

**BOARD OF SELECTMEN
TOWN OF EAST WINDSOR
11 RYE STREET
EAST WINDSOR, CONNECTICUT**

MINUTES OF REGULAR MEETING

Tuesday, December 6, 2016 at 7:00 p.m.

Members Present: Robert Maynard, Richard P. Pippin, Jr., Steve Dearborn, Dale Nelson and Jason E. Bowsza

Members Absent: None

1. CALL TO ORDER

First Selectman Robert Maynard called the meeting to Order at 7:04 p.m., in the East Windsor Town Hall, 11 Rye Street, East Windsor, Connecticut.

2. PLEDGE OF ALLEGIANCE

Everyone present stood and recited the Pledge of Allegiance.

3. AGENDA APPROVAL

Mr. Maynard explained how the Agenda is put together and how to get something added to the Agenda.

MOTION made by (Pippin) and SECONDED by (Dearborn) to approve the Agenda, for the December 6, 2016 meeting of the Board of Selectmen, as is.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

4. ATTENDANCE

Robert Maynard, First Selectman
Richard P. Pippin, Jr., Deputy First Selectman
Jason E. Bowsza, Selectman
Dale Nelson, Selectwoman
Steve Dearborn, Selectman

5. PARLIAMENTARY PROCEDURES

Mr. Maynard reminded everyone not to interrupt people when they have the floor and only to speak when recognized. Mr. Maynard stated there was a “cheat sheet” in the meeting packet for the Board.

Mr. Bowsza passed out a “cheat sheet” for motions during a meeting, see attached document hereto attached as Attachment A.

6. APPROVAL OF MEETING MINUTES

MOTION made by (Pippin) and SECONDED by (Nelson) to accept the Regular Meeting Minutes from the November 15, 2016 meeting, as is.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

7. COMMUNICATIONS

Mr. Maynard read a letter from the Warehouse Point Fire Board of Commissioners that he had received. It is requesting that the town attorney complete the necessary research to add an additional line item to the annual budget granting appropriation to the Warehouse Point Fire District in the amount equal to the town appropriation to the Broad Brook Fire Department. They feel this would offset the duplication taxation of the residents of the District.

Mr. Maynard also read a letter he received from Wagner Associates to the contractor, DEF Services Group, regarding the East Windsor Housing Authority laundry room improvements, all of the fire alarm system improvements and generator. DEF Services Group has been awarded the construction contract for the improvements in the amount of \$393,100. With all of the additions it totals \$454,100. The Housing Authority has gotten a grant for the work through the Small Cities Grant. Mr. Maynard stated he would like to see the Building Committee to oversee the project a little bit.

Mrs. Nelson asked if everyone had received their invitation to the Ware House Point Library for 6 p.m. on Thursday. Everyone stated they had received their invitations.

8. PUBLIC PARTICIPATION

Paul Anderson, Main Street- stated that he was watching the link to the meeting of the Broad Brook Library here in the Town meeting room and everything was reversed. He stated the whole table was flipped around.

Mr. Anderson also asked about the new permit project, Mr. Maynard said he spoke to Mr. Dearborn about the same issue, so there are others concerned about it also. Mr. Maynard also

said he had some discussions about the contract for the project. He said there were no favorable things about it. Mr. Maynard said he was starting to look into it himself. Mr. Maynard said they have it now so they are going to make it work. They are looking into getting a person to oversee it to move the process along so it moves faster than it is now.

Jack Mannette- wanted to discuss the MOU with the Warehouse Point Fire Department. He states that it is no doubt written by an attorney on behalf of the Warehouse Point Fire Department. He thinks it would be interesting to see a direct reply from the Town Attorney relative to that agreement directly. He wanted to make some facts known to everyone. The most important fact is that we agreed as a town to put the request of the Warehouse Point Fire Department to the public and tax and collect that tax and therefore transfer that tax money over to the Warehouse Point Fire Department. Looking at that, the town had to pay that money by August 15th after the tax year was up and pay one hundred percent of that request. The Town did that and transferred over \$575,000 collected by taxes. There was a problem. At the time of the transfer of the entire amount of \$575,000 they were at least \$20,000 short of the collected amount. There is no way you can take money out of the Town Coffers to pay it out without any sort of approval. He stated that that did not take place so that is an issue. He says that money was not transferred legally and wonders what other money was passed on without tax payer approval? He feels the finance board needs to get involved. If you take a look at the activity of the Warehouse Point Fire Department you will find the Town has already transferred \$599,000 to the Warehouse Point Fire Department. There was no approval for anything more than what was due them. It appears on paper that the Town transferred \$20,000 to \$40,000 without tax payer approval.

Bill Loos, Melrose Road- stated he would like to thank the Town for coming out with the Report before the Town Meeting. They did a nice job on it and there are extras in the front of the meeting room.

John Burnham- stated that Warehouse Point Fire District is the unit that runs the Warehouse Point Fire Department, it is a subsidiary. That money was specifically collected as a separate tax and was never Town money. The Town was hired to collect that tax and received a stipend for it and sent the taxes to us under the direction of the Tax Collector. Warehouse Point people only want to be treated fairly. The Tax Collector collecting the taxes really helps out and is a wonderful thing. They are doing a great job collecting the taxes. It was never Town money and it was a separate bill for a separate reason.

Mr. Pippin stated it was perfectly legal because the authorization to transfer that money was already there because it was theirs. If you agree with it or not it was there and perfectly legal.

James Barton- wanted to clarify that the agreement went to the Town Attorney not just the District Attorney so it wasn't favored towards the Fire District in any way.

Jack Mannette- stated that if there was something from the Town Attorney then it would be nice to see it. He also wants to clarify that at the time of the transfer all the money collected by the taxes was not there.

Kim Lord, Treasurer stated that there is a two percent fee the Town charges the Fire District for collecting the taxes. Part of the fee covers collecting the tax and there is money in there to cover the one percent of taxes that aren't collected and any adjustments that are made. This is the first year doing this so they tried to pick a percent that would work so that the Town would not come out ahead and the Fire District would not come out ahead. There is still \$1,000 left to collect in taxes to make it completely even. This was the cleanest way in the books to do this and it is not illegal.

MOTION made by (Pippin) and SECONDED by (Nelson) to recess for a Town Meeting, at 7:27 p.m.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

MOTION made by (Pippin) and SECONDED by (Nelson) to resume the meeting of the Board of Selectmen, at 7:41 p.m.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

Public Participation continued:

Jim Barton- stated that the \$599,000 figure that was stated earlier was wrong.

John Burnham-stated that town meetings are a great place for people to get involved, especially young people. He stated that it wasn't as easy as it appears to sit behind the table and be in charge of a town meeting.

Selectwoman Nelson- asked Paul Anderson for an update on the WPCA, she wanted to know if there were any updates or any changes. Paul Anderson stated they were near completion of the industrial park pump station upgrade and it is now a proper pump station. It is ready to take on all new development if we can get some. The project was estimated at \$800,000 and it actually cost \$140,000. No contractors were hired except the ones that were absolutely necessary and they did most of the work themselves. Mrs. Nelson also wanted to know how the CIP was coming along. Mr. Anderson stated the roofs were all done so five buildings are complete.

9. BOARD AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS

A. Resignations:

MOTION made by (Pippin) and SECONDED by (Bowsza) to accept the resignation of, Mark Simmons, from the Ethics Commission, with deep regrets and many thanks.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

B. Reappointments:

MOTION made by (Pippin) and SECONDED by (Nelson) to accept the reappointment of, Richard Sherman (R), to the American Heritage River Commission, as a regular member, with thanks, for a term expiring 11/1/2020.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

MOTION made by (Pippin) and SECONDED by (Nelson) to accept the reappointment of, Claire Badstubner (R), to the Elderly Commission, as a regular member, for a term expiring 12/31/2017.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

MOTION made by (Pippin) and SECONDED by (Nelson) to accept the reappointment of, Michael Sawka (D), to the Inland Wetland and Watercourses Agency, as an alternate member, for a term expiring 12/1/2020.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

MOTION made by (Pippin) and SECONDED by (Nelson) to accept the reappointment of, Karla Bagdikian (D), to the Parks and Recreation Commission, as a regular member, for a term expiring 10/1/2021.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

MOTION made by (Pippin) and SECONDED by (Nelson) to accept the reappointment of, Charles Riggott (U), to the Water Pollution Control Authority, as a regular member, for a term expiring 10/1/2019.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

MOTION made by (Pippin) and SECONDED by (Nelson) to accept the reappointment of, Paul Anderson (D), to the Water Pollution Control Authority, as a regular member, for a term expiring 10/1/2020.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

C. New Appointments:

MOTION made by (Pippin) and SECONDED by (Nelson) to accept the new appointment of, Robert V. Dynak (U), to the Veterans Commission, as a regular member, for a term expiring 2/1/2019.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

10. UNFINISHED BUSINESS

Mr. Maynard reminded everyone not to interrupt people when they have the floor and only to speak when recognized.

A. East Windsor's 250th Anniversary Commission Report:

Rebecca Talamini reported that everything was moving forward and the first fundraising items were ordered. They have ordered car magnets, reusable tote bags, a few sweatshirts and mugs. They are hoping the items will be in soon so they can sell them at the New Year's Day Hike. There is a slogan contest for the 250th celebration coming up, in early January, for high school students and will be determined at the end of February beginning of March. There will be a masquerade ball that will be held December 31, 2017 that they are starting to plan for. Next meeting is next Thursday, December 15, 2016, at 7 p.m. at the Osbourne House.

B. Discussion of Casino:

Mr. Maynard stated that there wasn't anything new to report about the casino. East Windsor is still one of five towns in the running for the casino. Mr. Maynard is hoping to have more to report in a few weeks.

C. Broad Brook Mill Site Remediation:

Nothing to report

11. New Business

A. East Windsor Fire Protection Committee Report:

John Burnham presented a packet of letters that were addressed to the Board of Selectmen from the East Windsor Fire Protection Committee, Pullman and Comley, Attorneys and the Warehouse Point Fire Board of Commissioners, packet hereto attached as Attachment B (6 pages). He is asking for guidance and opinions and wants the Board of Selectmen to address the recommendation of the nine member board. He wants the Board of Selectmen to either endorse it or throw it off the table. He would just like some resolution on that.

MOTION made by (Nelson) to endorse and support the recommendation presented in the East Windsor Fire Protection Final Report, dated 10/25/2016. Not SECONDED.

MOTION: FAILED

A lengthy discussion ensued and after Mr. Burnham expressed that he was not happy that no one seconded the motion made by Mrs. Nelson. He stated that it was insulting because a lot of hard work was put into this and to not have a second was just insulting.

B. CIP Presentation of Recommended Projects to be Funded:

Joe Sauerhoefer presented a prioritized list of projects to comprise \$500,000 of the fund balance surplus, list hereto attached as Attachment C. Mr. Sauerhoefer stated that if the list is approved tonight it goes to the Board of Finance for approval and then on to a Town Meeting.

Selectman Bowsza asked if approval occurs when would the projects begin. He was told that the projects have to be completed within one year. Selectman Bowsza wants to know if it would be more democratic to wait and put this on the budget vote as a budget question. If it is done this way the Town can say if they wanted the money to go to these projects or not. A lengthy discussion ensued.

MOTION made by (Pippin) and SECONDED by (Dearborn) to approve the report and list submitted by Capital Improvement Planning Committee dated, November 28, 2016, for the \$500,000 recommendations for the special CIP list to send it back to the Board of Finance and then to Town meeting.

In Favor: D. Nelson, S. Dearborn and R. Pippin Opposed: J. Bowsza Motion: PASSED

C. Update for Middle School Bonding and Approval of Resolution:

Joe Sauerhoefer presented a resolution to the Board to be signed by the Board so it can go to the State to get a reimbursement rate. The money is in place they are just waiting on the signed resolution from the Board of Selectmen. The Resolution is hereto attached as Attachment D.

MOTION made by (Nelson) and SECONDED by (Bowsza) that the Board of Selectmen authorize the East Windsor Board of Education to apply for the Commission of Education and to accept or reject a grant for roof replacement at the East Windsor Middle School. Also that the building committee is hereby established as a building committee with regard to the roof replacement of the East Windsor Middle School and that the Board of Selectmen hereby authorize, at least, the preparations of schematic drawings and outline specifications for the roof replacement at the East Windsor Middle School, dated in East Windsor, the 6th day of December and signed for by the Board of Selectmen.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

D, Approval of Tax Refunds:

MOTION made by (Nelson) and SECONDED by (Pippin) to approve all of the Tax Refunds in the amount of \$1,340.96.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

12. SELECTMEN COMMENTS AND REPORTS

A. Dale A. Nelson

Selectwoman Nelson read her report hereto attached as Attachment E (2 pages).

B. Richard Pippin, Jr.

Selectman Pippin stated he attended the American Heritage River Commission Meeting. He stated two trees were cut down near Omelia Road, one more to go. The Skantic River still looks good, no new junk in it. The new trail is waiting for plans, Al Grant needs to start work on it and three quarters of the trail has been mapped out. Letters went out for support for the grant, to rehabilitate the old Melrose Bridge. Press is going out for the New Year's Day Hike if it hasn't already.

Planning and Zoning Meeting was very quiet. Newberry Village requested releases of some bonds. They gave partial release on two bonds in the amount of \$27,654. The business meeting was postponed because they need all members. There were no changes to the bylaws.

Permanent Building Commission Meeting, there are still problems between the old building and the new building. Alliance Grant, they are in the process of closing out the bathrooms and kitchen. The office still needs a little trim and electrical and vestibule. The windows should be out to bid shortly.

Capital Improvement Planning Committee Meeting, he stated that Joe already reported on that for him so he didn't need to go over it again.

C. Steve Dearborn

Selectman Dearborn stated he had nothing to report.

D. Jason E. Bowsza

Selectman Bowsza read his report hereto attached as Attachment F (2 pages).

E. Robert Maynard

The Town Hall will be having a Holiday Party on December 15, 2016, all day and from 5-6:30 p.m. there will be pizza in the Town Meeting Room and everybody is invited.

South Road property is owned by the Town and the Town rents the property to people for \$56 a month for rent. On January 1, 2017 the Town will be taking over the invoicing for the rent. The Town is trying to make the relationships between the Town and the renters better.

Mr. Maynard read some sections of some emails from the North Central Health District; they inspect septic tanks and approve building permits. East Windsor contributes \$53,000 a year to this health department to use their services. The State is trying to regionalize and make a county health district. The State wants to charge the Town 1-1.5% of their budget for their services; this

would be about \$500,000. The Town needs to fight this and the next meeting is December 14, 2016. A lengthy discussion ensued.

Mr. Maynard announced that the Historical Society now owns Barber Hill School.

13. PUBLIC PARTICIPATION (Another opportunity for the public to make comments)

Paul Anderson, Main Street- Town meetings are important and more people need to attend the meetings. At referendums no one can talk but at Town Meetings everyone can talk.

James Barton, Main Street- stated that Selectman Bowsza said that people are against the fire district expanding and he feels this is probably true because some members of the Board of Selectmen are giving out misinformation. Information meetings were held for the people and after they explained to them the operation of the fire district and what the fire district actually does people were in favor of it. The Board needs to open their minds; they didn't even know the fire district was working on a charter. The fire district is trying to do everything the right way and move ahead. Some are and some aren't doing the right thing on this Board. The Board of Selectmen hasn't done anything for the tax payers of Warehouse Point Fire District. The Board of Finance and the Board of Selectmen are not doing their job; they are not looking out for the tax payers of Warehouse Point.

Denise Menard, Miller Road-Some of the Junior Broad Brook Fire Fighters were in a commercial, advocating for volunteer fireman. It was mentioned that the Police Department is community oriented and the Rotary Club is funding a "Shop With A Cop" program this week. Children get to shop with a police officer for gifts for their parents.

Jim Barton- stated that Selectmen Bowsza brought up the chicken and the egg problem with the Charter. He states that everyone should look at the 105 year old Charter, it is very comprehensive and it fits even now and what doesn't fit is covered by state statutes. This is all part of the mistrust and miscommunication going on, there needs to be more communications. He recommends that everyone sits in a room and discuss matters such as control and accountability. We all want to work together. It has been said to get rid of the Fire District and everything will be fine, that is just not true, not that simple. The best way is to go to one fire district for the whole town.

Tom Talamini, Rice Road- wants to know if anyone has heard anything new about the Kalamazoo Permit with the State. Mr. Maynard stated that there has not been anything new in the last three weeks. It looks like it is going ahead.

Bill Loos, Melrose Road- Some of the departments did not get a 2% increase on the budget and the fire department got a less than zero percent. They must support public safety because they gave the police department a 7% increase. They are going to have to put in for \$43,000 per fire fighter per year and they are going to put in for two of them so the fire department's budget is going to have an increase this year. He has received a phone call asking him if he is in favor of the casino or not.

Tom Talamini, Rice Road- wants to let everyone know about the New Year's Day Hike sponsored by the American Heritage River Commission.

Selectman Dearborn- stated that the Board is not to blame and they won't take the blame. They are not the ones that imposed the tax and won't take the blame. He is not worried about not getting reelected and they are not to blame.

John Burnham- At the meeting when the tax was imposed it was stated to the in a letter from the attorney that the town couldn't do this. He stated that he told people to be careful because the rug is going to be pulled out from under you and we are going to be double taxed. They went ahead and passed the tax anyways. The paperwork was all done in the proper channels and a lot of the paperwork was handed out tonight. The point about a referendum is it can't be when it is convenient. If it is going to be a Town Meeting then it has to be a Town Meeting you can't have it both ways.

Selectmen Pippin- stated that if the Town Attorney says something then you have to go with it.

James Barton- this whole thing started over 3 years ago and have met with the Town Attorney and he said this was the cleanest way to do business because they are their own sovereign entity, You say it isn't your fault but it is, you haven't properly funded the Fire District for the past several years. The Town forced the Fire District to tax the people because they couldn't fix their buildings. It is your fault.

14. SIGNATURES FOR APPROVAL OF CHECK REGISTERS

Completed

15. EXECUTIVE SESSION

MOTION made by (Pippin) and SECONDED by (Dearborn) that the Board of Selectmen enter into Executive Session at 9:43 p.m. pursuant to C.G.S. Section 1-200(6)(a) and 1-200(6)(e) 1-210 subsection (b)1 negotiations.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

16. ADJOURNMENT


MOTION made by (Pippin) and SECONDED by (Nelson) to adjourn the meeting at 10:03 p.m.

In Favor: J. Bowsza, D. Nelson, S. Dearborn and R. Pippin Opposed: None Motion: PASSED

Respectfully Submitted,

Rebecca D'Amicol, Recording Secretary

Chart of Parliamentary Motions				
Motion	Requires		Vote	
	Second	Debatable	Amendable	Required
Privileged Motions				
14. Fix the Time to Which to Adjourn	Yes	No	Yes	Majority
13. Adjourn	Yes	No	No	Majority
12. Recess	Yes	No	Yes	Majority
11. Raise a Question of Privilege	No	No	No	None
10. Call for the Orders of the Day	No	No	No	None
Subsidiary Motions				
9. Lay on the Table	Yes	No	No	Majority
8. Call for the Previous Question	Yes	No	No	2/3
7. Limit or Extend Limits of Debate	Yes	No	Yes	2/3
6. Postpone Definitely	Yes	Yes	Yes	Majority
5. Refer to Committee	Yes	Yes	Yes	Majority
4. Amend the Amendment	Yes	Yes	No	Majority
3. Amend or Substitute	Yes	Yes	Yes	Majority
2. Postpone Indefinitely	Yes	Yes	No	Majority
Main Motions				
1. Original	Yes	Yes	Yes	Majority
Main Motion (Resolution)	Yes	Yes	Yes	Majority
Bring a Question Again	Yes	Yes	No	Majority
Reconsider	Yes	Yes	Yes	Majority
Rescind	Yes	Yes	Yes	Majority (with notice)
Incidental Motions				
No order or precedence	No	No	No	None
Parliamentary Inquiry	No	No	No	None
Point of Order	Yes	Yes	No	Majority
Appeal from Decision of the Chair	No	No	No	None
Division of an Assembly	Yes	No	No	2/3
Suspend the Rules	No	No	No	Majority
Modify or Withdraw a Motion	Yes	No	Yes	Majority
Divide a Motion	No	No	No	None
Point of Information	Yes	No	No	Majority
Create a Blank	Yes	No	No	Majority
Object to Consideration	No	No	No	2/3



Connecticut Association of Boards of Education
 81 Wolcott Hill Road, Wethersfield, CT 06109-1242
 Telephone: 800-317-0033 or 860-571-7446 • Fax 860-571-7452

Provided as a service of:

Simplified Chart of Parliamentary Motions

Motion	Debatable		Amendable		Vote Required	
	Yes	No	Yes	No	Yes	Majority
8. Adjourn						
7. Recess						
6. Close Debate	No	No	No	No	2/3	
5. Postpone Definitely	Yes	Yes	Yes	Yes	Majority	
4. Refer to Committee	Yes	Yes	Yes	No	Majority	
3. Amend the Amendment	Yes	Yes	Yes	Yes	Majority	
2. Amend or Substitute	Yes	Yes	Yes	Yes	Majority	
1. Main Motion (Resolution)	Yes	Yes	Yes	Yes	Majority	
Reconsider	Yes	Yes	Yes	No	Majority	
Rescind	Yes	Yes	Yes	Yes	Majority	(with notice)

Motions Dealing with General Conduct of Meeting

No Order of Precedence		Vote Required	
Yes	No	Yes	Majority
Point of Order	No	No	None
Parliamentary Inquiry	No	No	None
Appeal from the Decision of the Chair	Yes	No	Majority
Division of the Assembly	No	No	No
Suspend the Rules	No	No	2/3
Divide a Motion	No	Yes	Majority
Withdraw or Modify a Motion	No	No	Majority

From Notes and Comments on Robert's Rules, by Jon Ericson, Southern Illinois University Press, 1991.

10/25/2016

To: Board of Selectman

From: EW Fire Protection Committee

RE: Recommendation regarding tax issue between WHP and BB

This committee received information from our town attorney, Josh Hawks-Ladds regarding the six (6) options and the legality of the issues on August 19, 2016. We chose option four (4) Enlarge the Warehouse Point Fire District to cover the entire geography of the Town with fire services, appropriations and expenditures to be controlled by a Board of Fire Commissioners (we propose a team of 9).

WE RECOMMEND THE FOLLOWING:

This arrangement would expand the District to cover all of the Town of East Windsor with a Board of Fire Commissioners managing all fire services for the Town. The new Fire District would lay and collect taxes on all Town residents in order to fund the entire Town's fire service. The Town's Board of Selectmen would not submit a Budget appropriation for fire services; rather the expanded fire District's Board of Fire Commissioners would lay and collect taxes to administer its fire services.

Back up plan would be to add WHPFD back into next year's budget and fund both departments equally. The District could place an additional tax to fund Capital Improvement Projects.

We have completed the charge to this board on June 29th 2016. We request the Board of Selectmen to disband this committee, we have accomplished our goal.

Respectfully submitted
John Burnham
Chair EW Fire Protection Committee

Sept 6 2016

Attachment B
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You also requested that I provide a non-binding, advisory opinion¹¹ as to which solution I thought was most practical and in the best interests of the Town. As we discussed, this question calls for a purely political and policy-driven response and not a legal one; in other words, it will ultimately be up to the Town's elected officials and voters to select the solution that they believe represents the best interests of the Town. That said, in my opinion, creating one fire district for the entire town seems to be the most sensible solution. One fire district would end the current division that has caused some dissension and possible – or at least perceived – unequal tax treatment. The administration of the fire district by a board of fire commissioners also would respect the historical reality that since 1911 one part of Town has had its fire services autonomously administered by the Warehouse Point Fire District and since at least the latter half of the Twentieth Century, the rest of the Town's fire services were managed by an incorporated fire company, namely the Broad Brook Fire Department, Inc. In other words, the Board of Selectmen has permitted other entities to manage the Town's fire services for a long time, and it does not seem politically expedient to change that now. With one fire district for the entire Town, all fire services would come under the administration and authority of a single Board of Fire Commissioners which will represent all Town residents. The Board of Fire Commissioners should be made up of persons that represent the entire Town – from both the Warehouse Point areas and the Broad Brook areas. That Board would be responsible for administering all fire services, taxing all of the residents for those fire services, and expending those sums needed to maintain the entire Town's fire services. By unifying the Town's fire services, all residents are represented by a single Board and taxed in an equivalent fashion for all of the Town's fire services needs. A single district will also resolve any issues pertaining to residents whose properties currently straddle both districts' lines. Please give as much or as little weight to this non-binding opinion as you and your Committee see fit.

Please do not hesitate to contact me with any further questions.

Very truly yours,

Joshua A. Hawks-Ladds

cc: Robert Maynard, First Selectman, Town of East Windsor
Attorney Carl Landolina

¹¹ My advisory opinion is not binding on the Town because it is not a formal legal opinion as Town Counsel.

Warehouse Point Fire Commission
89 Bridge Street East Windsor CT 06088

First Selectmen Bob Maynard
Town of East Windsor
Town Hall
11 Rye Street Broad Brook, CT 06016

December 6, 2016

Dear East Windsor Board of Selectmen,

The Town of East Windsor Town attorney wrote a letter on April 4, 2016 to Mr. Pippin and Jason Bowsza regarding a legal opinion on the Warehouse Point tax issue. The town attorney concluded that the town may not lawfully reduce its tax bills to property owners within the district to offset the towns funding of the Broad Brook Fire Department which does not primarily service them. The town attorney presented three alternatives by which these concerns could lawfully be addressed. The town attorney's first proposed solution was to add an additional line item to its annual budget granting appropriation to the Warehouse Point Fire District in an amount equal to the town appropriation to the Broad Brook Fire Department which would offset the duplication taxation of the districts residents. The Warehouse Point Board of Commissioners immediately agreed to this proposed solution. Then on April 20th we were presented with a clarification email from the town attorney dated April 15, 2016. This email stated he now indicated that he does not see any feasible way for that to be done at this time. Further legal research needed to be done.

To our knowledge no action has been taken on this matter. We are requesting that the town attorney complete the necessary research to accomplish his original solution to add an additional line item to its annual budget granting appropriation to the Warehouse Point Fire District in an amount equal to the town appropriation to the Broad Brook Fire Department which would offset the duplication taxation of the districts residents.

Respectfully,

The Warehouse Point Fire Board of Commissioners


John Burnham


Lou Fynn


Dean Saucier


Mike Balf


Vic DeCapua


Zach Petram

**PULLMAN
& COMLEY LLC**
ATTORNEYS

Attachment B
page 4
Joshua A. Hawks-Ladds
90 State House Square
Hartford, CT 06103-3702
p 860.541.3306
f 860.424.4370
jhawks-ladds@pull.com
www.pullcom.com

April 4, 2016

Richard Pippin, Jr. and Jason Bowsza,
Board of Selectmen
Legal Affairs Subcommittee
Town of East Windsor
11 Rye Street
Broad Brook, CT 06016-9553

**Re: Town Counsel Legal Opinion Regarding
Warehouse Point Fire District Tax Issues**

Dear Mr. Pippin and Mr. Bowsza:

I am writing in response to concerns that have been raised regarding the draft Warehouse Point Fire District (the "District") interlocal agreement (referred to as a "Memorandum of Understanding" or "MOU" by the parties) causing an unfair tax burden to the District's residents because the Town's budget includes an annual appropriation to the Broad Brook Fire Department which fire department does not service the District or will not be the District's residents' primary fire service provider.¹ Under the draft MOU,² the Town would collect taxes levied by the District to fund the District's operations, instead of the District receiving an annual appropriation by the Town.

You have requested my opinion as Town Counsel on two ideas proposed in response to these concerns. Specifically, you have asked: (1) whether the Town can lawfully reduce the real estate tax bill for the owners of property located within the boundaries of the Warehouse Point Fire District by the amount of the Town's appropriation to the Broad Brook Fire Department; and (2) whether the owners of property located within the area served by the Broad Brook Fire Department could create their own municipal district and thereby tax themselves for their own fire services in lieu of an appropriation from the Town.

Municipal taxation is governed by state statute. "The authority of the town to tax is absolutely defined by the grant of taxing power from the legislature, and is limited to expressly granted powers or those that exist by necessary implication." *Burwell v. Board of Selectmen of Town of Winchester*, 178 Conn. 509, 517 (1979). Every town must lay an annual tax on each nonexempt item of property on its completed grand list sufficient to pay its anticipated expenses

¹ I assume that the Broad Brook Fire Department will provide mutual aid to the Warehouse Point Fire District residents in the normal course of providing services to East Windsor residents.

² As of the date of this opinion, the terms of the MOU are still being negotiated between the Town and the District.

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and deficits for the year. C.G.S. §§ 7-344, 7-382, and 12-122. The tax is based on a uniform percentage of assessed value and a rate bill is calculated for each owner according to that assessment list. C.G.S. §§ 12-64 and 12-130(a); *see also* East Windsor Town Charter at § 8-4. The rate is the multiplier by which each \$1000 of value is payable in dollars by the property's owner, therefore called a "mill rate," such that the aggregate equals the total budget.

Although numerous statutes give towns the obligation or discretion to reduce certain valuation assessments and payment obligations under various circumstances, no statute authorizes towns to decrease an individual tax bill on the basis that the taxpayer either derives no benefit from a budget item or is concurrently taxed by an overlapping municipal entity. The Connecticut Supreme Court has affirmed that a town is "required by law to levy taxes on all of the property within its limits," including property within the Town limits, sufficient to pay its estimated expenditures for services outside the Town limits and within the District. *Moore v. Town of Stamford*, 134 Conn. 65, 67 (1947). The Town has "no power to separate any item from its budget and levy separate taxes for it." *Id.* The *Moore* court specifically rejected the argument "that a smaller municipal unit may not be taxed for services properly performed by a larger unit in which it is included on the ground that the services do not directly benefit the smaller unit." *Id.* at 70. Neither may the owners of property within a taxing district compel the town to stop taxing them for providing services duplicative with those they provide to themselves through their district. *Windham First Taxing Dist. v. Town of Windham*, 208 Conn. 543, 557 (1988).

Thus, Connecticut's statutes require the Town of East Windsor to uniformly assess all nonexempt property within its boundaries, calculate a mill rate proportionate to its total annual budget, and bill every property owner according to that statutory formula, subject only to exceptions not applicable here. Although taxes levied by the Warehouse Point Fire District will be in addition to those levied by the Town for its general budget, a portion of which is appropriated to another fire department serving a different area, state law provides no exception by which the Town could decrease the real estate tax liability of the owners of property within the District by the amount of that appropriation.

I therefore conclude that the Town may not lawfully reduce its tax bills to property owners within the Warehouse Point Fire District to offset the Town's funding of the Broad Brook Fire Department which does not primarily serve them.

You also asked whether the owners of property located within the area served by the Broad Brook Fire Department could create their own municipal district and thereby tax themselves for fire services in lieu of an appropriation from the Town. The answer is yes: Under C.G.S. § 7-324, *et seq.*, residents of a geographically contiguous area may vote to establish a municipal district for the purpose of providing fire protection services. The district would constitute a municipal entity wholly separate from the Town with the independent power to levy taxes on property within its boundaries to fund its own budget. Many fire departments

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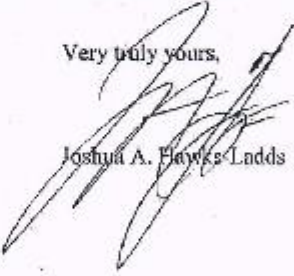
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across Connecticut are organized this way. Note, however, that the Town cannot force the residents to create their own district. In fact, the residents of Broad Brook specifically considered and rejected a proposal by the Department's board to do so at a well-attended community meeting held in January 2008.

There are at least three alternative approaches by which these concerns could be lawfully addressed. First, the Town could add an additional line item to its annual budget granting an appropriation to the Warehouse Point Fire District in an amount equal to the Town's appropriation to the Broad Brook Fire Department, which would thereby directly offset the duplicative taxation of the District's residents. (It would also presumably reduce the District's own tax levy to the amount by which its budget otherwise exceeds the Department's.) Second, the Town could cease all appropriations to the Broad Brook Fire Department, which would compel its residents to either establish their own district or otherwise develop a system to fund its operations. Finally, the Town could ask the Connecticut General Assembly to enact special legislation authorizing it to reduce or credit its tax bills for owners of property within the Warehouse Point Fire District by an amount equal to its annual appropriation to the Broad Brook Fire Department.

Please contact me if you require clarification of my opinions above or if I can be of further assistance to you.

Very truly yours,


Joshua A. Hawks-Ladds

cc: Robert Maynard, First Selectman

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CAPITAL IMPROVEMENT PLANNING COMMITTEE

SPECIAL MEETING – November 28, 2016

The Committee reviewed their prioritized list of projects, the following projects were approved to comprise the \$500,000 recommendation:

- Oil Tank Removal at the East Windsor High School – Item #40 in the amount of \$14,000
- Window replacement at the Town Hall Annex/Police Department – Item #12 in the amount of \$119,000
- Replacement of existing basketball court at East Windsor Park – Item #18 in the amount of \$25,000.
- LED Light Upgrades at the Annex/PD, Broad Brook Fire Department/Senior Center, and Department of Public Works – Item #2- in the amount of \$92,901.
- Replacement of original Town Hall flooring – Item #25 in the amount of \$52,930.
- Paving project to install walkway around pavilion at East Windsor Park for safety – Item #31 in the amount of \$30,000
- The expansion of the parking lot for the Broad Brook Elementary School – Item 10 in the amount of \$80,300.
- The purchase of Department of Public Works Equipment for use in the service garage – Item #15 in the amount of \$20,000.
- The replacement vehicle for the Building Department – Item #23 in the amount of \$22,933.
- The balance of \$42,936 to fund an Engineering Study for the Department of Public Works Building – Item #23.

EAST WINDSOR MIDDLE SCHOOL ROOF RESOLUTION

RESOLVED, that the Board of Selectmen authorizes the East Windsor Board of Education to apply to the Commissioner of Education and to accept or reject a grant for the Roof replacement at the East Windsor Middle School.

RESOLVED, that the Building Committee is hereby established as the Building Committee with regard to the roof replacement at the East Windsor Middle School.

RESOLVED, that the Board of Selectmen hereby authorizes at least the preparation of schematic drawings and outline specifications for the roof replacement at the East Windsor Middle School.

Dated at East Windsor, Connecticut this 6th day of December 2016.

EAST WINDSOR BOARD OF SELECTMEN

Robert Maynard, First Selectman

Richard P. Pippin, Jr., Deputy First Selectman

Jason Bowsza, Selectman

Steve Dearborn, Selectman

Dale Nelson, Selectman

Friday 11/18 EW Youth Center 630 PM to 800 PM

Saturday 11/19 Abby's Helping Hand Ladies Brunch 1000 AM
There were 30 vendors and 171 participants; the food and fun were super. We have already booked Manleey's for next year. We raised money for next year's projects.

Monday 11/21 Housing Authority 700 PM
Resident Service Report – The tenant association held a Craft and Bake sale on 11/5 the residents were happy with the turn out, the VNA continues to come monthly to check on the residents, and Dec 16 at 400 PM will be the annual Christmas party.
Tenant Association 11/8 meeting – Department of Health did a sanitary survey inspection on the well system (mandatory every 3 years) There was discussion of hooking up to the town water, however cost prohibitive. A party was held for Daryll's retirement (20 Years). Monthly packages being sent to the veterans.
Executive Directors Report – the annual audit is underway and will schedule a meeting in December, 11/9 attended a Police Commission meeting to present our concerns (portable speed bumps, stop signs), The will conduct a survey and report back at the December meeting. Water system had an emergency repair and noted other upgrades needed to be done. A grant was received for a new generator, a motion was made and 2nd to give the old one to the town. South Road was discussed and a motion was made and 2nd to turn financial responsibility back to the town. Also approved was spending \$38,000 to update and repair the well water issues, Mike Provecher retired 10/31 a retirement party will be planned in the near future. Contractor has been selected for sidewalks, now the application for Critical Needs funding will be submitted (work to begin spring of 2017). Small Cities Grant – there was a prebid meeting for contractors (10 attended)

Wednesday 11/22 Board of Education cancelled

Monday 12/5 WHPPFD 700 PM
Snow removal contract was awarded to Josh Austin with a few updates to the \$5,000 contract. New hires were discussed; need 2 additional PT starting January 2017. Additional funding was discussed for \$49,000; the treasurer stated they would have to find the money. In the effort to be transparent they will advertise a special meeting for the WHPPFDistrict. 2 dates were discussed 12/15 or 12/22. Bob Maynard offered a proposal to put WHPPFD back in the budget; the town would pay invoices up to the proposed budget. Chief Barton stated that for the last several years the town has cut one check in July because of front loaded expenses. They supply the town a yearly audit. Discussion of a letter from the town attorney dated 4/15/2016 regarding "legal research being performed into the impact of any additional line item appropriation to the WHPPFDistrict" – where is the legal update. Fire Marshall Christy Delvey submitted her resignation effective February 1, 2017; she has accepted a position with the Port Authority of New York/New Jersey. Chief Barton stated there were 36 calls last month, the new IM responding is working great (FF receive 4 notifications), he is still looking into the installation of cameras at both stations

12/6

Tuesday 11/26 Opioid Conversation
EWHS and child care will be available

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630 - 830 PM

Upcoming events:

Saturday 12/10	Wreaths across America	1200 noon
	Salvation Army at Wal-Mart	1000 - 200 PM
Saturday 12/17	Torchlight Parade	530 PM

Respectfully submitted,
Dale Nelson
EW Selectwoman

Selectmen's Report - December 6, 2016

On November 17, the East Windsor 250th Celebration Planning Committee met. The committee voted to authorize the first purchases of promotional materials to commemorate the event. The intention was to purchase sweatshirts, coffee mugs and so on. Hopefully, we will have spent a little bit of money that will help us raise a lot more, and generate some awareness as well.

I missed the Planning and Zoning Commission meeting on November 22nd to attend a meeting at the Police Department. Planning and Zoning discussed releasing bonds associated with the Newberry Village development. The commission agreed to release about \$27,000, although there are still questions about some work to be done.

That same night I did attend a meeting at the police department with Chief DeMarco, Deputy Chief Hart, Detective Sgt. Matt Carl, and Detective Roberts. We discussed issues associated with noise complaints in the Prospect Hill neighborhood, potential issues that would need to be considered if East Windsor were to host a casino, and issues associated with the opioid crisis affecting towns across the nation. I'd like to thank the chief, deputy and detectives for setting aside more than two hours to meet with me and discuss these issues.

After another review, the issues associated with noise in the Prospect Hill neighborhood continue to fall within the limits established by the state's noise code. While it may be troublesome, there isn't anything more that the town can do.

We also discussed the impacts that a potential casino may have on public safety concerning traffic associated with the final project and other unknowns about the facility at this point in time. I was impressed with their willingness to make the situation work if we are selected.

We also discussed the efforts to combat the opioid crisis that we all face. EWPD has successfully saved more than a dozen lives from fatal overdoses of "New World" heroine since 2013. By comparison, Enfield has had 25 overdoses in 2015 alone.

I truly believe that we need to discuss combatting the opioid crisis in a more serious way, and I think that that starts by destigmatizing the issue of addiction. Any family can be afflicted with the evils of addiction, and many have been.

The Agriculture and Conservation Commissions did not meet due to the Thanksgiving holiday.

On November 26, the police union members and their spouses spent the day at the Super Walmart collecting unwrapped toys and cash for underserved families in East Windsor. Their union also donated \$1,000 to purchase additional gifts for needy families. When I stopped by, there were SIX officers and their wives volunteering on their own time. This is one example that shows how dedicated these folks are to the community that they serve.

Tonight I attended the Community Conversation Forum on Opioid and Heroine Addiction. Another community forum covering this important topic will be next Wednesday from 5-7:30pm at the East Windsor Middle School

Respectfully submitted,

Jason E. Bowsza
Selectman

*the comments above are my own perspective on events that have happened in town over the last few weeks. They do not necessarily reflect the perspective of the Town or any other board member.