

8/10/2020

First Selectman Smith,

On 6/3/2020, I submitted a letter of correspondence to the Board of Selectmen regarding a Freedom of Information Act (FOIA) complaint I filed against the Clerk of the Planning and Zoning Commission.

Due to COVID-19, I indirectly know you have been busy trying to get the Town of Beacon Falls up and running as all local governments have been doing.

You will find a copy of my correspondence following this letter with hopes you are able to address it this evening at the Board of Selectmen meeting, perhaps as a new item on the agenda.

Kind regards and please keep safe.

Shawn Styfco

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6/3/2020

First Selectman Smith,

As a follow up to the Freedom of Information Act (FOIA) complaint I filed in February against the Clerk of the Planning and Zoning Commission, I'd like to extend a thank you for the action taken.

Unfortunately, due to COVID-19, this FOIA complaint took longer than normal to be investigated and resolved. While I am no longer a Beacon Falls resident, the allegations in my FOIA complaint were proven to be true and took place while I was a resident.

While these efforts were well appreciated, I still have some concerns.

I am going to layout several recent instances where P&Z Chairman McDuffie failed the residents of Beacon Falls by failing to uphold his duties as P&Z Chairman. At this time, I am asking you and the Board of Selectmen to investigate the Beacon Falls Planning and Zoning Commission further and seek legal counsel for an opinion if necessary.

From my understanding:

- P&Z Chairman McDuffie oversees the operation of the P&Z Commission
- Former P&Z Clerk Fernandes reported directly to P&Z Chairman McDuffie

#### **FOLLOW UP TO THE FOIA COMPLAINT**

Minutes not being submitted by former Clerk Fernandes within the timeframe designated in the FOIA statute are also the responsibility of Chairman McDuffie since it is his job to oversee the Clerk's actions and give her direction when necessary. It is clear that McDuffie failed to oversee the actions of the former Clerk, which was proven true.

#### **PUBLIC HEARING 2/27/2020**

A Public Hearing about the indoor shooting range took place on 2/27/2020. This meeting was voided due to the legal notice not being published and or not submitted to the newspaper as shown in the voided meeting minutes: ([https://www.beaconfalls-ct.org/sites/beaconfallsct/files/minutes/20200227\\_pz\\_public\\_hearing\\_meeting\\_mins.pdf](https://www.beaconfalls-ct.org/sites/beaconfallsct/files/minutes/20200227_pz_public_hearing_meeting_mins.pdf)).

As you may know, there is a legal requirement about publicizing public hearings:

*Notice of the hearing must be published at least twice in a newspaper. The notices must be at least three days apart, with the first one published between 10 and 15 days before the hearing and the second one published at least two days before the hearing (CGS § 7-163e(a))*

- Did Chairman McDuffie know the legal notice was not published and or not submitted to the newspaper?
- Is there proof of payment to the newspaper from the Town of Beacon Falls for this legal notice?
- Was former Clerk Fernandes paid for taking minutes for a public hearing that was voided due to her own negligence if it was not submitted to the newspaper?

As Chairman, McDuffie should have done his due diligence and checked to see if a legal notice was published per legal guidelines. McDuffie also wasted the applicant's money since their Attorney was

present. Additionally, McDuffie also wasted taxpayer money and time of all parties involved. How is Beacon Falls expected to add new businesses when the simplest tasks could not be completed?

### **P&Z CLERK BEING INVOLVED IN MEETING 11/21/2019**

I was present at the Planning and Zoning meeting on 11/21/2019 where I witnessed former Clerk Fernandes voluntarily recite ordinances and speak as if she was a Commissioner on P&Z. I called a Point of Order since I found this behavior unacceptable and I was told by Chairman McDuffie that I was “Out of Order”. From my understanding, the Clerk’s job is to take minutes, clarify previous minutes and see that Roberts Rule of Order is followed. I understand that former Clerk Fernandes has a history of speaking as if she is a member of the Commission and Chairman McDuffie has never stopped her from doing so.

[https://www.beaconfalls-ct.org/sites/beaconfallsct/files/minutes/20191121\\_pz\\_monthly\\_mtg\\_minutes\\_.pdf](https://www.beaconfalls-ct.org/sites/beaconfallsct/files/minutes/20191121_pz_monthly_mtg_minutes_.pdf)

As P&Z Chairman, McDuffie should know the role of a clerk at a meeting and know what they’re not supposed to do. However, if he doesn’t, that also poses a problem.

### **TRAINING**

The Beacon Falls Planning and Zoning Ordinance states:

*“All members of the Planning and Zoning Commission are required to attend at least one (1) training per year, specific to the Planning and Zoning Commission. This training will provide useful information needed to make decisions in the best interests of the Town of Beacon Falls. Failure to attend such training and provide documentation of the attendance will be cause for removal from the Commission by the Board of Selectmen.”*

Does documentation exist of what trainings each commissioner attended while McDuffie has been Chairman of P&Z? While some trainings may have a cost (like one I attended when I served on Inlands/Wetlands), the Town would have a record of the payment.

### **REAL ESTATE LICENSE PERCEPTION**

Tiverton is a development on Fairfield Place where P&Z heard from the public and eventually approved the project to move forward. The Real Estate agent used to sell properties on the Tiverton Development was Realty 2000.

Chairman McDuffie holds a Real Estate License in Connecticut. On May 21, 2019, McDuffie changed the sponsoring broker for his Real Estate license from JWB Realty, LLC to Preferred Referrals, LLC. Preferred Referrals, LLC is owned by the same individual/entity who owns Realty 2000. Whether or not there was ill intent, this opens up a perception issue for Chairman McDuffie. All of a sudden, the broker holding McDuffie's Real Estate license also is selling properties for a development which the Commission McDuffie oversees, approved – interesting timing.

Real Estate agents also make money from referrals. This money is not publicly reported since the referring agent did not make the sale, they only made a referral.

These are only a few things I noticed in the short time while I was involved in Beacon Falls, how many other actions went overlooked prior?

For the 15 years McDuffie served for the Housing Authority of Ansonia and 16 years he served on Planning and Zoning for Beacon Falls. There is only one answer, McDuffie should know better.

Beacon Falls can do better than this and I'm suggesting P&Z Chairman Kevin McDuffie be immediately removed from Planning and Zoning and replaced with a person who knows the rules, knows the ordinances and someone who will have the best interest of Beacon Falls.

Sincerely,

Shawn Styfco

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