

Town of Ashford

Established 1714

REGULAR SELECTMEN'S MEETING

TUESDAY, MAY 9, 2023 at 9:00 A.M.

ASHFORD TOWN OFFICES

To be held in person and via ZOOM

MINUTES

1. Call to order at 9:05 a.m.
2. Members present: Falletti, Phillips, Silver-Smith
Guests: Matthew Grous, Daniel (?), Melissa McDonough
3. Hear from the public: Matthew Grous addressed the BOS regarding an email mail communication to them dated 5/9/2023, regarding the Ashford Citizen publication and Westford Congregational Church. Materials received from Mr. Grous are attached to these minutes.
4. First Selectman's briefing
 - Falletti announced the results of the 2023-2024 budget referendum and noted the low voter turnout. The BOS briefly discussed how best to encourage Ashford tax payers to turn out to vote.
 - Southworth Drive repaving project is 99% complete
 - The next project on DPW's schedule is grading and drainage on Campert Drive
 - The replacement generator for Ashford School has been ordered. Citing supply holdups, delivery is forecast for December of 2023. This First Selectman is attempting to expedite the delivery date.
 - The Ashford School fuel tank replacement project is on schedule with delivery of the tank expected on 6/16/2023
 - The Ashford School Building Committee met last week to review the RFP for architectural services. They plan to meet this week finalize their recommendation to the BOS.
 - The Senior Center will hold a health clinic on Saturday, May 13, 2023
5. Acceptance of the minutes of Regular Meetings of 4/25/2023. Approval of these minutes will be carried on the May 15, 2023 agenda
6. Hear from Boards, Commissions, Committees
 - Silver-Smith reported that the members of the Ashford Cemetery Committee are planning several walk-throughs to evaluate conditions prior to making recommendations
7. Old Business
 - A. Status of after school childcare program as proposed by the Recreation Commission: Falletti reported that he and the Ashford School Superintendent are continuing to discuss this program. Falletti reported that David Roston has drafted job childcare program job descriptions for review
8. New Business
 - A. Discussion regarding renter's rights: Melissa provided an overview of her efforts aimed at educating renters on their legal rights and various avenues available for the lodging of complaints. Falletti reported that EHHD has reported that many of the complaints regarding the apartment conditions have been resolved and that weekly meetings involving the Building Department, EHHD and Town Counsel are being held. The BOS and McDonough briefly discussed formation of a multi-town Fair Rent Commission. State regulations regarding payment of rents to the court while complaints are unresolved. Town Counsel has been asked to prepare procedures for establishment of Fair Rent Commissions.

- B. Discuss and/or act upon Transfer Station upgrades: The BOS discussed proposed facility upgrades and methods to enable more cost effective use of the facility. Silver-Smith moved that the First Selectman be authorized to order a new, 4' x 6' Guardian booth for installation at the Transfer Station at a cost not to exceed \$12,000 and that funding for this purchase be taken from NIPS revenue as collected by the Town of Ashford in accordance with PA 21-58. Phillips seconded the motion which passed unanimously. It is anticipated that paving of the roadway extension will be completed by the middle of June. The BOS also discussed involvement of the Transfer Station Committee and viable methods to distribute new stickers and supporting material that traditionally has been mailed with new stickers.
- C. Silver-Smith moved addition to the agenda of approval of a tax refund. Phillips seconded the motion which passed unanimously. Phillips moved approval of a tax refund to Nicholas Merisotis in the amount of \$1,594.78 citing CGS 12-129, Silver-Smith seconded the motion which passed unanimously.
- D. Silver-Smith moved addition to the agenda of discussion regarding the Ashford Citizen. Phillips seconded the motion which passed unanimously. Following discussion, Silver-Smith moved that the First Selectman be authorized to purchase hardware and software necessary for preparation of the Ashford Citizen in an amount not to exceed \$2,000. Phillips seconded the motion which passed unanimously. The BOS will discuss drafting a document that establish policies and procedures relating to production and content at their 5/15/2023 regular meeting.
- E. Agenda items for upcoming BOS meetings
- F. Adjournment at 10:17 a.m.

Town of Ashford
Board of Selectmen
Regular Meeting
Tuesday, May 9, 2023, 9:00 a.m.

Join Zoom Meeting
<https://us02web.zoom.us/j/84126699769?pwd=V0VYZzljdWRpSzdjUzVhejdQUXBKQT09>

Meeting ID: 841 2669 9769
Passcode: 06278

Dial by your location
+1 646 931 3860 US
+1 305 224 1968 US
+1 309 205 3325 US
Meeting ID: 841 2669 9769
Passcode: 06278

Find your local number: <https://us02web.zoom.us/j/84126699769?pwd=V0VYZzljdWRpSzdjUzVhejdQUXBKQT09>

Christine Abikoff

From: William Falletti
Sent: Tuesday, May 9, 2023 10:32 AM
To: Roger Phillips; Cathryn Silver-Smith
Cc: Christine Abikoff
Subject: FW: A Request
Attachments: Clerk Letter.pdf; Letter to Town re Westford Cong Church 2-14-2023.pdf

fyi.....

Thank you,
Bill

From: Matthew Grous <pastormatthewwcc@gmail.com>
Sent: Tuesday, May 9, 2023 8:55 AM
To: William Falletti <wfalletti@ashfordtownhall.org>
Subject: A Request

Members of the Board of Selectman:

My name is Matthew Grous. I am the Pastor of Westford Congregational Church in Ashford.

I have recently been made aware that the Town Clerk has resigned her position as editor of the Ashford Citizen. I was shocked to read her letter of resignation, in which she accuses a local church of "threatening her and Mr Falletti with legal action unless their letters of religious testimony (posed as advertisements) were published." She also characterized the attempt to advertise the church with a letter to the Ashford Community as a "direct and hostile challenge to our rather old fashioned and naive little newsletter." A copy of the Clerk's email is attached.

Westford Congregational Church submitted several letters for publication in the Ashford Citizen, the first of which was published without incident in the January 2023 issue. The letters were intended as an advertising campaign, to open a dialogue with the people of Ashford, introducing the church and it's new Pastor to them and inviting their attendance.

Our second submission was denied publication. On January 24th, the town Clerk sent an email indicating that she had consulted with the town attorney regarding the content of WCC's letter and that it did not fit the criteria. WCC requested a copy of the official guidelines for submission to the Citizen. Upon receipt of those guidelines it became very clear to us that our submission did in fact fit them and that the "Criteria" referenced in the Clerk's email must be something outside the published guidelines.

After repeated attempts to resolve this misunderstanding via text, email, phone and face to face conversations, on February 10th, WCC consulted with Attorney David Bodanza regarding the legal precedents of the matter. On February 14th, Attorney Bodanza sent a letter to Mr. Falletti and the town Clerk outlining those precedents, and politely asking the town to change it's position and print our advertisements. There was no threat of litigation, nor was the tone of the letter threatening. A copy of that letter is attached.

The Clerk's accusations and her characterization of my churches actions and intentions are entirely false and slanderous. I am requesting a formal and public apology from the Town Clerk for these careless statements which besmirch my church's reputation and misrepresent our character and intentions.

The escalation of this unfortunate misunderstanding to this level has caused me to reflect on the current social climate of our town. Freedom of Speech is a cornerstone of our American Society. The idea that any public official would be allowed to censure content or discriminate based on the viewpoint of a paid advertisement in a town publication is disturbing. Also disturbing is the fact that, to date, there has not been an official response to Attorney Bodanza's letter after more than 3 months.

Though some of the citizens of Ashford may be old fashioned (myself included), I do not believe that many are naive. Though we do not always agree with the opinions or beliefs of others, we are civil and tolerant of one another and are able to read the viewpoints of others without being threatened by them. There are indeed certain mentalities in this town that we would do well to pay attention to, lest we sacrifice our freedoms on the altar of the offended.

Respectfully Yours,

Matthew Grous, Pastor, Westford Congregational Church

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LAW OFFICES
BODANZA & BODANZA
36 SCHOOL STREET
LEOMINSTER, MASSACHUSETTS 01453

MARK C. BODANZA
DAVID P. BODANZA*
AMANDA M. MASTALERZ
*ALSO ADMITTED IN NH

TELEPHONE
(978) 840-0500
FAX
(978) 840-1222

Via Email

February 14, 2023

Mr. William Falletti
wfalletti@ashfordtownhall.org
Ms. Sherri Mutch
smutch@ashfordtownhall.org

Town of Ashford
Ashford Municipal Offices
5 Town Hall Road
Ashford, CT 06278

RE: Westford Congregational Church

Dear Mr. Falletti & Ms. Mutch:

Please be advised that this office is writing on behalf of the Westford Congregational Church. It has come to my attention that recent ad submissions by the church to the *Ashford Citizen* newspaper have been rejected based upon their content. Since the content of the letters is religious, it stands to reason that the town has deemed religious content inappropriate.

The ad submission fits within the Town guidelines. The letters are an advertising campaign which contain a positive, spiritual message making the reader aware of the church's existence and its open door. Using the format of a letter opens a conversation with the town in order to make connection with the citizens of Ashford and pique their interest.

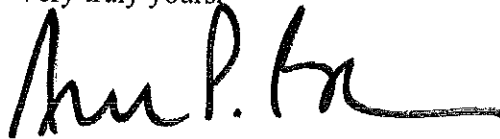
The First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others. *Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 113 S. Ct. 2141, 124 L. Ed. 2d 352 (1993). A town newspaper for citizen use is public forum and thus any regulation that regulates based on the *content* of the speech must satisfy strict scrutiny. There does not appear to be any compelling government interest here. The Establishment Clause is no warrant for violating the Free Exercise Clause. The same is blatantly unconstitutional. Even assuming the newspaper is somehow a designated or limited public forum, the town's position still discriminates based on content and still must satisfy strict scrutiny.

Viewpoint discrimination is “an egregious form of content discrimination.” *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). It exists when one viewpoint on a topic is permitted, while another viewpoint is forbidden. See *DeBoer v. Vill. of Oak Park*, 267 F.3d 558, 571 (7th Cir. 2001) (“[T]he government engages in viewpoint discrimination when it denies access to a speaker solely to suppress the point of view he espouses on an otherwise includible subject.”). Therefore, “[t]he government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Rosenberger*, 515 U.S. at 829.

Hopefully, the town will quickly understand that this policy is facially unconstitutional and will approve my client’s submitted ad for publication *for this week*.

Thank you in advance for your cooperation and courtesy. The favor of a prompt reply is requested.

Very truly yours,

A handwritten signature in black ink, appearing to read "David P. Bodanza". The signature is fluid and cursive, with a long horizontal stroke at the end.

DAVID P. BODANZA, ESQUIRE

DPB/tab
cc: client