



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Andreas Bisbikos, First Selectman

Board of Selectmen Regular Meeting Minutes - Amended

Thursday, June 1st, 2023, at 7 PM

Hybrid: Town Hall - Meeting Room 1 & Via Zoom

RECEIVED
COLCHESTER, CT
2023 JUN 16 PM 2:15
Gayle Furman
Town Clerk

Members Present: A. Bisbikos (First Selectman), J. LaChapelle, D. Bates, D. Turner, and R. Coyle
Also Present: S. Hoffmann (Fire Chief), S. Shoemaker (Emergency Management Director/Fire Marshal), B. Bernier (Public Safety Subcommittee Chair), T Quinn (Park & Recreation Director)

1. Call to Order – Meeting called to order at 7:02 PM
2. Pledge of Allegiance
3. Correspondence
4. Citizens Comments
 - D. Bouchard spoke about legal opinions.
5. Consent Agenda
 - R. Coyle made a motion to add amended in front of the 5/18/23 Board of Selectmen minutes. 2nd by D. Turner. **Motion approved unanimously 5-0.**
 - D. Bates made a motion to take item B off the Consent Agenda and make it 5.1. 2nd by R. Coyle. **Motion carried unanimously 5-0.**
 - R. Coyle made a motion to move the Consent Agenda. 2nd by D. Bates. **Motion carried unanimously 5-0.**
- 5.1:
 - J. LaChapelle made a motion to accept the Tax Collector’s Refunds. 2nd by D. Turner. **Motion carried unanimously 5-0**
6. Interviews
 - J. Duigo was interviewed for a Sewer & Water member vacancy. A. Norton was interviewed for Norton Park alternate member vacancy.
7. ARPA
 - R. Coyle made a motion to award the contract for the Fire Headquarters parking lot located at 52 Old Hartford Road to B&W Paving and Landscaping in the amount of \$200,000 in ARPA funds and have the First Selectman sign all necessary documents. 2nd by J. LaChapelle. **Motion carried unanimously 5-0.**
8. Homeland Security Grant
 - D. Turner made a motion to approve the FFY 2022 State Homeland Security Grant Program Region 4 Memorandum of Agreement and have the First Selectman sign all necessary documents. 2nd by D. Bates. **Motion carried unanimously 5-0.**
 - D. Turner motioned to read the authorizing resolution into the records. 2nd by R. Coyle. **Motion carried unanimously 5-0**

- R. Coyle made a motion to approve the Authorizing Resolution of the Board Selectmen and have the Town Clerk sign the document. 2nd by D. Turner. *Motion carried unanimously 5-0.*

9. Public Safety Subcommittee

- R. Coyle made a motion to approve of the Public Safety Working Group Bylaws as recommended by the Public Safety Subcommittee. 2nd by D. Bates. *Motion carried 4-1 with J. LaChapelle dissenting.*
- R. Coyle made a motion to set a Town Meeting to be held on Thursday, June 15th for 6:30 PM at Town Hall, 127 Norwich Avenue in Colchester, CT to establish the Public Safety Working Group. 2nd by D. Turner. *Motion carried 4-0-1, with J. LaChapelle abstaining.*

10. MOA

- R. Coyle made a motion to have a meeting with the labor attorney for guidance on the Finance Director and Accountant positions. 2nd by D. Bates. *Motion carried unanimously 5-0.*
- R. Coyle made a motion to approve the Amended Memorandum of Agreement between the Town of Colchester, the Municipal Employees Union Independent Town Administrators, and Jason Nowosad. 2nd by D. Turner. *Motion carried unanimously 5-0.*
- R. Coyle made a motion to approve the Fire Chief into the Municipal Employees Union Independent Town Administrators and have the Town of Colchester enter into the agreement. 2nd by D. Bates. *Motion carried unanimously 5-0.*

11. R. Coyle made a motion to approve the Colchester Youth Service's Youth First Coalition as the official task force for the management of opioid settlement funds as overseen by the Youth & Social Services Director. 2nd by D. Bates. *Motion carried unanimously 5-0.*

12. R. Coyle made a motion to approve the Fee/Special Revenue Account Fund Policy as recommended by the Director of Park & Recreation. 2nd by D. Turner. *Motion carried unanimously 5-0.*

13. Citizens Comments

- T. Moroch spoke about Norton Park and the Budget Referendum. R. Silberman spoke about the Sewer & Water Commission. D. Lambert spoke about the behaviors of elected officials, the Annual Town Meeting, and the Annual Budget Referendum. J. McKenzie spoke about the Annual Budget Referendum and the Education budget. G. Transue spoke about the Public Safety Working Group. V. Rose spoke about the Annual Town Meeting and Annual Budget Referendum. S. Armstrong spoke about the Annual Town Meeting and Budget Referendum. G. Furman spoke about the Annual Budget Referendum. J. Ford suggested opening up the Charter Revision committee. D. Bouchard spoke about the politicization of the Finance Director, the budget process, and praised the FS for upholding the Charter. M. Millington spoke about citizens' comments. J. LaChapelle spoke about behaviors at the Annual Town Meeting, the budget process, and legal opinions.

14. First Selectman's Report

- First Selectman's statement attached to the minutes.

15. Liaison Reports

- R. Coyle provided an update on Chatham Health -- new sanitarian, new fee structure, block grant is now a competitive process, health insurance went up 9%.

16. Adjourn -- D. Bates made a motion to adjourn. 2nd by R. Coyle. Meeting adjourned at 9:40 PM

Minutes submitted by F. Brown

First Selectman

From: First Selectman
Sent: Thursday, June 1, 2023 2:11 PM
To: Andrea Migliaccio; Art Shilosky; John Thomas; Mike Egan; Mike Hayes; Tim Vaillancourt; Jason LaChapelle; Rosemary Coyle; Denise Turner; Deborah Bates
Cc: Aoliphant@colchesterct.org; Rosemary Gignac; Marguerite Gignac; Mary Tomasi; crivers@colchesterct.org; mmillington@colchesterct.org; Donna Antonacci; Daniel Sullivan; Mary Williamson; Rachel Linkkila; Michael Sinkewicz
Subject: First Selectman's Statement on the Annual Budget Meeting and Annual Budget Referendum

Dear Colchester Residents,

The Town Charter is Colchester's local Constitution as approved by our residents. In the event there was anything in our Charter that required further clarification, town leaders would seek a legal opinion from our corporation counsel, Shipman & Goodwin. In my six years on the Board of Finance and one and half years as First Selectman, the Town has always honored the legal opinion of our Town Attorney. I cannot remember a time when town leaders did not honor a legal opinion from the town attorney.

At our May 18th, 2023, Board of Selectmen meeting, a discussion ensued regarding what may legally occur at the Annual Budget Meeting. Some members of the Board of Selectmen suggested that, at the Annual Budget Meeting, citizens could vote down the budget. I immediately read the applicable section of the Charter to the BOS members showing them that was not the case.

On Wednesday, May 24th, 2023, Selectman Turner asked Colchester Town Attorney, Matthew Ritter, for a legal opinion on the matter. Mr. Ritter reviewed our Town Charter and stated that:

1. The Annual Budget Meeting does not allow the meeting attendees to "reject" and vote down the budget before it goes to a town-wide referendum vote.
2. The Annual Budget Meeting only allows the attendees to "reduce" the budget before it goes to a town-wide referendum vote.
3. Once completed, "the Annual Budget Meeting shall be automatically continued to the Annual Budget Referendum."

This language in quotations for #3 is directly from the Colchester Town Charter. The elected officials of the BOS, BOF, and BOE all received a copy of Attorney Ritter's legal opinion.

At last night's May 31st, 2023, Annual Budget Meeting, a motion was made to send each proposed budget to a town-wide Annual Budget Referendum. In both cases, that motion had a second, and the vote failed. However, a vote of the attendees at the Annual Budget Meeting is not required for all citizens of Colchester to be allowed to vote on the proposed budgets. Our Charter is very clear in that "the Annual Budget meeting SHALL BE AUTOMATICALLY CONTINUED TO THE ANNUAL BUDGET REFERENDUM".

What transpired was concerning as there was an intent to ignore the Charter and legal opinion, which would ultimately eliminate your ability to vote on the proposed budgets. If residents could simply vote down the budget at the Annual Budget Meeting, then this would happen every year. The reason this is not done at a town meeting is so that ALL OF YOU are provided an opportunity to vote in a span of twelve hours, rather than the limited option of a night meeting.

What occurred last night was not legally permissible. A vote that conflicts with the Charter cannot impede due process.

I am very disappointed that some of our elected officials supported, and voted for, this attempt to eliminate your legal right to vote on the proposed budget at a town-wide Referendum. You have elected Board of Finance members to represent you, they worked hard on the budget process, and brought forward budgets they believe is fair, affordable, and would be approved by a town-wide vote. You are all entitled to that vote, and it is time to let "all of our residents" have a say during a town-wide Referendum vote.

As First Selectman, I have an obligation to follow the Charter and the advice of our legal counsel. If the Town were to follow the alternative path, then we would be setting an extremely dangerous precedent.

Colchester is required to move forward and hold a town-wide Annual Budget Referendum Vote enabling all our citizens the ability to weigh in on both the Town and Education Budgets. This vote will be held on Tuesday, June 13th, 2023, at the Colchester Town Hall, 127 Norwich Avenue, from 6 AM to 8 PM. I encourage all of you to come out and cast your vote.

Sincerely,

Andreas Bisbikos
First Selectmen