

Bernard Dennler

From: Bernard Dennler
Sent: Monday, December 11, 2023 7:41 PM
To: Michael Dubreuil; John Thomas; Tim Vaillancourt; Mike Egan; Mike Hayes; Scott Chapman; Karen Belding
Subject: Re: Correspondence for December 13th

Mr. Dubreuil,

I strongly disagree with the interpretation you have laid out. The section of the Charter you highlight concerns "supplemental appropriations" -i.e. appropriations not within the budget. The funds in CIP were already designated via the budget process for future use toward SCBA specifically. These funds are budgeted and are not a supplemental appropriation.

Furthermore, the Volunteer Fire Company's offer to fund a portion of this purchase is not comparable to the donation of the Bendas Estate received by the Town. In the case of the Senior Center funds, the Town received funds from the Bendas Estate designated for Senior Center use but not for a specific purpose. In the Fire Dept's case, the potential SCBA funds remain in the possession of the Volunteer Fire Company which is a separate and distinct entity. The Town does not have the ability to appropriate these funds - because the funds do not belong to and were not received by the Town. The Town cannot appropriate someone else's money.

The only supplemental appropriation required to fund the purchase is the \$242,359 requested by the Board of Selectmen.

Thank you,
Bernie Dennler
First Selectman

From: Michael Dubreuil <dubreuil@gmail.com>
Sent: Monday, December 11, 2023 7:18:09 PM
To: John Thomas <jthomas@colchesterct.gov>; Tim Vaillancourt <tVaillancourt@ColchesterCT.gov>; Mike Egan <megan@colchesterct.gov>; Mike Hayes <mhayes@colchesterct.gov>; Scott Chapman <schapman@colchesterct.gov>; Karen Belding <kbelding@colchesterct.gov>
Cc: Bernard Dennler <BDennler@colchesterct.gov>
Subject: Correspondence for December 13th

Hello Board of Finance members,

I am providing correspondence with respect to the agenda item, "Discuss and act on recommendation by BOS to appropriate \$242,359 from the unassigned fund balance for the purchase of replacement SCBA for the Fire Department."

I think we can all agree that we support the Fire Department and we're extremely grateful for their contribution to our community. They should have the equipment they need to perform their job safely and they have the support of the community. However, I would recommend the Board of Finance take no action on the recommendation from the Board of Selectmen for the SCBA equipment. I will provide the reasons for this below.

First and foremost, do not believe for a moment that approving this request makes you virtuous for supporting a safety need for the Fire Department. What you would be doing is violating the town charter.

If this were an "immediate public safety" need, the First Selectman should simply authorize the appropriation without

Board of Selectmen or Board of Finance involvement in accordance with the town charter, Item A of "C-1111a. Supplemental Appropriations". Since the First Selectman hasn't taken this action, this must not be an immediate need and you must procedurally follow the charter.

The first misunderstanding that needs to be cleared up is the total appropriation. The total appropriation for the SCBA equipment is \$466,359 as indicated in the Board of Selectmen's 12/7/2023 agenda packet. To fund this appropriation, the Board of Selectmen recommends using a \$150,000 donation from the Colchester Volunteer Fire Company, \$92,000 from the Fire Department's "CIP SCBA Replacement" budget, and as stated on the agenda \$242,359 from the unassigned fund balance.

The issue of whether an appropriation can be split up among fund sources to avoid the charter has already been decided. It was a factor in the senior center building lawsuit and we have legal advice from the town's bonding attorney, Glenn Rybacki. In the attached email he writes, "As a general rule, an appropriation should be able to stand on its own and not be split up based on dollar amounts to avoid procedural thresholds."

So the question is, what is the procedural threshold? As indicated in the charter, C-1111a. Supplemental Appropriations: an appropriation less than 2% of the town budget can be approved by the Board of Finance, 2% to 3% needs a town meeting, and greater than 3% requires a referendum. There is language that these percentages are not applicable for grants and matching funds; however, as with the senior center building, this would not be applicable in this circumstance.

The math for the 2% and 3% of the town budget is actually a bit tricky because in accordance with the charter the town budget calculation excludes "debt service and capital expenditures". Each year, these percentages should be posted to the town website; with their absence I'll make an effort at getting close to the correct value. The 2023 to 2024 town budget is \$15,660,140 of which \$2,075,164 is debt service. Therefore, you are taking a percentage of \$13,584,976. Two percent is \$271,700 and three percent is \$407,549.

The total appropriation for the Fire Departments SCBA replacement is \$466,359. Therefore, this appropriation is greater than 3% (\$407,549) and procedurally requires a referendum. I think we can all agree this referendum is likely to pass; however, we must follow the procedures in the charter.

This is important because this means that if we were following the charter logistically this couldn't happen this year. Executing this appropriation quickly was an important factor at the Board of Selectmen because prices for this equipment were expected to rise next year. Unfortunately, that can't happen unless the First Selectman chooses to use his power outside of board approval.

This procurement delay does provide the opportunity to pursue grants. A grant may allow the town to save \$316k and the Volunteer Fire Company to save \$150k. A grant would also be consistent with the First Selectman's campaign promise of pursuing grant money to improve the town.

I would like to make a quick comment about the current equipment. The current equipment was procured in 2019 and has significant life left to it. This equipment is expected to last significantly longer and it even has a maintenance contract. It's so new that when the Fire Department looked at using a FEMA grant to procure new equipment they found they didn't qualify for the grant because the equipment they were trying to replace was too new. Therefore there should be no concern about using unsafe, out-dated equipment. The First Selectman just needs to find a different grant.

In summary, I would recommend the Board of Finance take no action and advise the First Selectman to procure the equipment as an immediate public safety need or to obtain a grant. If the Board of Finance wants to procure this equipment and follow the charter, you would take no action and advise the Board of Selectmen to call for a Special Budget Referendum. The worst action the Board of Finance could take is to violate the charter and approve the appropriation.

I do hope the Fire Department receives the equipment they deserve; however I can not support violating the charter.

Sincerely,
Michael Dubreuil
Woodbine Road

PS: Please forward to Karen and Scott if I have guessed their town emails incorrectly.

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