said. “There were a lot of people hurt in this whole process – a lot of victims – and I hope we can all heal.”

He concluded, “I don’t have any comment on the court’s decision because I wasn’t there, but I’m hoping we can learn, go forward and continue to support each other as a community.”

Following her 20 months in prison, Everett will then be on probation for another three years.

## Colchester Police News

2/14: Colchester Police said a Norwich Avenue resident reported that his shed had been broken into and three items were stolen sometime during the month of January, including a Remington RM2599 two-cycle powered pole saw (serial number: 1L175DY6418), a TrimmerPlus BC720 brush cutter attachment (serial number: 1E86DQ1025), and a Husqvarna 125B handheld leaf blower.

2/22: State Police said Melissa Perkins, 30, of 136 Slocum Rd., Hebron, was arrested and charged with violation of probation/conditional discharge.

2/23: State Police said Thomas M. Morgan, 63, of 187 Fitchville Rd., Bozrah, was arrested

and charged with failure to respond to an infraction.

2/24: State Police said Jason W. Couzelis, 44, of 144 Ellsworth Ave., Springfield, Mass. was arrested and charged with operating a motor vehicle under the influence of drugs/alcohol and failure to drive in the proper lane of a multiple-lane highway.

2/24: State Police said Alexander K. Lami, 27, 66 Pinebrook Rd., was arrested and charged with traveling at an unreasonable speed, reckless driving, operating a motor vehicle under the influence of drugs/alcohol, and failure to drive in the proper lane of a multiple-lane highway.

## Hebron Police News

2/25: State Police said Matthew Taylor, 20, of 8 Swan Way, East Haven, was arrested and charged with second-degree violation of condition of release.

## Andover Police News

2/26: State Police said Luiz A. Ojeda, 31, of 30 Bank St., Manchester, was arrested and charged with operating a motor vehicle under the influence of drugs/alcohol.

## Obituaries

### Hebron

#### John E. D'Amico

John E. D'Amico of Atlanta, Ga., formerly of Hebron, passed away peacefully Saturday, Feb. 18, after a courageous battle with cancer. He was born in Waterbury in 1952, son of Pasquale and Elizabeth (Broudeur) D'Amico. He graduated from Sacred Heart High School, Tufts University, UConn Law and NYU Masters in Tax Law.



He started his career with Reid & Riege in Hartford, where he was a partner in the real estate group for the majority of his 25 years there. He continued his career with ARCap in Dallas, Centerline Capital in New York City and Trimont Real Estate Advisors in Atlanta. He specialized in commercial real estate and was highly involved with the Commercial Real Estate Finance Council (CREFC).

His giving time included working with HARC for the developmentally-challenged, Gilead Congregational Church and Blue Ridge Community Theater. His passions included coaching soccer, gourmet cooking, music, scuba diving, playing rugby (ultimately becoming president of USA Rugby), UConn and Boston sports.

His faithful friendships spanned decades and miles. He was a devoted husband to Pam and a constant pillar of love and support for his children, community and sports teams.

In addition to his wife, he is survived by his children Katie and Ryan, Sarah and Caroline Jackson; and by his two brothers, Robert and Michael.

His son, Eric, predeceased him.

His family would like to thank the staff at Emory Hospital for their attentive care.

A celebration of life will be held Saturday, April 1, in Hebron, at Gilead Congregational Church.

In lieu of flowers, donations can be made in his memory to HARC at 900 Asylum Ave. in Hartford, CT 06105 or Gilead Congregational Church at 672 Gilead St. Hebron, CT 06248.

### Portland

#### Stella Boland

Stella Boland of Portland died at home Thursday, Feb. 2, in the presence of her family. She was 96. She was born Nov. 11, 1920, in Carbondale, Pa., the youngest of Martin and Antoinette Andrews's eight children. Though she lived in Stamford and Portland for over 60 years, she always loved Carbondale.



Stella met Floran Boland while she was in high school. Because he had to spend three and a half years in the Army during World War II, they delayed marriage until the war ended. But that marriage and the family they created were the center of her life.

Stella is survived by her three children, Maureen Cooper and her husband Johann of Portland, with whom she resided; son John and wife Susan of Pomfret; and son Floran Jr. and wife Ginny of West Hartford. She had 10 grandchildren, Cara, Brian, Jack, Jessica, and Daniel Boland, Vanessa Edouard, Micaela Maines, and Allison, Andrew, and Amelia Cooper. She also enjoyed the company of great-granddaughters Lila McPherson, Liana, Regan, and Stella Boland, and Evelyn Maines.

Stella outlived her husband, her parents, and all of her siblings. In addition to her direct descendants, she had twenty nieces and nephews, and many times that many great and great-greats. She kept good track of this complex family tree and followed the exploits of all who belonged to it.

We are grateful to Christie Deane for her ongoing care in the final months, and to Elizabeth Gillespie, RN, who gave many hours of her free time caring for Mom.

In lieu of flowers, donations may be made to the Portland Food Bank, 7 Waverly Pl., Portland, CT 06480.

### Marlborough

#### Russell A. Schwarzmann

Russell A. Schwarzmann, 85, of Marlborough, passed away peacefully Monday morning, Feb. 27, at Middlesex Hospital surrounded by the sound of his wife and daughters telling him that they loved him. Russ was born on February 24, 1932, in Tenafly, N.J., to George and Gladys Schwarzmann.



He graduated from Lafayette College in Pennsylvania and became a mechanical engineer. For 37 years, Russ worked at Pratt & Whitney Aircraft Company in East Hartford designing airplane engine parts (for which he was granted many patents), right up until the day he retired. He served our country as a United States Army Reservist and believed that everyone has a civic responsibility to vote and participate in our government and community in some way or another.

He lived what he believed: served on the Marlborough Board of Education, the Marlborough Planning Commission, volunteered on Election Day for many years, and was a member of the Christian Education Board at the Marlborough Congregational Church. He volunteered for years at the Marlborough Senior Center dining hall, offered his time to maintain the landscaping around the building, and will be terribly missed as the center's official bingo caller.

Russ could also often be seen at the Marlborough Town Cemetery pruning the trees, trimming the bushes or generally cleaning up the monuments and lawn in order to insure that it was always a beautiful and serene place. He was a member of the Ancient Free & Accepted Masons and believed that everyone, whenever possible, should give back to society. Russ loved animals and over the years had many dogs, cats, turtles, fish, and rabbits in the house and every day fed the backyard turkeys, fox, raccoons, deer, all birds (but especially hummingbirds), opossums and even the squirrels.

Russ married Violet Hassler June 21, 1958, after being introduced and set up by his mom, and after a short stint in East Hartford, lived in Marlborough for the last 57 years. He had the most fun when family was around and enjoyed doing lots of activities with his wife and children (most notably sleigh riding, gardening, camping and baking cookies).

Russ is survived by his wife of 58 years, Violet, and his six daughters: Valorie (Tom), Kathy, Lisa (Daniel), Kristin (Chuck), Karleen (Jeff) and Karen; eight grandchildren, Ashley (Andrew), Ryan, Carmen, Tommy, Alan, Petra, Seaghan and Quintin and a new great-grandson, Max; and many nieces and nephews. Russ is also survived by his sister, Josephine Haight, and was predeceased by both of his parents, his brother, Warren, and his favorite aunt Eleanor.

A private service will be held with the immediate family at Spencer Funeral Home in East Hampton and there will be an announcement for a memorial service at the convenience of the family once final arrangements have been made.

Memorial contributions may be made to The Roy B. Pettengill Ambulance Association Inc., P.O. Box 308, Marlborough, Connecticut 06447.

For online expressions of sympathy, visit [spencerfuneralhomeinc.com](http://spencerfuneralhomeinc.com).

### East Hampton

#### Carolyn Jane Sieber

Carolyn Jane Sieber, 87, of East Hampton, passed away peacefully at Middlesex Hospital in Middletown on Monday, Feb. 27. Born Feb. 12, 1930, in Brooklyn, N.Y., she was the daughter of the late Chauncey B. and Caroline M. (Schwebe) Fry. Carolyn had worked as an administrative assistant at Aetna Insurance for many years before her retirement.

She leaves to mourn her passing two daughters, Linda Newman of Eugene, Ore., and Laura Jane Wallington of Marlborough; two sons and their spouses, Gregory and Donna McMahon of Ashburnham, Mass., and Geoffrey and Maria McMahon of Astoria, N.Y.; five grandchildren; two great-grandchildren; four sisters, Elizabeth Simko of Maryland, Virginia Odell of New York, Wendy Hughes of Nevada and Cheryn Kwasnik of Danbury; and numerous extended family and friends.

In addition to her parents, she was predeceased by a sister, Pamela Johnson; two brothers, Ronnie and Karl Fry; and her son-in-law, Robert "Newt" Newman.

A memorial service was observed Wednesday, March 1, at the Aurora-McCarthy Funeral Home, 167 Old Hartford Rd., Colchester. Burial was private.

In lieu of flowers, donations in her memory may be made to the Fidelco Guide Dog Foundation, 103 Vision Way, Bloomfield, CT 06002 ([fidelco.org](http://fidelco.org)).

For online condolences, visit [auroramccarthyfuneralhome.com](http://auroramccarthyfuneralhome.com).

### Middlefield

#### Judith Slomkowski

Judith "Judy" (Marinan) Slomkowski, 77, of Middlefield, beloved wife of Walter Slomkowski, died Saturday, Feb. 25, at Apple Rehab Cocomo in Meriden surrounded by her family. She was born in Meriden, daughter of the late Lawrence and Esther (Vuolo) Marinan. Prior to her retirement, Judy was an insurance agent for Rice, Davis, Daley and Krenz Insurance Agency.

In addition to her devoted husband of 53 years, Judy is survived by her daughters, Lisa Grandy and husband John of Meriden, Sheri Sienkiewicz and husband Thomas of Portland, sisters, Barbara Schott (William), Carol Bundock (William), Patricia Randklev (Edward), grandchildren, Matthew, Daniel and Zachary Grandy and Beau and Carli Sienkiewicz as well as several nieces and nephews.

Judy enjoyed gardening, baking and Sunday dinners. Most of all she enjoyed spending time with family and friends.

Funeral services were held Wednesday, March 1, at Biega Funeral Home, 3 Silver St., Middletown. Burial was held at Middlefield Cemetery. Friends called at Biega Funeral Home Wednesday, prior to the service.

We would like to thank the staff at Apple Rehab for treating Mom with dignity and respect and for the excellent care during her stay.

To share memories or express condolences online, visit [biegafuneralhome.com](http://biegafuneralhome.com).

### East Hampton

#### David P. Drzewi

David P. Drzewi, 60, of East Hampton, passed away peacefully at his home Thursday, Feb. 23. Born Oct. 2, 1956, in Derby, he was the son of Chester and Cecelia Drzewi.



David was a graduate of Post College in Waterbury and had worked as an IT consultant for many years.

He is survived by his brothers Joseph Drzewi and wife Patricia, Stephen Drzewi; nephew Jonathan Drzewi and wife Melissa and their children Breanna and Brooklyn; niece Jacquelyn Dube and husband Jason Dube and their children Madison and Morgan; niece Jocelyn Leavitt and husband Marc Leavitt and their children Landon, Jackson and Austin; and his dear friends Colleen Costello and Ray Canney.

Please join us to celebrate his life Saturday, April 1, from 1-4 p.m., at the Branford Elks, 158 South Montowese St., Branford, CT 06405.

In lieu of flowers, donations can be made in memory of David to The Meriden Humane Society, 311 Murdock Ave., Meriden, CT 06450.

To leave online condolences, visit [spencerfuneralhomeinc.com](http://spencerfuneralhomeinc.com).