



# TOWN OF MIDDLEBURY

## Board of Selectmen

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*Ralph M. Besseth*  
TOWN CLERK

### MINUTES

Meeting of the Board of Selectmen  
Monday, May 15, 2023 – 4:00 p.m.  
Town Hall Conference Room

Start – 4:00 p.m.

End - 4:36 p.m.

#### **Present:**

Edward B. St. John, First Selectman  
Elaine Strobel, Selectman  
Robert Smith, Town Attorney  
Patrick Deely – Chief of Police  
Curtis Bosco – Zoning Enforcement Officer  
Patricia Kurze – Finance/HR  
Terry McAuliffe – Economic Development -  
Chairman  
Rita Smith – Library Board of Trustees –  
Chairman, PD – Commissioner, BOF-member

Marj Needham, Middlebury Bee Intelligencer  
Liana St. Germain, Recording Clerk

#### **Also Present:**

Jennifer Mahr  
Sally Dunne Romano

#### **Call to Order with Pledge of Allegiance**

The meeting was called to order by the First Selectman at 4:00 p.m. with the Pledge of Allegiance.

#### **Approval of May 1<sup>st</sup>, 2023 Meeting Minutes**

First Selectman Edward B. St. John MOTIONED to approve the May 1<sup>st</sup>, 2023 minutes SECONDED by Selectman Elaine Strobel. Unanimous approval.

#### **Tax Rebates**

Ronald R. DePinho - \$32.11  
Nissan Infiniti LT LLC - \$270.55  
Nissan Infiniti LT LLC - \$180.18  
Toyota Lease Trust - \$66.55  
Lorena B. Lopez Ortega - \$65.33

First Selectman St. John has requested these rebates take their usual course, SECONDED by Selectwoman Strobel. Unanimous approval.

#### **Resignation**

**Greenway Committee** – Cathy Yanik (full member) and Warren Fisher (alternate member).  
First Selectman St. John read a letter submitted from Cathy and Warren (see attached). First Selectman St. John Thanks them for their time on the Commission. Selectman Strobel MOTIONED to accept the resignations SECONDED by First Selectman St. John. Unanimous approval.

## Appointments

**Board of Selectmen** – First Selectman St. John notes Ralph Barra resigned under a month ago, to which he then read a letter from the Democratic Town Committee with a list of names for consideration. (see attachment) The letter was signed by Curtis Bosco, Committee Chairman, at which this time First Selectman St. John asked if he had anything to say. Chairman Bosco stated that we interviewed and held their meeting last week. The four candidates are qualified and fine people; they will represent this town well, whichever you choose. First Selectman St. John thanks Chairman Bosco for submitting the list of names and says this is according to our charter, which is the format we follow. First Selectman St. John opens the floor for nominations, Selectman Strobel MOTIONED to nominate J. Paul Vance of 59 Ridgewood Drive to replace the resignation of Ralph Barra, SECONDED by First Selectman St. John to serve the term until December 4, 2023. Unanimous approval.

First Selectman St. John stated that he would like to give a little background on J. Paul Vance and why he was chosen as the new Selectman. J. Paul comes to us with a wealth of experience. J. Paul Vance moved to Middlebury about three years and reached out to the Selectman's office with safety/security concerns that Ridgewood was dealing with early on. Between the First Selectman and the Chief of Police, they were able to resolve what best they could the issue at hand. J. Paul comes to us as a 43-year veteran of the Connecticut State Police, but he was also the voice of the Connecticut State Police for 18 years. J. Paul will be a tremendous help when it comes to school safety. J. Paul will also bring a wealth of information and experience dealing with some of the state's massive traffic issues. J. Paul Vance will be a shining star on our Board.

First Selectman St. John noted that we, as a town, believe we are immune from issues dealing with safety. Still, we have found that our community is free of any of this. As much as our police department does an excellent job of trying to prevent most of this, we can get out residents to keep their vehicles locked and their valuables out of sight would also be extremely helpful. We had an issue at Memorial Middle School, where it was confirmed that a gun was brought into school; this is still an ongoing investigation. J. Paul will be very helpful to this board and this community, especially when the public states that we need more police enforcement. First Selectman St. John states that the problem isn't local with our Police Departments. It's with the legislature. That hasn't recognized the issues with the laws of the State of Connecticut. They let these individuals out on the street within hours after committing these crimes. We need to change the laws in this state, and our legislator needs to get it done now, not later. Our law enforcement people's hands are tied.

## Discussion and Consideration

### **Memorial Resolution – Leavenworth P. Sperry Jr.**

Selectman Strobel MOTIONED to amend the Agenda to add the Memorial Resolution for Leavenworth P. Sperry Jr. SECONDED by First Selectman St. John. Unanimous approval.

First Selectman St. John reads the resolution aloud. (see attachment)

Selectman Strobel MOTIONED to accept the Memorial Resolution Leavenworth P. Sperry Jr. SECONDED by First Selectman St. John. Unanimous approval.

### Public Comments

Terry McAuliffe, chairman of our town's Economic Development Commission, states that last year a survey was conducted of the businesses in town, and they tried to do something about the recommendations that came in. Two recommendations came in, one beautifying our downtown area—the intersection of Route 63 at 64 down to four corners. Many business people and residents state that it just doesn't look good. Another one is that there is nothing to do in Middlebury, especially nothing fun to do in Middlebury. Chairman McAuliffe stated that we don't have a fair anymore to celebrate Middlebury, and we don't have concerts anymore. So, what can our Economic Development Commission do? We can try to motivate our other groups to step up and do it too. We are meeting with the Beautification Commission, the Greenway Committee, and the Park and Recreation Committee this Wednesday at 6:30 pm at the Shepardson Community Center. We will be going over a video of a meeting between me, Ridgefield's First Selectman, and the Economic Director because they, too, had a similar issue in their town with Beautification. First Selectman St. John states to Chairman Terry that getting volunteers to serve on our boards, committees, and commissions has been an ongoing issue. Chairman McAuliffe says that the Economic Development doesn't know what to do at this point; they can talk about it and promote it, but they don't have the funds to do anything, but it needs more energy. Marj Needham states that after the bicentennial celebration in town, a committee came together that sponsored concerts in town, they finally dissolved, unknown as to why, but they tried, but ended up unsuccessful. She believes it would be helpful if someone explored why their efforts failed because they had an enthusiastic group who wanted to bring concerts into town. Another issue is that our pollinators are declining rapidly, and if we don't have pollinators, we won't have our favorite foods to eat. What some towns are doing, Naugatuck being one of them is that they are creating pollinator pathways through town. I would love to see us create pollinator pathways in Middlebury, and it would be something that would be esthetically beautiful and help keep our pollinators going and which will help keep food on our tables.

Sally Romano states that, in general, getting people involved, especially with children whose parents are either involved with the school or just getting out for a meeting in the evening, isn't easy.

First Selectman St. John told Mr. McAuliffe that if he can organize a group for Beautification to celebrate Middlebury, he can go ahead and do it. First Selectman St. John reviewed the concert from last year. It was put together in just a few weeks' notice between himself, the Director of Parks and Recreation, and Betsy. They couldn't get the band or contact Power Station; they were occupied, and that was also done through private donations. We also didn't have much time to get the word out. We are adding a gazebo to our property here between Town Hall and Shepardson, and it was a gift to the town by one of our residents. That will create a nice gathering spot. Unfortunately, the gazebo cannot be put on The Green, and The Town does not own the Green. The Congregational Church holds the Green, and we have a 25-year lease which we maintain, but they have a say in what happens and what is installed.

Jennifer Mahr of 68 Abbott Farm Road, president of the Middlebury Small Town Alliance LLC, and I have several concerns on behalf of the alliance and town residence.

First, they would like to protest Police Chief Deely's comments in the May 13<sup>th</sup>, 2023, edition of the Republican American about the May 10<sup>th</sup>, 2023 Conservation Commission meeting. She has a recording of the meeting, including 2 minutes and 37 seconds from when the vote was taken through

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when the meeting was adjourned until she finally remembered to turn her recording off, the pandemonium claimed by the paper did not occur.

Second, the Police Chief's speculation that "escalating tensions that will clearly cross the line and enter into criminal behavior", that will not require him to have police presence at all town meetings going forward is threatening, unjustified, and inappropriate use of police power. No one was arrested at the May 10<sup>th</sup> meeting, meaning a crime did not occur. Please notice the use of the future tense, will clearly cross the line. You can't threaten a future arrest by claiming a past action almost broke the law, it did or it didn't. It appears the Chief was suggesting that Middlebury residents don't have a right to feel angry about the decision's town officials make on their behalf and is willing to use police presence to further intimidate residents from really expressing their personal views on matters in the public interest. Third the 6 members of the MSTA have never advocated for nor participated in anything "that will clearly cross the line and enter into criminal behavior", nor are we responsible for the actions of anyone not a member of the alliance.

Next, the Town of Middlebury is falsely claiming the Code of Ethics prevents town officials from expressing a private view on matters of public interest. This could not be further from the truth and to claim so is to use the Code of Ethics as a tool to suppress public decent. It is also illegal and a violation of civil rights. I suggest this board revisit its minutes from the February 6<sup>th</sup>, 2023 meeting where the First Selectman talked to EDC chairman Terry McAuliffe about how to handle FOI requests. The problem with this statement is that I have an email from this chairman describing a meeting between him, the First Selectman, and the town Attorney on January 24<sup>th</sup>, 2023 where he was told that the Middlebury Code of Ethics does not allow us to communicate unsolicited opinions to other boards under paragraph 10. I only sent my FOI request on January 26<sup>th</sup>, 2023, 2 days after this meeting took place, and it was acknowledged by the First Selectman's Executive Assistant at 2:09 pm. So, no one could have talked about the FOI request on January 24<sup>th</sup> because no such request existed yet. So, not only is the ethics code being used to stifle legitimate dissent against this project. The First Selectman is not telling the truth about how that incident went down either.

Lastly, the notion that the Conservation Commission has to approve an application if it meets Connecticut and Federal regulations is also false. Because application #490 requested the filling of wetlands, the Commission had the full authority to vote no. The Commission's obligation is to protect wetlands not worry about being sued by the developer. Therefore, today the MSTA begins the following petition campaign. We the undersigned call for the resignation of Edward St. John, Conservation Commissioner Chairman Paul Bowler, Conservation Commissioner George Tzezos, and Conservation Commissioner Curtis Bosco for the following reasons:

1. We have lost confidence in each person's ability to represent Middlebury citizens' wishes in matters affecting the entire town;
2. Middlebury's Code of Ethics has been improperly used to silence town officials' rights to express a personal opinion on an issue of great public interest;
3. The Town of Middlebury hired George Logan as an "independent" reviewer of Application #490 despite his previous work for the applicant (Drubner) on other Middlebury projects to ensure the project did not receive a rigorous or meaningful review;
4. The Town of Middlebury previously approved the development of residential projects adjacent to a Light Industrial Zone but now is inviting in a heavy industrial use that threatens the health, well-being, safety, and property values of Middlebury residents;
5. Chairman Paul Bowler was chronically absent from the many meetings held on Application #490 but appeared in time to vote for the project;

6. A minority (3 members) of the 7-member Conservation Commission approved Application #490 in what appeared to be a rushed vote when the full Commission was not present;
7. Commissioner George Tzepos and Chairman Paul Bowler admitted publicly that they were personally not in favor of the project but voted to approve so the town did not get sued; and
8. Commissioner Curtis Bosco justified his vote for the project based on what he personally wanted to see happen on the property as the Town's Zoning Enforcement Officer, in direct contradiction to the expressed wishes of Middlebury residents.

First Selectman St. John requested Mrs. Mahr to provide a copy of her statements which she stated she would email them.

Marj Needham stated that she was present at the Conservation Commission meeting on May 10<sup>th</sup>, 2023, and the statement that nothing was pandemonium during the meeting is true. Everyone was quiet and respectful, but I was horrified by the behavior of some of the people there. When I was walking around after the meeting Paul Bowler was trying to exit, and there was a man in his face shouting at him repeatedly using vulgar language, being nasty, asking where he lived, and stating he would never be re-elected again. However, he is in an appointed position, not an elected position. Many people were involved with vulgar language and intimidating behavior toward the commission members. These people are volunteers in this town, they are residents, they are our neighbors, they are serving on these committees, and to assault them verbally is unfair; nobody will ever serve on a board or commission if they're going to be called vulgar names. Please see the other side of this too because nothing happened during the meeting, but what happened during the meeting had me feeling like it was about to break into a mob situation, with people members of the commission. I think that's unacceptable behavior. I believe the Police Chief can speak for himself, but he was trying not to arrest anyone that night because he was trying to respect residents. He explained that if he arrested someone that night for Breach of Peace and they were taken to court, they would have a criminal record if they were found guilty, and he didn't want someone in this town to have a criminal record because of something that happened that night. Remember there are always 2 sides to every story.

First Selectman St. John stated that this was the first time in his long career in public safety he has ever the Chief of Police publicly ostracized for making a false statement. He takes this very seriously and hopes she can back it up. Mrs. Mahr states that she didn't say it was a false statement. First Selectman St. John requested she repeats what she said.

Mrs. Mahr repeated the Chief's speculation that "escalating tensions that will clearly cross the line and enter into criminal behavior", that will not require him to have a police presence at all town meetings going forward is threatening, unjustified, and inappropriate use of police power.

First Selectman St. John asked the Chief of Police if he had anything to say. This is a very emotional issue, and we are trying to allow everyone to express their opinions, but we want to do it safely. Chief Deely stated he showed Mrs. Mahr the statute that addresses the incident and that we can use our discretion in certain matters; because someone wasn't arrested doesn't mean a crime didn't occur. The gentleman who initiated the conversation with Commissioner Bowler stated all he wanted was to have a conversation with him; however, Joe Puzzo, right after having the same desire, communicated his side to that commissioner, and he did it in a manner that was acceptable in public. So, discretion was made that evening. No one needs a criminal record, and please check your emotions.

**Executive Session**

None

**Adjournment**

First Selectman Edward St. John MOTIONED to ADJOURN the meeting at 4:36 p.m.; SECONDED by Selectman Elaine Strobel. Unanimous approval.

The next meeting is slated for Monday, June 5, 2023, at 4:00 p.m.

These minutes are submitted subject to approval.

Respectfully Submitted,

*Liana St. Germain*

Recording Clerk



## TOWN OF MIDDLEBURY

### *Board of Selectmen*

A MEMORIAL RESOLUTION HONORING  
Leavenworth P. Sperry Jr.

**WHEREAS;** Leavenworth “Lem” P. Sperry Jr. was a well-respected businessman, community leader, and philanthropist.

**WHEREAS;** he was the president of the Middlebury Land Trust for over 25 years. He led the efforts to acquire nearly 2000 acres of open space for the benefit of the community.

**WHEREAS;** he was a tireless and outspoken advocate for the protection of the environment, having received Connecticut’s highest honor for Conservation work.

**WHEREAS;** he was also recognized as Middlebury’s last surviving World War II Veteran in 2022.

**FURTHER RESOLVED** that the Middlebury Board of Selectman:

1. Recognized the significant contributions of Lem Sperry over the course of his lifetime and mourns his passing.
2. Extends its sincerest condolences to his friends and family.
3. That he shall be forever remembered as a friend of all Middlebury residents.

**IN WITNESS WHEREOF:** The undersigned has executed this certificate this 15 day of May 2023.

Edward B. St. John





Middlebury Democratic Town Committee

P.O. Box 355

Middlebury, CT 06762



May 9, 2023

To: The Honorable Board of Selectmen,

The Middlebury Democratic Town Committee, at a meeting held on May 9, 2023, compiled a list of qualified candidates to fill the unexpired term of Selectman, Ralph J. Barra.

We are honored and pleased to present the following names for consideration in no particular order or preference:

Bryan A. Ferrucci, 436 Regan Road

J. Paul Vance, 59 Ridgewood Drive

Michael J. McCormack, 273 South Street

Sally Dunne Romano, 1 Brookside Drive

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. B.' with a stylized flourish.

Curtis Bosco

Town Chairman

