

First Selectman

From: Smith, Joshua <joshua.smith@zeiss.com>
Sent: Thursday, June 1, 2023 7:26 AM
To: First Selectman
Cc: Franchesca Brown
Subject: Town Meeting. Article 1105

I was ready to send the budgets to referendum last night, and hear from the people. I agree with Ritter's interpretation of the law, we should not have been able to outright reject the budget. According to the note in Ritters interpretation if we vote no (done) then we must have a second vote for each budget, which we did not do. That second vote being how much do we want to reduce it by.

We have to continue Friday because Article 1105, Section C, point 3 & 4 have not been addressed. A motion still needs made by how much these budgets are being reduced. One could make a motion for a 0% reduction, and upon completion of that vote, the budgets still go to referendum with no changes.
(worst case someone actually presents a line item reduction and makes a motion for some reduction, but then it still goes to referendum)

Article E Does not give wiggle room, it makes it to referendum either way. The 114 "no" votes, do not have the option to stop the entire public from giving their opinion, Ritters opinion is correct here. As the vote was made last night it is still incomplete.

Does this mean we forced the need for a second legal opinion? What does that process look like? I do not think we need a second legal opinion I think we need to move forward with Ritters legal advice and let the November elections decide if that was the right choice. Its offensive to think that the 114 votes to reject the motion think they can stop the entire town from giving their opinion.

Best regards
Joshua Smith

Joshua Smith
Customer Support Engineer
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June 1, 2023

Ron Silberman, citizen
Boretz Road
Colchester, CT

Cc: Joe Leone

To the Colchester BoS, WPCA Members and citizens:

Again, I want to make some clarifications re: the Water & Sewer Commission and operations.

I have served on the Water & Sewer Commission for approx. nine years, under the supervision of two different Public Works Directors and two different Chairmen. Over that time there have been differences of opinion but all differences have been worked thru amicably and respectfully without regard to political or personal identities.

After Jim Paggioili resigned and we were left without a leader, things began to unravel. With the election of Andreas Bisbikos, the concept of leadership immediately digressed within our Commission.

Every Department head met regularly with the First Selectman and there were numerous requests by the Interim Water Supervisor to be included in regular meetings with the new First Selectman whose answer was always, "I do not have time for the Water Dept". When John Jones was appointed Interim Public Works Director, the same was asked and the same answer was received. I personally came into Town Hall twice to formally ask John to attend the Water/Sewer Mtg and received the same, "I don't have time for evening meetings" both times. You're on your own was the inference. The Interim Water Supervisor and I finally got John to agree to call into a Zoom mtg only for him to get a Fire call 15 minutes into the mtg and he left.

Stephen Coyle, being the senior member, Chairman and fully retired was thrust into the position by default, of daytime oversight, utilizing honesty and good faith

efforts to keep the Department running, supporting an untrained Interim Supervisor preparing financial documents, preparing grant applications, and many other tasks.

As for most of the accusations in the letter dated May 17, 2023 and delivered via Certified Mail, most are either unsubstantiated, exaggerations or at the least appear politically motivated.

Stephen Coyle personally has the best interest of Colchester's Water/Sewer in hand and has demonstrated his unwavering dedication to it throughout my time with the board. He possesses a very strong knowledge of the operations, history and is a great asset to the Commission. Like all of us, he is imperfect but as that might be, he is a tremendous asset whose removal from the commission would only be a disservice to the ratepayers and to the Town as a whole.

As a Commission, I believe we are prepared, at our next meeting, to elect a new Chair and Vice Chair. With Joe Leone's professional leadership as Public Works Director, we will correct any past missteps made and continue to provide the best quality product at the most efficient prices to the rate payers of Colchester.

Stephen Coyle's presence on the Commission is positive and my hope is you will consider his value, years of service and dedication. Please, put aside the removal from the Commission and do what is best for the ratepayers and the Town of Colchester.

Respectfully yours,

Ron Silberman

First Selectman

From: John Chaponis
Sent: Thursday, June 1, 2023 5:21 PM
To: Rosemary Coyle; First Selectman
Cc: Denise Turner; Deborah Bates; Jason LaChapelle
Subject: RE: Colchester Administrator's Union - Memorandum of Agreements

Good afternoon all

I see where I am being cut into this thread. Just so everyone is clear, there is a "town hall employees" union governed by AFSCME and then there is my "town administrators" union government by MEUI. While there was a time when some of the benefits were slightly different, I think Art Shilosky did good job and making them more uniform so that the benefits are fairly consistent (if not exact). For the record, not everyone in my administrators unit has "supervisory capacity" as some are just one person. We do not have an engineering department, but we have a town engineer who is in my unit and does not supervise anyone. I also have the Fire Marshal, ZEO, Wetlands Enforcement Officer, and Building Official whom do not supervise anyone.

The accountant has signed an union intent card with MEUI to join my unit. However, if the BOS is requesting that the position join the AFSCME unit? Then I am sure MEUI would not have a problem. If the BOS are contesting the position be unionized, then we contest that exclusion and take it the Connecticut Labor Board.

In regards to the Finance Director, I disagree that this is different than the position in which we already fought the town and won at the CT Department of Labor.

When I was hired in 1992, there was no "administrators union unit" and I started this union in 1997. At that time, I requested the positions of "Assessor, Engineer, Fire Marshal, Fleet Maintenance Supervisor, Finance Director, Park & Recreation Director, Highway Department Supervisor (later changed to Director of Operations), Social Service Director, and Youth Services Director (later changed to Director of Youth & Social Services).

The First Selectman, Jenny Contois, objected to the inclusion of the position of "Finance Director" and on May 18, 1998, we had a hearing before the CT Department of Labor. During that hearing, Jenny said the Finance Director was a second in charge, Jenny would leave her in charge, she had check writing authority, Jenny said she was a Department Head, a confidential employee, she costed out union negotiation proposals, etc. All the same arguments that you be made today.

On December 3, 1998 the CT Department of Labor issued Decision No. 3560-B which included the position of Finance Director in my unit. I am attaching a copy of that decision where you can see that the Labor Board placed greater weight on the fact that she only supervised a few employees and her budget was only 1% of the town budget were important factors.

While it is true that Maggie Wasicki worked "under the CFO" that was only after we merged the town and BOE and created the CFO position. Prior to that, Maggie Wasicki ran the town finance department, as the town Finance Director, and it is "that prior position", being completely in charge of town Finance Department that the Labor Board already awarded us.

Over the past 10 years, I have negotiated numerous successor contracts and the town has requested the removal of the Finance Director position (merely because it wasn't filled at the time) and we have refused because I said "we fought for that position at the Labor Board and there is always the possibility that the town bifurcates their finance from the BOE, eliminates the CFO position, and goes right back to the town and BOE doing their finances separately and reinstitutes the Finance Director position that we had to fight for". We made it very clear we were holding this position should this bifurcation occur.

In regards to 1.) "it's not the same job", 2.) "the job description has changed", and 3.) "it was posted as a non-union position.

MEUI's position on those are as follows:

- 1.) It is the same job as the job we got included in 1997 prior to having a CFO. All jobs have changed somewhat since 1997. Heck my job is not the same whereas we had a Grand List of less than 500M with 3,227 residential homes and today the GL is 1.5 Billion with 5,501 residential homes. We also do some revaluation functions in house now. When the union was started, it included a Youth Services Director and a Social Services Director, today we have a Director of Youth and Social Services whose job is more than twice what it used to be when the union started. We started with a Highway Supervisor who morphed into the Director of Operations position. NONE of the jobs are exactly the "same".
- 2.) The town is in violation of CT labor law and did not have the right to change the job description for the position of "Finance Director" without first negotiating the impact with the union.
- 3.) The town is in violation of CT labor law and did not have the authority to make a union position "non-union. This is by definition "union busting".

The new job description is poorly worded where it says:

"working directly with the human resources department, other functions include risk management, contract and collective bargaining negotiations"

We would have opposed this language as not being clear. The Finance Director can cost out union proposals for financial impact but a Finance Director has no say "contract negotiations". That is for the BOS.

If you read the Labor Board Decision Maggie Wasicki used to cost our union contract proposals and only attended one union negotiation but was still not excluded from joining our collective bargaining unit.

My MEUI unit already includes the position of "Finance Director" as you will see in the attached contract that was approved by the BOS on November 8, 2021 and expires on June 30, 2024. The current employee has already signed the MEUI union membership inclusion form, which has been provided to the town, and MEUI expects union dues to be taken out as soon as is practical.

I am thoroughly confused and honestly do not see what the big deal here is? However, if the town is going to contest the new Finance Director being a part of my MEUI unit that clearly already includes the position of Finance Director? we have no alternative but to fight it all the way to the supreme court if necessary and ask for all of our expenses and attorney's fees to be paid for by the town.

Anything less would be to sit idle and watch union busting.

John Chaponis

From: Rosemary Coyle
Sent: Thursday, June 01, 2023 12:58 PM
To: First Selectman <selectman@colchesterct.gov>
Cc: Denise Turner <dturner@colchesterct.gov>; Deborah Bates <dBates@colchesterct.gov>; Jason LaChapelle <jLaChapelle@colchesterct.gov>; John Chaponis <assessor@colchesterct.gov>
Subject: Re: Colchester Administrator's Union - Memorandum of Agreements

I suggest you reread the job descriptions I sent yesterday concerning who has supervisory capacity. This statement - "The Accountant Position supervises the AP Payroll position, and the Finance Director supervises the Accountant." is not correct.

Thank you,
Rosemary Coyle, Selectman

From: First Selectman <selectman@colchesterct.gov>
Sent: Thursday, June 1, 2023 6:10 AM
To: Rosemary Coyle <coyle@colchesterct.gov>; dmurphy@kemplaw.com <dmurphy@kemplaw.com>
Cc: Denise Turner <dturner@colchesterct.gov>; Deborah Bates <dBates@colchesterct.gov>; Jason LaChapelle <jLaChapelle@colchesterct.gov>; Theo Horesco <thoresco@ceui.org>; John Chaponis <assessor@colchesterct.gov>
Subject: RE: Colchester Administrator's Union - Memorandum of Agreements

The Accountant Position supervises the AP Payroll position, and the Finance Director supervises the Accountant.

If all three are union members, as some point, two will have to be in the same unit. The union does not see this as an issue because if a grievance arose between two employees, the union would simply appoint each member a different union representative to resolve the grievance.

A grievance procedure is really the only time this becomes an issue.

From: Rosemary Coyle <rcoyle@colchesterct.gov>
Sent: Wednesday, May 31, 2023 10:45 AM
To: First Selectman <selectman@colchesterct.gov>; dmurphy@kemplaw.com
Cc: Denise Turner <dturner@colchesterct.gov>; Deborah Bates <dBates@colchesterct.gov>; Jason LaChapelle <jLaChapelle@colchesterct.gov>
Subject: Fw: Colchester Administrator's Union - Memorandum of Agreements

One additional question, why is the Accountant position being included in the Administrators Union when it is not a supervisory position? Shouldn't it be in a different union? The two memorandums are in the attached documents packet.

Thank you,
Rosemary Coyle, Selectman

From: Rosemary Coyle <rcoyle@colchesterct.gov>
Sent: Wednesday, May 31, 2023 10:16 AM
To: First Selectman <selectman@colchesterct.gov>; dmurphy@kemplaw.com <dmurphy@kemplaw.com>

Cc: Denise Turner <dturner@colchesterct.gov>; Deborah Bates <dBates@colchesterct.gov>; Jason LaChapelle <jLaChapelle@colchesterct.gov>

Subject: Fw: Colchester Administrator's Union - Memorandum of Agreements

On Jason Nowosad's memorandum it is an amended memorandum but does not indicate what was amended. Please provide us with the information to explain what has been amended and why, so that the BOS may make an informed decision.

On the Finance Director position, we rewrote a new job description in March, 2022 reflecting a position that replaced our Chief Operating Officer and it is listed as a non-union position so I don't understand the union's position that this position is already in the union. The Finance Director position that was part of the Administrators union previously was a completely different position/job description and was originally held by Maggie Wasicki, a subordinate to our Chief Operating Officer. I would like some guidance and clarification from our labor attorney on this matter. I have attached the new job description and minutes. In addition to my first question, my second would be since this position works directly with the Human Resources department on contract and collective bargaining negotiations per the job description, isn't this position considered in the same category as the HR Director and non-union?

Thank you,
Rosemary Coyle, Selectman

From: First Selectman <selectman@colchesterct.gov>

Sent: Tuesday, May 23, 2023 1:43 PM

To: Jason LaChapelle <jLaChapelle@colchesterct.gov>; Denise Turner <dturner@colchesterct.gov>; Deborah Bates <dBates@colchesterct.gov>; Rosemary Coyle <rcoyle@colchesterct.gov>

Subject: FW: Colchester Administrator's Union

FYI

From: Theo Horesco <thoresco@ceui.org>

Sent: Tuesday, May 23, 2023 12:41 PM

To: Andreas Bisbikos <abisbikos@colchesterct.gov>

Subject: Re: Colchester Administrator's Union

Andreas,

My apologies for the multiple errors I made the MOU. In reviewing I realized we already represent the finance director position. Please amend the MOU again to only reflect the Accountant and Fire Chief positions.

Theo

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First Selectman

From: Melissa Deacon <melissajdeacon@gmail.com>
Sent: Thursday, June 8, 2023 12:02 PM
To: Andrea Migliaccio; Mike Egan; Mike Hayes; John Thomas; Tim Vaillancourt; First Selectman; Jason LaChapelle; Deborah Bates; Rosemary Coyle; Denise Turner; Art Shilosky
Subject: Citizen Concerns/questions

Dear BOF members and BOS members,

I am concerned about what has transpired in the town with regard to both the town budget and the BOE budgets over the past few months. Continually it is said that the proposed budgets that are going to referendum meet the needs of Colchester and comply with the BOF's mission statement of "Balancing the needs of Colchester with its ability to pay."

How do you figure out Colchester's citizen's ability to pay? Is it arbitrary? Is there a formula that is used? I have asked this question more times than I can count and still not received an answer. Why is it so difficult to answer? The lack of response and information available regarding this presents itself as a lack of transparency.

How are these budgets meeting the needs of Colchester? On June 1, 2023, the state of Connecticut changed minimum wage to \$15/hour yet this isn't reflected in the budgets. Did you not know the change was coming to minimum wage? How are town departments supposed to pay their employees the amount required by law if the budget that is going to referendum doesn't reflect the increase?

I do not understand how the budgets are going to referendum. I understand we have a legal opinion that states it automatically goes to referendum after the town meeting, but 2 people that worked on the original charter spoke up (one being a lawyer as well) and said that the legal opinion was missing the point of "as recommended by the town meeting." Why was the legal opinion even asked in the first place? It seems as though it's just made things more unclear.

During the town meeting, the BOF chair spoke and said revenues aren't part of the budget development, however on the Town website, there is a link to the Budget Development Process and the third paragraph from the bottom states "The Board of Finance additionally reviews tax and non-tax revenues, debt service, capital plan, new initiatives, etc" Here is the link for your reference - https://www.colchesterct.gov/sites/g/files/vyhlf4286/f/uploads/town_of_colchester_budget_development_process.pdf

I want to understand how this process works and how we even got to this point. Any clarification or insights would be greatly appreciated.

Respectfully,

Melissa Deacon

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