

**Board of Selectmen
Town of East Windsor
11 Rye Street
East Windsor, Connecticut**

**Minutes of Public Hearing
Wednesday, February 11, 2015 at 6:30 p.m.**

These minutes are not official until approved at a subsequent meeting.

Members Present: Denise Menard, Jason Bowsza, Steven Dearborn, Dale Nelson and James Richards

Members Absent: None

First Selectwoman Denise Menard called the Public Hearing to Order at 6:33 p.m., in the East Windsor Town Hall.

Ms. Menard thanked all who were in attendance. She indicated this is a Public Hearing of the Board of Selectmen for public input regarding the upcoming budget. She indicated copies of the current budget are available on the conference table for everyone and the presentation will also be shown on the smartboard operated by the Treasurer, Kimberly Lord. The budget presentation has a different look than past years due to the new software being used in the Treasurer's office. This proposed budget gives more information than past budgets in that it shows departmental goals for the upcoming year and accomplishments in the past year. This Public Hearing will only discuss the Board of Selectmen's budget for 2015-2016 and does not include the Board of Education proposed budget as it has in the past. The Board of Education is not prepared to discuss their proposed budget and will have their own Public Hearing on a later date. Ms. Menard began discussing the budget with the assistance of the smartboard. The first slide shown gave the dates of the budget calendar.

Ms. Menard began discussing the budget and how challenging it has been considering Governor Malloy is attempting to balance an unbalanced budget and it is anticipated that municipalities will be receiving less revenue from the State of Connecticut. It is being projected that the town will be receiving about 3% less revenue than it received last year and this will be a big hit to the town in revenue. The next slide discussed was revenues and expenditures/appropriates. The categories of expenditures/appropriates are as follows: Administrative Services, Public Safety, Physical Services, Culture and Leisure, Boards and Commissions and Government. Other expenses listed are Capital Improvement, Debt Service and Board of Education. The proposed budget total is \$37,699,199; the overall increase for the 2015-2016 proposed budget is \$2,055,248 or 5.8% increase. This figure is an initial figure based upon town requests only, this does not include Board of Education proposal as it has not submitted their proposed budget.

She discussed the next slides which were entitled "General Fund Summary of Expenditures" which showed in detail all of the categories and the breakdowns of their approved budgets for 2014-2015, their requested budgets for 2015-2016, increase or decrease in dollar amounts and percentage of decrease/increase. She showed an example of the Tax Collector's request which is increased approximately 16%. She explained that the Treasurer had indicated that capital improvements over \$20,000 are to be submitted to the Capital Improvements Committee; however, some departments are in need of some improvements which are much less than the \$20,000 threshold. For instance, the Tax Collector's office is in need of security cameras since cash is used frequently and this could be a security concern. This costs approximately \$5,000 which is under the \$20,000 threshold therefore the department has to put that request within their budget not the Capital Improvement Projections budget. She discussed each category within the summary sheet to give the public a broad view of the proposed budget.

She indicated if anyone would like to speak, could do so by signing their name and address on the pad and those people would be called up in the order of which they signed the sheet.

Ms. Marie DeSousa of 10 Rice Road, Broad Brook, Connecticut addressed the Board. She questioned the "Culture and Leisure" section of the budget and inquired why the libraries were requesting more than the senior center since the libraries are outside agencies.

Mr. Bob Lyke of 80 Rye Street, East Windsor, Connecticut was the next name on the list, he asked if he could speak later in the meeting because he was not ready at this time.

Mr. Paul Anderson, 89 Main Street, Broad Brook Connecticut addressed the Board. He had a couple of items to discuss. He mentioned that the townspeople have never had this level of information in the past regarding the budget and he appreciates it. The first suggestion he had was in the First Selectman's budget under professional services which includes advertisements for legal notices for town meetings and employment. He thought that the town could save money by not posting legal notices in the newspapers for public hearings and town meetings. Ms. Menard commented that she has heard that suggestion before and it might be considered; however this is a catch all line, there are other agencies who are required to post legal notices in the newspaper such as Planning and Zoning and Inland/Wetland Commission.

Mr. Anderson began discussing the application fees for certain notices that legal notices to the newspapers should also be included in those application fees rather than the town paying the advertising fees.

Mr. Robert Leach of 39 Church Street, Broad Brook addressed the Board. He is the Chairman of the Republican Town Committee and he would like to submit a resolution to the Board of Selectmen for adoption. He indicated that the East Windsor Republican Town Committee has resolved to urge the Board of Selectmen to reject the East Windsor Condo Association budget request outright. The East Windsor Republican Town Committee feels that the East Windsor Condo Association is a special interest group

which seeks reimbursement for tax liabilities. Should the Board of Selectmen grant the East Windsor Condo Association's budget request, it is felt that the Board of Selectmen are not serving the public's best interests. He gave a copy of this resolution attached hereto and marked as Exhibit A, which he read to the Board and audience.

Mr. Bob Lyke, 80 Rye Street, Broad Brook, Connecticut addressed the Board. He has been a volunteer and has worked in the non-profit sector. He is concerned with the small local businesses in particular, those businesses located at Pasco Commons, which are businesses as well as residential condominiums. If the government gives subsidies for street lights and other services, where does it end? This is a dangerous precedent if this Board accepts the request of the East Windsor Condo Association. It is against the State Statute and he doesn't believe the Board of Selectmen or Board of Finance wants to break the law.

Mr. Al Rodrigue of Mahoney Road, East Windsor addressed the Board. He echoes what has been said regarding the East Windsor Condo Association's budget request. He agrees that it is not the Town's responsibility to pay for services. He urges the Board of Selectmen to vote no on the East Windsor Condo Association request and put an end to this foolishness.

Mr. Claude Cloutier of 3 Steeple Chase Road, East Windsor addressed the Board. He disagrees with the resolution brought before the Board by the Republic Town Committee. He believes it is not against the law as surrounding towns of South Windsor and Vernon have subsidized the condo associations in their towns and shown as fairness among all citizens. He represents the East Windsor Condo Association which makes up democrats and republicans throughout the town. He asked for a show of hands of people who believe residents of condominiums are being taxed unfairly. Many hands were raised. They believe that they are being unfairly taxed and do not reap the benefits.

Mr. Lafayette Lake of 1 Acorn Drive, East Windsor, Connecticut addressed the Board. He has attended many meetings about the street lights and he feels that all he has heard is lip service. The citizens of the East Windsor Condo Association has pleaded with the town for help in paying for street lights within their complexes. The school budget was short \$175,000 and the superintendent found that money within her budget. All the condo association is asking for is payment for street lights and fire hydrants, but their tax bills aren't going down and he is tired of it.

Mr. Steven O'Brien, 804 Meadowview Drive, East Windsor addressed the Board. He commented that the condo residents have worked many years going back to 1989 attempting to have the Town help them. He understands that condominium complexes are not the same and should have a different tax rate. He is not saying that the town should pay for the street lights and hydrants, but their tax rate should be more equitable.

Mr. Paul Anderson, 89 Main Street, Broad Brook, addressed the Board for a second time. He feels that there is a big distinction between public and private streets, public and private property. The streets, lights and hydrants within a condo complex are on private

property and the Town is not responsible for those services. Also, what another town does, does not affect what this the Town of East Windsor does. He also mentioned that land and common areas are assessed differently.

Mr. Dan Lauria of 24 Hillside Drive, East Windsor, Connecticut addressed the Board. He was speaking in behalf of the condo associations. The positions are well known either to support or not support the condo associations. He is hoping that the elected officials will look at all the facts and do the right thing.

Ms. Beth Grant, 131 Melrose Road, Broad Brook, Connecticut addressed the Board. She was speaking in behalf of the Broad Brook Library. She is hoping for an increase in the funding this year. The library relies on an endowment and that endowment will be gone after approximately 6 years. One hundred people a month use the Broad Brook Library it services the seniors and youngsters in Broad Brook.

Ms. Lynn Stanley, 87 Rye Street, Broad Brook, Connecticut addressed the Board. She was there to support both libraries in the town. Both of the libraries service the town, the Broad Brook Library is old and charming and she would hate to see Broad Brook lose their library. The Warehouse Point Public Library is utilized by children and the public. She would rather see tax money go for public facilities rather than a condo associations. Those citizens who live in condominium complexes knew when they bought those condominiums what they were getting themselves into. She would rather see tax money go to the entire community for funding books and computers for the betterment of the community, children and seniors and everyone in between.

Ms. Elyse Spielberg of 244 Rye Street, Broad Brook, Connecticut addressed the Board. She is the president of the Warehouse Point Public Library and she supports the library and the proposed budget. She knows that it looks large but this library serves the community. It is only open two nights per week and people have commented that if it was open more at night, they would use it. The Warehouse Point Public Library also has an endowment it uses, but that endowment is getting less and less. If the library did not have that endowment, the library would have to close. Please support the library.

Ms. Lois Daley, 22 Old Barn Road, East Windsor, Connecticut addressed the Board. She feels that the Town of East Windsor should invest in a portable microphone so people in the back can be heard by the people in the front of the meeting.

Mr. Robert Leach of 39 Church Street, Broad Brook, Connecticut addressed the Board for a second time. He wanted to explain to the condo associations how condominiums develop and the process of that development which includes a declaration to the town expressing the interests of a condominium complex, the common areas, the roads, etc. This is filed with the Planning and Zoning Commission at the time of development; therefore, based on the declarations which are filed with the town, the town is no responsible for paying for lighting, streets or hydrants. He doesn't see how the condo association can go back and time and change the declaration at the time of development.

Mr. Al Rodrigue of Mahoney Road, East Windsor, Connecticut addressed the Board for a second time. He indicated that many of the condo units in town are not owner occupied but are used as investment and how is the Town of East Windsor to support investors and their income. Many of the condominium complexes are antiquated and have insufficient lighting and should upgrade their lighting in order to save money. Citizens of the condominiums knew what they were getting into when they bought those units and they have to live with it. He urged the Board of Selectmen to say no.

Ms. Marie DeSousa, 10 Rice Road, Broad Brook, Connecticut addressed the Board for the second time. She wanted to say that she has seen a lot of improvements being done in the town buildings. She is excited to see the changes being made at the Senior Center and she has hope for change throughout the Town over the last seven or eight years. She supports the libraries and hopes the Board of Selectmen and Board of Finance do their job help the Town move forward.

Mr. Dan Lauria, 24 Hillside Farms Road, East Windsor, Connecticut addressed the Board for a second time. He hopes the Board of Selectmen consider the proposal given by the East Windsor Condo Association, more lights are necessary. They are only seeking 70% of the cost of the lighting. Second clarification that the declaration refer to 47-70a of the Connecticut General Statutes says that 2/3 of the unit owners can change the declaration and it is not contractually obligated and owners can amend the declaration.

Mr. Steven O'Brien of 804 Meadowview Drive, Broad Brook, Connecticut addressed the Board for the second time. He is friends of the library and in no way does he want to see funding of the libraries decrease.

Ms. Bev Percoski addressed the Board. She commented that the Broad Brook Library needs the funding and cannot get the funding themselves.

Mr. Robert Leach of 39 Church Street, Broad Brook, Connecticut addressed the Board for a third time. He agreed with Mr. Lauria that the condo association needs 2/3 of a vote to change the declaration; however, the condo associations cannot compel the Town to change the original declaration which was filed when planning the development of the condominium complex.

Mr. Glenn Reichle of 27 Harrington Road, East Windsor, Connecticut addressed the Board. He is a proud citizen of the Town of East Windsor. He has farmed for his entire life. He has listened to this argument of the condo associations. We are all healthy and alive and we don't have to agree with each other. He is a homeowner and pays his taxes. Paying for condominiums lights, even at 70%, could put a strain on the Town. I accept the freedom of speech and commend those condo owners for coming out and speaking their mind, but if other towns are paying for those services, that's fine. The Town of East Windsor does not have to do what other towns do and if those don't like it, they can move to another town. The Board of Selectmen are doing a great job and should be damn proud!

Mr. Bob Lyke, of 80 Rye Street, Broad Brook, Connecticut addressed the Board for second time. He thanks to the Board of Selectmen and Board of Finance for the thankless job in volunteering. He hopes that legal research does not have to be done for the issue of the condo associations and he hopes that the town attorney doesn't have to get involved and spend more money on this issue.

Ms. Menard asked if anyone else would like to speak to the Board. No other persons came forward.

Ms. Menard thanked everyone for coming to this hearing and invited all to stay for the budget workshop following this meeting to hear the budget presentations of the Registrars, Warehouse Point Public Library, Broad Brook Library, Cemetery Association and Fire Departments.

The public hearing was closed at 7:42 p.m.

Respectfully Submitted:

Denise M. Piotrowicz
Substitute Recording Secretary

EAST WINDSOR REPUBLICAN TOWN COMMITTEE

Robert Leach – Chairman
Catherine Simonelli – Vice Chairman

Paulette Broder – Treasurer
Suzanna Stremper – Secretary

**RESOLUTION OPPOSING THE EAST WINDSOR CONDO ASSOCIATION
(EWCA) BUDGET REQUEST**

WHEREAS, the East Windsor Condo Association (hereinafter EWCA) has introduced for consideration their 2015-2016 Budget Request to require the Town of East Windsor to assume the costs and maintenance of fire hydrants and street lights within those member condominium communities.

WHEREAS, the EWCA budget request is *not* an obligation of the Town of East Windsor with case law to provide precedent in support of such:

Connecticut and federal courts have rejected claims that Connecticut towns had to reduce the assessment on properties to reflect the value of services that those properties did not receive. The Connecticut Supreme Court held that

“Absence of special benefit does not prevent taxation for public purposes authorized by law”

(Moore et al v. Town of Stamford et al, 134 Conn. 65 (1947))

WHEREAS, common interest communities (condominiums) are not public communities and are, *by law, subject to* the Declarations, Conditions, Covenants and Restrictions (CC&R's) filed with the Town of East Windsor.

Condo Unit owners are subject to these declarations and CC&R's by acceptance of their respective property deed.

This Declaration, a REQUIRED LEGAL DOCUMENT has the following purpose:

- to create the Condominium,
- to define the units and common areas,
- to assign the percentage of ownership apportioned to each individual unit share of the common elements,
- to set forth the rights and obligations of each unit owner,
- to establish an association charged with the responsibility of the management and maintenance of the common elements,
- to provide for the payment of assessments by each unit owner for the maintenance of the common elements,
- to provide for certain rights and remedies for the association relative to unit owners, and
- to provide rules for governance of the association.

EAST WINDSOR REPUBLICAN TOWN COMMITTEE

WHEREAS, by Declarations filed with the Town Clerk, the developers and their Condo unit Owners *have indemnified* the Town of East Windsor against all responsibility with regard to the management and maintenance of the common elements found within the common interest communities (Condos).

These common elements include but are not limited to: maintenance and management including road upkeep, snow removal, trash collection, and utilities including water, electricity, street lighting and fire hydrants.

WHEREAS, exempting, compensating, or reimbursing private common interest communities (condominiums and their respective associations) from tax liabilities is not in keeping with Connecticut General Statutes that require towns to determine a property's fair market value (CGS § 12-63 (a)) and tax it at 70% of that value (CGS § 12-62a (a)). This statute does not allow towns to assess and tax condominiums differently, regardless of number and type of municipal services they receive.

WHEREAS, there is no legal precedence for the town to accept this budget request to compensate or reimburse these condominium associations for management and maintenance of their own roadways, street lighting, fire hydrants and other services from which the developers and their established condominium associations have indemnified the Town of East Windsor. Doing so would place an unfair tax burden on the rest of the town's taxpayers.

NOW, THEREFORE, BE IT RESOLVED the East Windsor Republican Town Committee strongly opposes the East Windsor Condo Association's (EWCA) 2015-2016 Budget Request and hereby urges our Board of Selectman to reject it outright.