

TOWN OF EAST WINDSOR BOARD OF SELECTMEN

SPECIAL MEETING

Thursday, June 6, 2019

4:30 p.m.

Town Hall Meeting Room
11 Rye Street, Broad Brook, CT. 06016

Meeting Minutes

**** These Minutes are not official until approved at a subsequent meeting ****

Board of Selectmen:

Robert Maynard, First Selectman
Steve Dearborn, Deputy First Selectman
Jason E. Bowsza, Selectman
Andy Hoffman, Selectman
Charles J. Szymanski, Selectman

ATTENDANCE: **Board of Selectmen:** Robert Maynard, First Selectman; Steve Dearborn, Deputy First Selectman (arrived 4:55 p.m.); Jason E. Bowsza, Selectman; Andy Hoffman, Selectman; Charles J. Szymanski, Selectman.

ABSENT: All Selectmen were present this evening.

SPEAKERS/GUESTS: Attorney Robert DeCrescenzo; **Charter Revision Commission:** John Matthews, Chairman; Don Arcari, Secretary.

Public: Tom Buckley, Marie DeSousa, Bob Leach.

Press: No one from the Press was present.

TIME AND PLACE OF SPECIAL MEETING:

First Selectman Maynard called the Special Meeting to Order at 4:35 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

ATTENDANCE: See above.

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**REVISION OF CHARTER REVISION DRAFT REPORT BY BOARD OF
SELECTMEN:**

Under review by the Board of Selectmen are the following documents:

- ❖ The Charter Revision Commission 2018-2019 Draft Report dated May 15, 2019. The last page of the report reflects the signature of the Town Clerk, Joanne Slater, including the date of receipt – May 15, 2019. The Draft Report includes a list of the 13 proposed changes, each change identifying the corresponding section in the Charter.
- ❖ Attachment A – The Charter Revision Commission Charges recommended by the Board of Selectmen May 17, 2018.
- ❖ Attachment B – The Charter Revision Commission Summary of Revised Language as of May 15, 2019.
- ❖ Attachment C – Draft Revised East Windsor Town Charter with deletions shown as cross-through text and additions shown by underlined text.

PLEASE NOTE: The documents are available online on the Town website. To find the documents go to BOARDS AND COMMISSIONS, choose - the Charter Revision Commission, in the navy blue sidebar to the left – choose “Charter Revision Commission Draft Report”. For the convenience of the reader Documents A through C, which include the redline Charter, have been combined into one document.

First Selectman Maynard opened discussion to the Board.

Selectman Hoffman suggested that if the Charter Revision Commission submits 13 items to the voters in November they can’t expect to get a reasonable response; he felt the Board needs to decide which items to submit to the public, and then prioritize them. Selectman Szymanski agreed there are a lot of questions but noted that in the past Ellington has presented 17 questions to the public on their ballot. Charter Revision Commission Chairman Matthews, speaking from the audience, concurred, suggesting that vote went back a few years. CRC Chairman Matthews noted what was interesting was the questions required a yes or no response and it was evident that the people took the issues/questions seriously because the same number of people voted every issue. CRC Chairman Matthews suggested that more recently Ellington had posted 14 questions.

First Selectman Maynard suggested he would delete the following findings/recommendations:

Proposed Charter Revisions to Enhance Town Department Coordination:

Add New Section – Section 6-6(I): Police Department

Add New Section – Section 7-7: Police Commission

Revise Section 8-3: Finance General Provision:

Discussion began with:

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Section 8-3 General Provisions:

See page 34 and 35 of Attachment C – Charter (available online).

First Selectman Maynard suggested he would delete sub-section F) – Interdepartmental Transfers, and sub-section G) – Rules for Expenditures and Bidding. Selectman Bowsza questioned that sub-sections E) – Approval of Expenditures, and sub-sections F and G identified above are new? Attorney DeCrescenzo replied affirmatively, noting sub-sections A, B, C, and D are the original language, while sub-sections E, F, and G are new language. He has shown all original language as struck-out text, and has shown how the new Section 8-3, including sub-sections A, B, C, D, E, F, and G, will appear in the revised Charter.

Selectman Bowsza questioned what was the Charter Revision Commission trying to do with this revision? Attorney DeCrescenzo suggested they are requiring the Finance Director/Treasurer to approve all financial requests charged against the Town. This would require additional signatures for payment, which is pretty standard language. Selectman Bowsza questioned isn't that done now via approval of the check registers? Attorney DeCrescenzo replied affirmatively, but noted it's not required in the Charter. First Selectman Maynard felt that the check requests are signed by the department heads and reviewed by the Treasurer, and then approved by the Board of Selectmen (BOS); he felt that process was working well. First Selectman Maynard also felt sub-section E was unnecessary as the Town is audited annually. Selectman Bowsza agreed with First Selectman Maynard, noting there is a policy now, and there's nothing to say it's insufficient. Selectman Hoffman suggested if the policy is working, why change it?

The BOS decided to vote on their recommendations as discussion occurred.

Discussion followed regarding the process for relaying recommendations. Attorney DeCrescenzo suggested the BOS would make recommendations to the Charter Revision Commission (CRC) to remove whatever section, that recommendation goes back to the CRC for consideration and the CRC either agrees or disagrees with the recommendation. Attorney DeCrescenzo suggested the BOS is presently reviewing the CRC's Draft Report. Selectman Bowsza questioned if another Public Hearing is held by the BOS; Attorney DeCrescenzo recalled the BOS had discussed a second Public Hearing. Attorney DeCrescenzo noted the Board isn't obligated to hold another Public Hearing but you do have that option. First Selectman Maynard reported he's already posted another Public Hearing for June 12th. (*NOTE: The Public Hearing was advertised in the Journal Inquirer's weekend edition for June 8th and 9th; the Legal Notice notes the Public Hearing has been cancelled*). Selectman Bowsza questioned if the BOS could hold a second Public Hearing after receipt of the Charter Revision Commission's Final Report? Attorney DeCrescenzo indicated the BOS was not obligated to hold a second Public Hearing but could hold as many Public Hearings as you want.

MOTION: To move to RECOMMEND that the changes to section 8-3 as presented to the Board of Selectmen not move forward.

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Bowsza moved/Hoffman seconded/DISCUSSION: Nothing additional.

VOTE: **In Favor:** **Maynard/Bowsza/Hoffman/Szymanski**

NOTE: Deputy First Selectman Dearborn had not arrived at the Meeting at this time.

Section 6-6 (I): Police Department (New) AND Section 7.7 Elected Commissions: Police Commission (New):

See pages 22 through 24 of Attachment C – Charter (available online) for Section 6.6 (I): Police Department (New), and pages 31 and 32 for Section 7.7 Elected Commission: Police Commission (New).

First Selectman Maynard recommended deleting Sections 6-6 (I): Police Department (New) AND Section 7.7 Elected Commissions: Police Commission (New) as the sections are tied together. He noted that people reading the proposals ask him who the Police Chief will be reporting to? First Selectman Maynard felt that regarding personnel issues the Police Chief would report to the BOS, while regarding procedural issues the Police Chief would report to the Police Commission. First Selectman Maynard felt one employee couldn't report to two people. Selectman Bowsza felt the reporting structure regarding emergency situations - school shootings, significant structural damage, chemical spills - upends everything; that puts the First Selectman squarely in the middle. Selectman Bowsza questioned First Selectman Maynard if he really wanted to handle day to day operation of the Police Department?

First Selectman Maynard felt the Police Department runs well, although there may sometimes be communication problems between the Police Chief and the First Selectman; he felt the Police Commission can be the buffer for that. He recalled the Police Commission presented the budget but the Chief and the Deputy Chief came in to discuss the details. First Selectmen Maynard cited the Police Commission is the traffic authority in Town. His office gets complaints that large trucks from the gravel pits are going down Scantic Road although there are signs saying not to use that road but he felt traffic issues, and traffic flow may be an issue for the Police Commission but they're not ready to tackle that at this time. First Selectman Maynard felt there's a disconnect with the general running of the Town, but he questioned if this proposal puts us where we want to be.

Selectman Hoffman felt we currently treat the Police Department differently than the other departments; he questioned why the Police Department is different? Selectman Bowsza suggested the State Statutes cover the Police but not the Department of Public Works.

Attorney DeCrescenzo clarified that if the Town adopts the Police department or commission by the State Statutes that's correct, but if the Town adopts them by the Charter you can do it differently, which is the proposal by the CRC to the BOS. Attorney DeCrescenzo clarified that this section makes the line of authority for the First Selectman for administrative, non-sworn employees, and, regarding budgetary issues it's an administrative issue which creates the Police

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Department as a department of the Town as other departments. Attorney DeCrescenzo suggested the Police Department is slightly different because of the criminal jurisdiction of the department. He suggested the CRC's proposal is to create a Police Department for which the First Selectman will have more input for the administrative issues of the department but not the sworn authority; that stays with the Police Commission.

LET THE RECORD SHOW Deputy First Selectman Dearborn arrived at 4:55 p.m.

Selectman Szymanski suggested this proposal could bring the Police Chief and the First Selectman's Office closer together for working town issues. Attorney DeCrescenzo replied affirmatively, noting today there is no direct reporting authority to the First Selectman by the Police Chief; the Police Chief reports to the Commission and the coordination happens between the First Selectman and the Police Commission. Selectman Hoffman cited that appears to be a disconnect to him. First Selectman Maynard suggested he's arguing that these proposals don't change that; right now if the Police Chief wants to hire a records clerk he has to come to the BOS, he can't hire that person without the BOS's permission. He suggested if there's any kind of problem with personnel or a grievance or to ask for a lawyer the Police Chief has to come to the First Selectman. First Selectman Maynard didn't see how the proposed change would help the interaction. Selectman Bowsza felt that if the proposed changes before the BOS were adopted the Board would not be responsible for promotions, or shift assignments, or the like.

Selectman Szymanski suggested it was his understanding that most Towns have made the change the CRC is proposing and moving away from the Police Commission handling the Police Department. Attorney DeCrescenzo felt most Towns in Hartford County have Police Departments but smaller, rural towns governed by a BOS/First Selectman still have statutory Police Commissions. He cited that many Towns don't have a Police Department as they have resident State troopers instead. He suggested that most towns that have municipal protection operate through a Police Commission but when you get to a larger town with more activity that requires police attention it's been his experience that you have police departments within the overall organization. Attorney DeCrescenzo cited Simsbury as an example; he noted they've had a Police Commission by Charter who works with the First Selectman (now a Town Manager) and a Police Department within the Town for 30 years. Attorney DeCrescenzo cited there are many variations under a home rule State.

Selectman Hoffman didn't see a downside to the CRC's proposal. He suggested if the First Selectman is the Chief Executive Officer of the Town the Police Chief should report to the First Selectman at least to some extent. Selectman Hoffman didn't feel this proposal decreases the importance of the Police Commission; it just removes the barrier between the Police Commission and the Police Chief that currently exists in East Windsor. Selectman Hoffman felt that barrier isn't a good thing. Selectman Bowsza felt it was centralizing more authority in one person; he suggested that centralizing authority in one person tends to freak people out. Selectman Szymanski felt if the Board could bring the top people together in better

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communication that's important. Selectman Szymanski noted First Selectman Maynard and Chief DeMarco are there day to day; they have the direct pulse of the people, if something needs to be done it's a little step towards doing things better; it doesn't defrock the Police Commission. Selectman Hoffman agreed, noting he wasn't knocking the Police Commission. He suggested he's just saying the First Selectman and the Police Chief should have a more direct line of communication. Selectman Bowsza questioned that Selectman Hoffman wanted to compel that by Charter? Selectman Hoffman replied yes, because if not by Charter the policies will get in the way. Selectman Hoffman indicated he liked to have it written down, and the Charter is the right place for that.

Selectman Bowsza questioned under this proposal if the First Selectman could give the Police Chief a directive that the Police Commission disagrees with? Attorney DeCrescenzo suggested that if it were in the area of the Police Commission promulgated policies then that directive would be out of order because, if you look at what the Police Commission does they establish policies; anything to do with criminal investigations, anything to do with the sworn officers really isn't within the jurisdiction of the First Selectman. Attorney DeCrescenzo suggested it would be more like freezing the budget for supplies until the end of the year rather than investigating the abandoned cars down the road.

Selectman Bowsza questioned if the First Selectman could give the Police Chief a directive to promote a particular officer to a higher level despite the recommendation of the Police Commission? If you have the Police Chief reporting directly to the First Selectman there's room for the perception that he's being told to promote someone who doesn't have the requirements. Attorney DeCrescenzo suggested if that would come to him as a Town Attorney he would say that was beyond the scope of the jurisdiction of the First Selectman. He suggested under Section 7.7 (D) – Personnel matters – “The Police Commission shall be responsible for personnel matters within the Police Department, including but not limited to, the appointment and removal, after receiving and considering comments from the Chief of Police and subject to such rules and regulations...” – he felt that would be related to personnel matters given to the Police Commission. Attorney DeCrescenzo suggested this is as it's done today.

Referencing Section 6.6(I) First Selectman Maynard suggested sub-section (1) just establishes the Police Department. First Selectman Maynard then read sub-section (2) – Chief, and sub-section (3) Members of the Police Department. First Selectman Maynard indicated he didn't see how sub-section (2) and (3) improves the relationship between the First Selectman and the Chief of Police; Selectman Bowsza agreed with First Selectman Maynard.

Attorney DeCrescenzo suggested that concept is captured in sub-section (1) – the Powers and Duties. As the Chief Executive Officer the First Selectman has the right to establish the rules and procedures for all departments, as long as they don't invade the investigation and enforcement of criminal laws; that's the intent. First Selectman Maynard suggesting leaving just sub-section 1; he questioned if the Police Department would be subject to the rules and regulations as other departments, even if those departments aren't defined in the Charter?

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Attorney DeCrescenzo replied affirmatively, as a Town department. First Selectman Maynard suggested that previously if the BOS asked the Police Chief to come in and make a presentation he could have said the Police Commission wouldn't want him to do that; under sub-section (1) the Police Chief would be obligated to come in. Selectman Hoffman suggesting having that loophole to prevent the Police Chief from coming in if he didn't want to is bad; he should report to the First Selectmen's Office. Attorney DeCrescenzo suggested as a comparison that the Superintendent of the Schools could say they couldn't come in without the approval of the Board of Education. Selectman Hoffman didn't feel that was a good thing for the operation and communications of the Town. First Selectman Maynard and Selectman Bowsza continued to advocate for the deletion of sub-sections (2) and (3). Attorney DeCrescenzo reiterated that it makes the appointment power joint between the First Selectman and the Police Commission. Selectman Bowsza questioned what if they don't get along; he felt it's problematic with the dual appointment authority. Attorney DeCrescenzo cited the BOS is the appointing authority; there must be two signatures; they need to work it out. Selectman Bowsza felt the First Selectman has a vote within the BOS so he felt that position has 2 votes. Attorney DeCrescenzo indicated he considered that as well but with a 5 member board the appointment takes 3 votes, so even if the First Selectman didn't have a vote it would still take 3 votes. Attorney DeCrescenzo suggested this is a policy decision, the proposal isn't contrary to State law; it's a choice of how you want to do this. Selectman Szymanski requested clarification that the proposal is saying that the First Selectman has a say as to who is the Police Chief? Attorney DeCrescenzo replied the way this is written the BOS and the Commission agree on a candidate. Selectman Szymanski felt in the overall scheme of things that if it's the right party he couldn't see either appointing party not coming together; he felt it's best for the First Selectman and the Commission to look at the person and to say is this the best candidate for our community. Selectman Bowsza questioned if there was any prohibition to that presently? Attorney DeCrescenzo suggested there's no prohibition but there's no obligation. He clarified that under the current language the Police Commission does make the appointment now, and it's up to them if they want to involve the First Selectman or not.

Attorney DeCrescenzo noted this proposal does change the appointing authority for the Police Chief from the Police Commission to the BOS/First Selectman. Deputy First Selectman Dearborn suggested now the Police Commission could tell the BOS to take a hike; Attorney DeCrescenzo concurred. Selectman Szymanski suggested this is a once in a 10 year event. First Selectman Maynard recalled when he first took office the Police Chief said he didn't have to talk to First Selectman Maynard as he was obligated to obey the Police Commission. First Selectman Maynard indicated he felt sub-section (1) was ok; he didn't have a problem with the Police Commission appointing the Police Chief. Deputy First Selectman Dearborn requested clarification that First Selectman Maynard felt it was ok for the Police Commission to pick the Chief without the BOS approving that? First Selectman Maynard replied – yes. Deputy First Selectman Dearborn wasn't in favor of that. Selectman Szymanski felt the more people who look at a candidate for such an important position the better as they look from different points of view if this is the right person for the community. Someone who runs the day to day and has the

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pulse of the people should have some input; the Town would be better off; he didn't feel it's a big deal.

Selectman Bowsza suggested removing the word "jointly recommend" from the first sentence in sub-section 2, he suggested the First Selectman would have a vote along with the BOS; First Selectman Maynard concurred.

MOTION: To move to RECOMMEND to the Charter Revision Commission that Section 6.6 (I) be stricken after the first sentence in sub-paragraph 2 through the last sentence in sub-paragraph 3, and that we strike in the first line of sub-paragraph 2 "...and the First Selectmen jointly...."

Bowsza moved/Maynard seconded/DISCUSSION: Nothing further.

VOTE: In Favor: Maynard/Dearborn/Bowsza/Hoffman/Szymanski

Section 7.7 Elected Commission: Police Commission (New):

See pages 31 and 32 for Section 7.7 Elected Commission: Police Commission (New) of Attachment C – Charter (available online).

Attorney DeCrescenzo questioned the Board's position regarding Section 7.7 Elected Commissions: Police Commission (New) as this section works with Section 6.6 (I) Police Department. Selectman Bowsza questioned what the current ordinance regarding the Police Commission says? Attorney DeCrescenzo indicated he didn't have the ordinance with him but felt it largely referenced the State Statute. Attorney DeCrescenzo suggested the Charter proposal changes the State Statute, which is possible. He referenced C.G.S. 7.276 - the Powers of the Police Commission, which states "...shall have full power of appointment and promotion of all officers and members of the Police Department..."; Attorney DeCrescenzo felt that "all members of the Police Department" included the Chief of Police. Attorney DeCrescenzo then referenced C.G.S. 7.274 – Establishment of Town Police Commissions – he felt appointment of the Chief of Police by the BOS would be inconsistent with the State Statutes so you need to make it clear in the Charter that your intent is to do that (appoint the Chief of Police by the BOS). Selectman Bowsza questioned that the Board could give themselves power that isn't provided in the Statute that they reference? Attorney DeCrescenzo indicated as long as you do it correctly you can; he cited the phrase "except as provided for in the Charter, the Police Commission shall have all the powers of C.G.S. 7.276." Selectman Bowsza noted the Board is changing in paragraph 2 powers adopted by ordinance which reference State Statutes; he questioned how the Board would not be in conflict with the State Statutes?

Attorney DeCrescenzo suggested that in areas of conflict between local law and State law you must go through the steps – a) are you in conflict, and b) how are they in conflict, is it of Statewide or local concern? He cited the case of the Windham Taxpayers Association, which found that the Charter pre-empted the State Statutes because it was an issue of purely local

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concern. If you are a home rule State if the Charter says “it shall be this way”, so as long as it’s a matter of local concern it’s ok. Attorney DeCrescenzo suggested applying that rule to this proposal as long as the Charter doesn’t invade the police enforcement responsibilities of the Police Department the Charter could modify C.G.S. 7.276 if you have chosen to do it that way. Attorney DeCrescenzo felt the way you’ve chosen would be decided by the court today as it being a matter of local concern as it’s strictly focused on the appointing authority of the Police Chief; it doesn’t say anything about what he or she does when appointed. Attorney DeCrescenzo indicated he’s comfortable with that as long as there’s language in the Charter that your intention is to retain the full powers of the Police Commission except as they are inconsistent with the Charter and the only place it would be inconsistent is the appointing authority for the Police Chief. Selectman Szymanski questioned where that language would be inserted? Attorney DeCrescenzo suggested you haven’t taken out the Police Commission; you’ve chosen not to have a statutory Police Commission, you’ve chosen to create one by Charter.

Attorney DeCrescenzo noted the Board has chosen to recommend to the CRC to take out everything except sub-section 1 and the other wording of the Police Department, what are you recommending to the CRC regarding the Police Commission?

Attorney DeCrescenzo suggested the intent was to retain the full statutory powers of the Police Commission, except for the reporting responsibilities to the First Selectman. He read excerpts from Section 7.7(C) relating to the duties of the Police Commission. Selectman Hoffman questioned what changes would be necessary to this section; Attorney DeCrescenzo felt the language “not inconsistent with the Charter” covered the appropriate language. He further suggested changing the first sentence to read “The Commission shall be responsible for establishing Police Department policies and shall also have those powers and duties, not inconsistent with this Charter...”; he felt that clarified the intention of the CRC. Selectman Bowsza questioned the difference, other than the appointment of the Chief of Police? Attorney DeCrescenzo noted nothing, except that the Police Department would now be a department of the Town. If the First Selectman issues a directive to all departments today the Police Department can say they’re not a department of the Town, they’re not obligated to follow all other departments. As long as the directive doesn’t invade the Police Department enforcement responsibilities the Police Department would be subject to the directives to all Town departments. As an example Attorney DeCrescenzo suggested the First Selectman could say the Police Department must provide their budget by January 15th. First Selectman Maynard questioned the closing of the dog facility and partnering with South Windsor? Selectman Bowsza felt the BOS could have done that under their fiduciary responsibility. Selectman Bowsza reported he didn’t understand the examples given. Attorney DeCrescenzo suggested the issue of the truck traffic, the First Selectman could tell the Police Chief he would like him to come in and discuss the traffic with the residents and as a department of the Town the Police Chief would have to come in. Selectman Bowsza questioned an example of policy for the Town Planner that currently wouldn’t apply to the Police Chief that would apply under this proposed change? Attorney DeCrescenzo indicated personnel rules would apply to the Police Department

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as long as they applied to all other departments. Selectman Bowsza thought the personnel powers were being retained by the Police Commission. Attorney DeCrescenzo indicated he would interpret that to be sworn officers, not clerical staff, as they're not members of the sworn department. Selectman Bowsza questioned if it applied to a dispatcher, or a confidential secretary? Selectman Bowsza questioned under the current structure the Police Department has a budget that's voted on by voters but is controlled by the Police Commission, if Section 6.6(I) as amended and Section 7.7 as presented passes who would have control of the budget? Attorney DeCrescenzo indicated the Police Commission because of C.G.S. 7-276. Regarding the personal secretary, Attorney DeCrescenzo indicated the secretary is a member of the Town Hall Clerical Union, she's not a "member" of the Police Department as are the 24 sworn officers. Selectman Bowsza questioned what if we take out Section 7.7, does the Police Commission stay status quo? Attorney DeCrescenzo indicated if you deleted Section 7.7 entirely you would have to add some language to Section 6.6 (I) which makes the Police Commission a carve out of the statutory powers of the Police Commission; he felt Section 7.7 (C) was not inconsistent as it's the intention of the CRC to deviate from the Charter on this one issue. They know they're doing that; it's their intention to and they're carving out the statutory powers of this one section of the Police Commission. Returning to the example of Windham Taxpayers Association it's not a statewide concern who you choose as your Police Chief, what he does when he becomes Police Chief is because that's law enforcement. Selectman Szymanski requested clarification that if the Town says the Police Department becomes a department of the Town then there could be a directive from the First Selectman that all supplies would be purchased from Staples, as an example. Attorney DeCrescenzo replied – yes. Selectman Szymanski then gave the example that all Police vehicles would be done by the Town mechanic? Attorney DeCrescenzo suggested or the Police Department is provided with a bid list. Attorney DeCrescenzo suggested that going along it makes everything better with the First Selectman/BOS/Police Commission/Police Chief when they agree. Attorney DeCrescenzo suggested in his opinion by making it a department of the Town it makes it closer to the operations of municipal government.

Attorney DeCrescenzo advised the Board that you can make recommendations to Section 7.7 consistent with Section 6.6(I), you can't change the CRC language but you can ask them to go back and make language changes. The Board can't write the language for them, but you can tell the Charter Revision Commission what you're trying to achieve and let them make the changes.

Selectman Bowsza questioned where membership of the Police Commission was covered currently? Attorney DeCrescenzo suggested it was covered in the Statute. Selectman Bowsza questioned if the Board recommended removing all of A, B, D, E, and F all of the current status quo remains governed by 7-274? Attorney DeCrescenzo clarified Chapter 104. Selectman Bowsza suggested leaving C would cover Attorney DeCrescenzo's concern for not being inconsistent with the Charter. Selectman Bowsza suggested that the only two substantive changes to the Police Department would be that it would be recognized as a department of the Town, and that the Police Chief would be recommended by the Police Commission and approved by the BOS; Attorney DeCrescenzo concurred. Selectman Bowsza questioned that

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other than that everything else remains status quo? Attorney DeCrescenzo suggested it remains the same.

MOTION: To move to **RECOMMEND** to the Charter Revision Commission to remove from section 7.7 sections A, B, D, E, and F, and change section C to be consistent to the changes to Section 6.6(I).

Maynard moved/Hoffman seconded/

DISCUSSION: Selectman Hoffman questioned that having made those changes are the things being deleted covered under the State Statutes under Chapter 104 adequately? Attorney DeCrescenzo cited the ordinance is still in place, but it's subject to the two Charter changes.

VOTE: In Favor: **Maynard/Dearborn/Bowsza/Hoffman/Szymanski**

Section 6-6(D): Finance Director/Treasurer:

See pages 19 and 20 for Section 6-6(D): Finance Director/Treasurer of Attachment C – Charter (available online).

Selectman Bowsza cited he has a substantial change he is proposing in that the change occurs throughout the Charter document; it's based on a conversation he's had with Attorney DeCrescenzo. Selectman Bowsza suggested Attorney DeCrescenzo had said he had left in the reference to the Treasurer as that position is referenced significantly in the Statutes; Selectman Bowsza suggested he defined the Finance Director as having the powers of the Treasurer under the General Statutes one time and he then referenced that throughout the document instead of saying Finance Director/Treasurer. Selectman Bowsza reported he felt that's important to remove some confusion, and that was also a stumbling block for a number of candidates to fill the position so if it's established as a Finance Director but defined as what the Statutes recognize as the functions of a Treasurer it seemed to make sense. Attorney DeCrescenzo cited that other than that there is no change to this section.

MOTION: To move **RECOMMEND** to the Charter Revision Commission that the **Finance Director** be defined as the **Town Treasurer** under statutory construct and then make changes throughout striking out **Treasurer** and leaving only **Finance Director**.

Bowsza moved/Hoffman seconded/DISCUSSION: None.

VOTE: In Favor: **Maynard/Dearborn/Bowsza/Hoffman/Szymanski**

Section 8-5(A) and (B)(2) through (4): Separate Referendum Questions for Major Budget Areas:

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See pages 41 and 42 for Section 8-5(A) and (B)(2) through (4): Separate Referendum Questions for Major Budget Areas of Attachment C – Charter (available online).

Selectman Bowsza requested clarification that the reason for this proposal was to have separate budget questions. Attorney DeCrescenzo replied this allows the BOF to present the annual budget in more than one question. Selectman Bowsza suggested they can do that now. Attorney DeCrescenzo replied affirmatively; this change makes it clear in the Charter that they can do it. Selectman Bowsza questioned if this change requires that the BOF present more than one question? First Selectman Maynard suggested it defines what happens if one question passes and the other doesn't. Selectman Bowsza questioned what would happen now in that situation? Attorney DeCrescenzo suggested the BOF could present the annual budget as 3 budgets – the Town, the BOE, and the Capital budget. The Town passes, the BOE fails. Then it goes to the second referendum. Attorney DeCrescenzo suggested someone could argue that the first question had already gone to referendum and already passed, the second question goes to referendum because they're separate questions. The issue is when you get to the 2% default issue. If you go to the 3rd referendum does the 2% go to all of the budgets or just the one that failed? Attorney DeCrescenzo suggested that one of the major changes is to make it clear is that the part that fails goes to referendum, and portion that fails goes to 2%. Attorney DeCrescenzo suggested the current language doesn't anticipate more than one question. Selectman Bowsza cited nothing prohibits it. Attorney DeCrescenzo concurred, the BOF has the discretion how the budget is presented. First Selectman Maynard suggested the proposed language lets the people realize the BOF can ask for more than one question. That could be brought up to separate the BOE from the rest of the budget. Currently the BOF could say they don't have to because it's not in the Charter.

Selectman Hoffman felt the separation of budgets should be spelled out. It's always been one budget question. At the least the Town and the BOE should be judged by the voter individually. Selectman Hoffman indicated his preference would be to include a couple of larger budgets for consideration also. Selectman Hoffman reiterated he'd like to see it specified that the budgets should be separated into two budget questions.

Deputy First Selectman Dearborn suggested unless it's in the Charter that the budgets must be separated the BOF won't do it; the BOS needs to make it mandatory to separate the BOE and the Town side. Deputy First Selectman Dearborn noted other Towns do it.

Selectman Szymanski noted the BOF gets a separate budget from the BOE and from the general government, he felt the budgets should be presented to the public the way they're presented to the BOF so the public can decide for themselves.

Selectman Bowsza suggested it's the BOF's purview to do, and he also felt it serves as a check to consolidating too much power anywhere.

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Selectman Hoffman felt we should give the public the opportunity to vote yes or no on the budget questions. He concurred with Selectman Szymanski that the budgets come to the BOS separately, why not present them that way? First Selectman Maynard noted that if this proposal is put in the Charter it will stay that way for 5 years or more. Deputy First Selectman Dearborn felt if you want to put other budgets in the proposal fine, but he felt it should be mandatory to break the budgets into the BOE side and the Town side. He agreed, it's the way the budgets come to the BOF; why should the Town side be punished for the BOE side?

MOTION: To move to **RECOMMEND** to the Charter Revision Commission that in **Section 8.5, sub-section A**, should be changed to say that the budget will be submitted to the voters in the form of the Board of Education and the Town operating budget.

Hoffman moved/Dearborn seconded/

DISCUSSION: Selectman Bowsza expressed his displeasure with the proposal; Deputy First Selectman Dearborn felt it's a good suggestion.

VOTE: **In Favor:** **Dearborn/Hoffman/Szymanski**
 Opposed: **Bowsza/Maynard**
 Abstained: **No one**

Section 10-9: Automatic Referendum:

See pages 51 for Section 10-9: Automatic Referendum of Attachment C – Charter (available online).

First Selectman Maynard referenced his proposed change, which eliminates the \$150,000 limit but retains an expenditure amount in the aggregate of 1% of the annual budget. Selectman Szymanski suggested 1% of the annual budget would be \$400,000 this year. Selectman Bowsza agreed with First Selectman Maynard.

Discussion occurred regarding leaving in language which specifies the time period the polls will be open. First Selectman Maynard felt it should be removed. Attorney DeCrescenzo suggested if it didn't satisfy the requirement for automatic referendum you would have to do it.

Discussion occurred regarding the language requiring a 2/3 vote of the BOS. Selectman Bowsza suggested if someone petitioned for a Town Meeting for supplemental appropriations for \$60,000 and the BOS chose to reduce the amount to \$45,000 that action would require a positive vote of 4 of the 5 Selectmen, or 2/3 of the Selectmen.

Selectman Szymanski reiterated that 1% of the annual budget is \$400,000. Selectman Hoffman suggested that's a big number. First Selectman Maynard suggested the figure is an aggregate;

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maybe someone could get around that by breaking the figure up. Selectman Hoffman felt if the Board raises the bar too high people will start breaking it up to avoid going to automatic referendum. He would like to see the number remain the \$150,000; he recalled previous bad supplemental appropriations which would have been broken up to prevent the automatic referendum. Selectman Hoffman believed that it's the voters' money being spent, they should have a say in that; they're smart enough to make good decisions. First Selectman Maynard felt people would be opposed to a fixed amount. He also felt it should be substantial enough to have the automatic referendum; he felt the 1% is good. First Selectman Maynard felt if people break it up it will be obvious. Selectman Hoffman indicated they're still within the Charter limits, and it's acceptable. First Selectman Maynard continued to prefer the 1%.

Selectman Szymanski suggested recommending a change to ½ percent, which would equate to \$200,000, he felt people will vote yes or no on that amount. He noted that as the budget grows the ½ percent will grow as well. Selectman Szymanski indicated he's comfortable with ½ percent, over years that percent will grow to a half million dollars; Selectman Bowsza agreed with the 1%. First Selectman Maynard continued to favor the 1%; he cited the size of the Fund Balance and the policies that govern that, and the GASB recommendation that was picked up with that. He suggested there are instances when we need to spend down on one time projects. Selectman Bowsza indicated he wasn't willing to change the policy made on uneducated votes by the Selectmen. Selectman Szymanski questioned what were the uneducated votes? Selectman Bowsza felt this a reaction to the Abbe Road added appropriation – you guys voted not being comfortable with what you voted on. Selectman Bowsza felt this proposal came from that situation. Selectman Bowsza felt this will be disingenuous to voters; they'll be a work around to this. Selectman Bowsza indicated he didn't like any part of this section, but if it were to be included he felt First Selectman Maynard's language was preferable.

Selectman Szymanski returned discussion to the percentage; he felt the 1% was too high. He reiterated that number will continue to grow as the budget grows; over the next 10 years that figure will grow along with the budgets in the same proportion. Selectman Szymanski reiterated voters need to have a say in what they're voting for. He also felt it will be confusing for the voters to know the value of the percentage; people won't know what the actual number is unless you indicate a specific figure. Selectman Hoffman concurred. Deputy First Selectman Dearborn felt that if the 1% is \$400,000 every time someone comes in they'll come in with \$300,000 to get in under and it wouldn't have to go to referendum. First Selectman Maynard agreed that could occur. First Selectman questioned if people would go with the ½ percent? Selectman Szymanski suggested it's about giving the voter the right to say where they want their money to go.

MOTION: To move to RECOMMEND to the Charter Revision Commission to have an automatic referendum with the appropriation in an aggregate of one half of 1% of the annual budget, and, LEAVE OUT the hours the polls are open, and LEAVE OUT any change that the BOS can make.

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Maynard moved/Hoffman seconded/

DISCUSSION: Deputy First Selectman Dearborn questioned if a figure would be put next to the percentage? Selectman Bowsza suggested it would be a question on the ballot. Attorney DeCrescenzo clarified that the BOS frames the question but the Charter Revision Commission will probably recommend the question.

Continuing **DISCUSSION**, Selectman Bowsza raised questions regarding noticing Town Meetings, could sequential Town Meetings be called within minutes of each other, how would the call of the meetings be handled. He suggested as an example the BOE needed \$235,000 for the computers. Could he appropriate \$135,000 at one Town Meeting, and five minutes later could he appropriate another \$100,000; even in the aggregate it's two different occurrences. Selectman Bowsza questioned if he could notice two Town Meetings for the same time? Attorney DeCrescenzo didn't feel you could notice two meetings for the same time. Selectman Bowsza suggested his point is this is a flawed concept. Selectman Bowsza felt this isn't good policy. Attorney DeCrescenzo cited the BOS set the Town Meetings. If someone came through with a proposal for two Town Meetings you should rely on the BOS to say that wasn't the intention of the Charter. The intention is to bundle these in the aggregate and see if they meet the referendum threshold or not. Selectman Bowsza felt there are clearly opportunities to take advantage of this that will clearly be executed, and that's not going to do anyone any good; this is not good policy. First Selectman Maynard disagreed, he felt if some groups, the BOS or BOF, try to dance around and manipulate the Charter it should become apparent to the voters and the voters themselves should become the check. He felt this proposal does say there's an overall policy that the voters should have some say over the expenditure of Town funds, and there's a threshold in the Charter for bonding and other things. Selectman Hoffman said the fact that people are gaming the system doesn't relieve the BOS from the responsibility of trying to do something that's correct. He agreed there will be people gaming the system whether it's \$400,000 or \$200,000, and they'll probably be successful because he doesn't know how closely the voters will look at this. Selectman Bowsza suggested a remedy already exists under the State Statutes and that's if the voters don't like the call of the agenda they can collect 200 signatures, which he felt was a small amount, and petition for a referendum. First Selectman Maynard cited we do the referendums for the annual budget, and this is another incidence of that.

First Selectman Maynard called for a vote; Selectman Bowsza requested he be refreshed regarding the wording of the motion. The motion was read by the recording secretary; she questioned if the wording "LEAVE OUT any change that the BOS can make" was a reference to the 2/3 vote? First Selectman Maynard replied affirmatively. The recording secretary questioned if that clarification should be included in the motion; First Selectman Maynard felt it wasn't necessary.

VOTE:	In Favor:	Maynard/Dearborn/Hoffman/Szymanski
	Opposed:	Bowsza
	Abstained:	No one

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PUBLIC PARTICIPATION:

John Matthews, Chairman of the Charter Revision Commission: CRC Chairman Matthews requested clarification that the BOS have voted to eliminate part of Section 8-3 (General Provisions)? First Selectman Maynard concurred. CRC Chairman Matthews noted that sub-sections A, B, C, and D are already in the current Charter; First Selectman Maynard agreed the BOS wanted to continue to include those sections. CRC Chairman Matthews cited that under sub-section F the BOS would have the ability in the last quarter of the year to transfer unexpended funds up to \$20,000 from one department to another in the event of some unusual situation. CRC Chairman Matthews suggested the \$20,000 is a small amount of money, and the BOS could only do that three times. CRC Chairman Matthews noted it addresses issues that have come up and it wouldn't be stymied by a BOF who has issues with the BOS. CRC Chairman Matthews felt the CRC would ask the BOS to retain sub-section F.

CRC Chairman Matthews also referenced sub-section G (Rules for Expenditures and Bidding). He suggested the Town currently has a bidding process but it doesn't define where the bids are opened. CRC Chairman Matthews suggested sub-section F promotes an openness to the sealed bid process and is specifying that the bids should be opened in the First Selectmen's Office at a specified time rather than having bidding processes occurring in DPW or the Police Department. He reiterated the bids would be opened in the First Selectmen's Office in front of the public. Deputy First Selectman Dearborn noted the bids in South Windsor are opened in the Meeting Room; CRC Chairman Matthews felt that would be an acceptable modification.

CRC Chairman Matthews indicated he felt the Charter Revision Commission will return to the BOS and request that those two sections be modified.

Selectman Bowsza questioned why not make it a change in policy? CRC Chairman Matthews indicated that by putting this proposal in the Charter it institutionalizes the process, otherwise the process can be changed by subsequent administrations.

Marie DeSousa, 10 Rice Road: Ms. DeSousa indicated she was curious about having the Police Chief report to the First Selectman. Why not do the same with the Fire Departments? Ms. DeSousa indicated she felt people have a vendetta with the Police Chief; she felt this is a personal issue rather than being reactive to someone's dissatisfaction.

No one else requested to participate in Public Participation.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 6:50 p.m.

Szymanski moved/Hoffman seconded/DISCUSSION: None

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VOTE: In Favor: Unanimous (Maynard/Dearborn/Bowsza/Hoffman/Szymanski)

Respectfully submitted

Peg Hoffman, Recording Secretary, East Windsor Board of Selectmen