

TOWN OF EAST WINDSOR BOARD OF SELECTMEN

SPECIAL MEETING

Wednesday, June 12, 2019

7:00 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 Bowsza, Selectman
Andy Hoffman, Selectman
Charles J. Szymanski, Selectman

ATTENDANCE: **Board of Selectmen:** Robert Maynard, First Selectman; Steve Dearborn, Deputy First Selectman; Jason E. Bowsza, Selectman ;Charles J. Szymanski, Selectman.

ABSENT: Andy Hoffman, Selectman.

SPEAKERS/GUESTS: Attorney Robert DeCrescenzo; **Charter Revision Commission:** John Matthews, Chairman; Bill Loos, Rachel Safford, Charles Szymanski (sitting as a Selectman), Keith Yagaloff.
Public: D. James Barton, Jim Buckley, Jerilyn Corso, Chairman Board of Finance; Marie DeSousa, Gil Hayes, Bob Leach, Republican Party Chairman, Rick Leborious, Democratic Party Chairman; Jack Mannette, Charlie Nordell, Dick Pippin, Cathy Pippin.

Press: No one from the Press was present.

TIME AND PLACE OF SPECIAL MEETING:

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

First Selectman Maynard called the Special Meeting of the Board of Selectmen to Order at 7:00 p.m. on Wednesday, June 12, 2019, in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

PLEDGE OF ALLEGIANCE:

Everyone stood to recite the Pledge of Allegiance.

ATTENDANCE: See page 1.

DISCUSSION OF CHARTER REVISION DRAFT REPORT WITH MEMBERS OF THE CHARTER REVISION COMMISSION:

Under review of the Board of Selectmen are the following items:

- ❖ 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 began review of the Charter Revision Commission (CRC) findings presented in their Draft Report.

**11. Section 10-8(I) (Amends existing section): Board of Finance Review of Proposed Town Meeting Action:
*(Proposed Charter Revisions to Improve Transparency and Encourage Greater Public Participation in Town Government)***

See pages 50 - 51 of Attachment C – Charter (available online).

First Selectman Maynard noted this proposal suggests “The Town Meeting shall not act upon any appropriation in excess of \$50,000 which has not been recommended or

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

referred to the Town Meeting by the BOF.”

Attorney DeCrescenzo suggested that currently any appropriation has to be recommended by the BOF before it can go to Town Meeting; this proposal says appropriations from \$1 to \$50,000 can go to Town Meeting without referral by the BOF. Selectman Bowsza questioned why that step would be skipped? Attorney DeCrescenzo suggested that the CRC felt that expenditures of less than \$50,000 should go directly to Town Meeting and didn't require BOF referral/approval. Selectman Bowsza questioned if the CRC discussed the \$50,000 being in the aggregate; Attorney DeCrescenzo suggested it's anything, if it's individual in the sentence or an aggregate. Selectman Bowsza questioned if the same department could ask the BOS for 6 added appropriations totaling \$45,000? Attorney DeCrescenzo didn't feel that would be consistent with the language that if the expenditure was in excess of \$50,000 it would have to go to the BOF. Selectman Bowsza questioned what if they asked for 6 consecutive Town Meetings, like once a month for 6 months, for \$45,000 for the same purpose? Attorney DeCrescenzo suggested this question was better addressed to the CRC; he felt the language speaks for itself. If it's \$50,000 for an individual item, or less, it doesn't have to go to the BOF to be considered for Town Meeting. Any Town Meeting would have to be set by the BOS; it would be up to the sitting BOS to decide if a series of smaller amounts would be consistent with the Charter. As to policy decisions, the Statutes requires you to confer with the CRC after your review; he felt that would be the place for these questions.

First Selectman Maynard questioned Selectman Bowsza how he feels about this proposal; Selectman Bowsza indicated he didn't love this. It removes a check on the actions of the BOS. In the existing language the BOF serves as a check on the BOS for added appropriations under \$50,000; this removes that check. Selectman Bowsza indicated he likes that as a general philosophy. Selectman Bowsza agreed Attorney DeCrescenzo wasn't the person to ask these questions; Selectman Bowsza didn't understand why they're removing the checks and balances from our government. First Selectman Maynard agreed.

Charter Revision Commissioner Yagaloff cited the change was intended that the public may want to petition for an expenditure; he indicated the Commission wasn't thinking so much about departments. The public may have a project they want so they could petition for an expenditure; now, unless the BOF and the BOS both agree then the public is out of luck. The CRC felt that \$50,000 was a small amount that if the public wanted to get to a Town Meeting for a vote and this would allow them to do that. Charter Revision Commissioner Yagaloff suggested the CRC wasn't thinking about the aggregate, he didn't think the intention was that someone could avoid it by having multiple requests. He felt if you asked the CRC they would say \$50,000 in the aggregate; we were thinking something small that the public might want to petition for. Selectman Bowsza questioned isn't there a provision in the Statutes that says if the BOS is petitioned for an action we are compelled to set a Town Meeting? Charter Revision Commissioner Yagaloff replied only if it's for a special appropriation that's gone through the BOF. Every special

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

appropriation has to go to the BOF. Charter Revision Commissioner Yagaloff noted the last one was petitioned but that appropriation was approved by the BOF; the BOS decided not to send it off to Town Meeting and the people petitioned it under the Charter. Charter Revision Commissioner Yagaloff suggested unless it's referred by the BOF, petition or not, you can't get a Town Meeting on that expenditure. Selectman Bowsza requested the section of the Statutes citing that requirement; Attorney DeCrescenzo indicated that Section 7.7 says the BOS shall schedule a Town Meeting for lawful purposes. Attorney DeCrescenzo suggested under this section of the Charter - if a resident tries to bypass Section 10.8 (I) and go directly to the BOS under Section 7.7 it would be considered not for a lawful purpose because of the Charter. Attorney DeCrescenzo suggested the way it reads now the BOF has to approve any appropriation before it goes to Town Meeting. Deputy First Selectman Dearborn questioned Charter Revision Commissioner Yagaloff - if somebody petitions for an appropriation you're telling me they have to get approval from the BOF first? Charter Revision Commissioner Yagaloff replied – correct. He suggested that because of that the CRC felt that if the public had something they thought was important to the Town, currently it has to be sent to the BOF, but under this proposal they could petition for that Town Meeting. Charter Revision Commissioner Yagaloff suggested the CRC thought it was a small amount of money compared to the annual budget; we weren't anticipating there would be multiples of that amount. You could have something for a Veterans' memorial, or a parade, a Town garden, public libraries; people might feel it's important to have that expenditure but the BOF doesn't agree, and right now everyone is out of luck. The CRC thought they'd create that opportunity for the public. Charter Revision Commissioner Yagaloff suggested that currently, the answer is unless it's referred by the BOF you can't petition.

First Selectman Maynard queried Selectman Szymanski for comments; Selectman Szymanski felt this is the proposal the CRC put in there.

First Selectman Maynard felt the \$45,000 might be high; he felt the BOF should look at that. First Selectman Maynard questioned Selectman Szymanski for his thoughts on the \$45,000 for someone to petition for Town Meeting. Selectman Szymanski suggested from a practical standpoint the things that would come for that amount would be less than that, but that gives you a range; it could be for the beautification of the Town or a library. There are smaller items that come up and there is no funding for them. Selectman Bowsza questioned if there was any discussion as to where the funding would come from? Charter Revision Commissioner Yagaloff suggested the special appropriation would come from the Fund balance. First Selectman Maynard felt the Charter requires that special appropriations have to be approved by the BOF; this would change that for small amounts. Charter Revision Commissioner Yagaloff indicated the CRC wasn't tied to the \$50,000; the policy concept was to provide for the public to be able to petition for something that was critical for the public needs but they can't get it through the process of the BOF referring it out. It isn't a BOF priority; this is for a public priority. Charter Revision Commissioner Yagaloff suggested the policies of the boards and commissions just don't agree. He felt the CRC would be agreeable to a different amount if the BOS so

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

chose. Selectman Bowsza questioned if there have been instances of that happening? Charter Revision Commissioner Yagaloff indicated it isn't allowed now so if there isn't an opportunity you don't know if the people would do it. Selectman Bowsza questioned if there was a discussion about the Town Fund Balance policy and the threshold for GASB recommendations? Charter Revision Commissioner Yagaloff felt the concept of something in that range drawing down the Fund balance would be remote but that money is there to do that. Selectman Bowsza questioned if there was discussion about GASB performance? Charter Revision Commissioner Yagaloff indicated not for this specific item; the CRC thought it was a small amount of money. First Selectman Maynard felt it is a small amount of money; the Fund balance has to be between 10 and 20% of the annual budget but that's a range of several million dollars so he didn't feel \$45,000 would impact that.

First Selectman Maynard questioned if anyone wanted to make a motion to accept Charter Revision Section 10.9 (I) the way it's written? Selectman Bowsza replied negatively. Attorney DeCrescenzo cited the language for the motions. Deputy First Selectman Dearborn noted Selectman Bowsza said no. Selectman Bowsza indicated he didn't like the removal of the checks and balances; there's a process for added appropriations that requires consultation of the BOF, BOS, and Town Meeting. Selectman Bowsza didn't like removing a check on one of those boards. He felt that having a second set of eyes does everyone good. Selectman Bowsza felt the CRC hasn't pointed out where a reasonable request has been made and hasn't been entertained. Deputy First Selectman Dearborn asked if Selectman Bowsza thought everyone is going to keep slamming us with this, one after another. Selectman Bowsza felt it invites that. Deputy First Selectman Dearborn noted it's already happened in another situation so I agree with you there. So what do you want, do you want the BOS to agree on this also? Selectman Bowsza thought a more perfect circumstance is the BOF and the BOS having to agree. Deputy First Selectman Dearborn agreed with that. First Selectman Maynard felt this was going in a different direction; this is saying no one has to agree on it, except the group of people bringing the petition for Town Meeting. Selectman Bowsza suggested the current language says the BOF has to entertain any request for an added appropriation; skipping the BOF and just moving to us removes a check. First Selectman Maynard agreed, and questioned if the BOS actually have a check; the BOS's role is to schedule a Town Meeting, or move it to referendum as an option. Selectman Bowsza felt this change removes any option; Deputy First Selectman Dearborn felt it removed the BOS; Selectman Bowsza clarified it removes the BOF. First Selectman Maynard didn't agree. Charter Revision Commissioner Yagaloff suggested the Board doesn't really have a check on it in the sense that the public is petitioning to go directly to Town Meeting. Selectman Bowsza suggested the only existing check is the BOF. Charter Revision Commissioner Yagaloff, indicated that's one; someone said there's checks and balances between 2 boards, the only check is the BOF, the BOS hasn't have a check on it. Selectman Bowsza felt with this proposal there would be no checks on added appropriations under \$50,000. Charter Revision Commissioner Yagaloff cited Deputy First Selectman Dearborn made a different proposal which is to add the BOS as a check,

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

so not only does the special appropriation need to go to the BOF it needs to be approved by the BOS; that would create a check and balance between the 2 bodies that doesn't exist now. Selectman Szymanski would agree to both. Selectman Bowsza felt that would be a conflict with Statutes. Attorney DeCrescenzo suggested you could draft a Charter provision that would require BOF and BOS both to approve the added appropriation. Now, without this change, the BOF recommends/refers the appropriation to Town Meeting and the BOS, under the Statutes, must schedule that Town Meeting. If it's for a lawful purpose, an appropriation of any amount, the BOS shall vote to send it to Town Meeting; the BOS has no discretion, you have to send it to Town Meeting unless it's not for a lawful purpose. Attorney DeCrescenzo suggested you could amend the Charter to act as a gatekeeper so the BOF would have to recommend to the BOS, and the BOS would have to agree. He suggested this proposal takes it in the opposite direction by taking the BOF out of the screening process for appropriations less than \$50,000. The CRC's discussion on this was that on minor amounts of money the public should have the opportunity to bypass the BOF and go directly to Town Meeting because the Town Meeting is the legislative body of the Town and the ultimate decision maker on these minor appropriations. Selectman Bowsza felt there's a mechanism under the Statutes to get to that. Attorney DeCrescenzo suggested if it's an appropriation, and it doesn't receive the referral or recommendation of the BOF, under the current language then it wouldn't meet the definition of a lawful purpose for Town Meeting because it's inconsistent with the Charter. Lawful purposes means consistent with the Town Charter. A recommendation that hasn't received approval/recommendation from the BOF today is not a lawful purpose. Deputy First Selectman Dearborn questioned Attorney DeCrescenzo that you're telling me that with this they can bypass the BOF for that lesser amount of money and they can just keep coming back and run rampant and keep taking money any time they feel like it? They could just keep coming and asking for that \$45,000 for anything they want? Attorney DeCrescenzo indicated there are checks and balances. It is a lawful purpose under this amendment, and the BOS would have to schedule a Town Meeting, but you retain the right to send that matter to referendum. So, if you saw that behavior occurring the BOS could say rather than having Town Meetings every week we're going to have a referendum and let the people decide the larger amounts. Deputy First Selectman Dearborn noted at \$3500 to \$4500 a whack. Attorney DeCrescenzo suggested under C.G.S. 7-7 if it's a lawful purpose the BOS is obligated to send it to Town Meeting. It would be a lawful purpose under this amendment. Today, it's not because it would have to go through the BOF. Discussion followed regarding examples of lawful purposes. Attorney DeCrescenzo suggested an unlawful purpose would be a Town Meeting that would make the Freedom of Information Act not apply to the Town of East Windsor, OR, in East Windsor instead of 24 hours notice of such meeting we can make notice in 5 hours, OR the Planning and Zoning Commission no longer has to publish legal notices on public hearings, OR collective bargaining no longer applies in the Town of East Windsor, OR schedule a Town Meeting for an appropriation of \$45,000 that didn't go to the BOF. Each one of the Town Meeting actions must be legally permissible under the Statutes, or the Charter, or Ordinance; if it goes outside those boundaries there's no obligation to schedule a Town Meeting.

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

Selectman Szymanski indicated he understands those examples but to Deputy First Selectman Dearborn's point about unlawful purposes, we're talking about expenditures here. Attorney DeCrescenzo suggested any appropriation that didn't get approved by the BOF, unless it's approved by the BOF the BOS has no obligation to send it to Town Meeting under the current Charter. Selectman Szymanski felt additional language regarding both the BOF and BOS having a say in the approval would be beneficial. Attorney DeCrescenzo suggested to consider adding language such as "Town Meeting shall not act on any appropriation that has not been recommended by the BOS."

First Selectman Maynard called for a vote/motion.

Selectman Bowsza suggested the cleanest thing is to leave it as it is; First Selectman Maynard agreed. Deputy First Selectman Dearborn questioned that the motion will be to leave it without the BOS's input; he noted the BOS are elected to run the Town. Deputy First Selectman Dearborn would like the BOS to weigh in on this recommendation.

MOTION: To RECOMMEND to the Charter Revision Commission that the addition to Section 10-8(I) - Board of Finance Review of Proposed Town Meeting Action be REMOVED from the Charter revision.

Maynard moved/Bowsza seconded/

DISCUSSION: Deputy First Selectman Dearborn questioned that First Selectman Maynard was moving to delete this section entirely; First Selectman Maynard concurred. Selectman Szymanski questioned that First Selectman Maynard was saying the Charter stays the same; the Board of Selectmen will have no input? Attorney DeCrescenzo advised the Board that the Charter Revision Commission hasn't given you a recommended change to allow the Board of Selectmen to have a say in appropriations. The question is whether you can send back to them something they haven't recommended to you. You can say you don't like it, leave the section the way it is, don't make that change, but if you go that next step it's almost like you're usurping the authority of the Charter Revision Commission to make changes to the Charter. Attorney DeCrescenzo noted the Board will have a discussion after this meeting where you can tell the Charter Revision Commission to consider your suggestions, you might want to leave this for a topic of discussion. You may be able to recommend back to them that they consider the screening authority that you're discussing. This is a draft report; they still have the ability to change things. He suggested he felt there's enough fluidity for them to say they heard what you said. Deputy First Selectman Dearborn questioned that the Board is considering removing "any amount in excess of \$50,000"? Selectman Bowsza concurred; First Selectman Maynard suggested the last sentence will now read "The Town Meeting shall not act upon any appropriation which has not been recommended or referred to the Town Meeting by the Board of Finance."

**VOTE: In Favor: Unanimous (Maynard/Dearborn/Bowsza/Szymanski)
(No one opposed/No abstentions)**

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

**3. Section 6-6(H) (New section): Administrator
*(Proposed Charter Revisions to Increase for Professional Capacity of Town Government)***

See pages 22 of Attachment C – Charter (available online).

In paragraph 1 Selectman Bowsza wants to change “The First Selectman **may** ~~shall~~ appoint...”, because he’s not sure it’s a necessary position and he feels the Board of Selectmen should have the discretion to decide if they need it in their organizational structure, First Selectman Maynard concurred with Selectmen Bowsza’s suggestion. In section 2 Selectman Bowsza wants to change the language to - “The Administrative Officer shall be responsible for duties as assigned by the First Selectman” because the First Selectman is like having a Chief Executive and Chief Administrative Officer of the Town so having an Administrative Officer is like having duties as assigned by the Chief Administrative Officer; First Selectman Maynard concurred with that concept/change as well. Regarding paragraph 3 Selectman Bowsza wants to delete paragraph 3 totally as he felt it’s unnecessary and isn’t in any other place in the Charter regarding appointed positions. Selectman Bowsza felt it is the function of the Board to set salaries but in no other place is it spelled out that that would happen so that seems to be an outlier in that sense.

Attorney DeCrescenzo agreed the Board of Selectmen’s proposed changes are appropriate to make; this is a new position, most of the appointed positions in the Charter now are those required by Statute. Attorney DeCrescenzo suggested the new position is a policy decision to be made by the Board of Selectmen. Deputy First Selectman Dearborn felt that in the future the First Selectmen’s position will be eliminated and the Town Administrator will act like a Town Manager and should have the powers of the Town Manager and he’ll answer to the Board of Selectman, Deputy First Selectman Dearborn felt the Town Administrator and the First Selectman would be at odds; he felt this is a start and if it doesn’t work we can get rid of him. This guy is the hired guy that should be running the day to day operation, hires and fires, and not supposed to be friends or political with anybody. Selectman Szymanski is in agreement with the Administrator position but wants more meat to the description of duties so when it comes before the voters it will be clear what the duties and responsibilities will be. Selectman Szymanski felt as you move forward and this adopted they’ll know what it is based on the Charter.

First Selectman Maynard read sub-paragraph 1 in totality, and read Selectman Bowsza’s revision to sentence 1 in sub-paragraph 2 - “The Administrative Officer shall be responsible for duties as assigned by the First Selectman in carrying out all acts and policies of the Board of Selectmen, and all resolutions and ordinances adopted by the Town.” First Selectman Maynard agreed that was pretty general but it’s essentially to assist the First Selectman, and currently, the First Selectman is running the Town. Selectman Szymanski felt it should be spelled out more specifically what the responsibilities will be so it’s clear for the applicant and the townspeople what this person

TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES

will do as they vote. To Deputy First Selectman Dearborn's point we can try it and see; once you commit that you do this you have to make it work. It's time for the Town to do this. Selectman Szymanski didn't feel adding this position eliminates the First Selectman; he suggested over time the First Selectman will have a more diminished role and it may not be a full-time First Selectman. Selectman Szymanski didn't feel with the growth of the Town that this position will turn into a Town Manager for the some time down the road. Selectman Szymanski felt the taxpayers are going to want to know what this person will do; this is too general; we should be more specific with the job responsibilities. Discussion continued regarding the creation of a job description separate from the Charter; First Selectman Maynard suggested adding that the BOS must approve the job description of this position; Selectman Szymanski and Selectman Bowsza felt the Board should be doing that now. Selectman Bowsza questioned the need to add this to the Charter; can the Board do this now? Attorney DeCrescenzo suggested the BOS can create the position and the BOF needs to fund it; by putting it in the Charter the CRC felt that it gave the position certainty within the powers of the Town to have an Administrative Officer, and they felt preserving the "shall" is important because it's not discretionary. Attorney DeCrescenzo suggested the Board can create as many jobs as you want; putting it in the Charter makes it permanent. There are many positions like this that are not in the Charter; they're just part of the personnel system of the Town. Deputy First Selectman Dearborn questioned that this person would assist with the day to day operations? First Selectman Maynard noted Selectman Bowsza had deleted that phrase, but it could be returned to the language. Selectman Bowsza suggested day to day duties would be under the discretion of the BOS; Deputy First Selectman Dearborn felt the phrase should go back in. First Selectman Maynard suggested new language – "The Administrative Officer shall be responsible for the day to day operation of the Town departments in duties as assigned by the First Selectman in carrying out all acts and policies of the Board of Selectmen,..." Selectman Bowsza questioned what becomes of the First Selectmen's job? First Selectman Maynard felt the First Selectmen's job is to manage the Town in all the aspects that make the Town better, and the First Selectman will assign tasks to the Town Administrator to assist with that. First Selectman Maynard suggested they would work together as needed; he cited examples such as the current shortage in the Planning Department, or assisting with budget preparation, or blighted properties need attention. First Selectman Maynard cited that time limitations currently affect his ability to work with CRCOG, or the Hartford Metro Alliance. Selectman Szymanski felt there should be more meat to the responsibilities; he doesn't want people to see this position as an administrative assistant; there would be specific responsibilities associated with this position. He sees over time the First Selectmen's role as working with CRCOG, and assisting to attract businesses to Town by acting as the head sales person for the Town. First Selectman Maynard reiterated the changes proposed by the CRC revision, and the changes being made by the BOS, including in sub-paragraph 2 the entire second sentence regarding (a) "comparative data research and analysis, and (b) assisting with duties and responsibilities as set forth in the Charter." Selectman Bowsza felt that was covered by duties and assignments; his thought process in summarizing the task was to give the BOS and the First Selectman as much discretion in utilizing this

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

position to the best efficiencies they could. Selectman Szymanski felt the sentence of sub-paragraph 2 should be returned as the duties of the job; it should be clear to the voters what that job is. First Selectman Maynard felt the CRC's language was generic; Selectman Bowsza continued his opposition, Deputy First Selectman Dearborn felt it was up to the BOS to draft a job description; Selectman Szymanski continued to lobby for the return of the Charter specific language. Selectman Bowsza suggested if the Charter contained specific language and if you get a person elected with a law degree who was proficient in collective bargaining if the Charter says the Town Administrator is responsible for collective bargaining that weakens what you're getting for free from this other person.

MOTION: To RECOMMEND to the Charter Revision Commission to be more specific of the duties and responsibilities of the Administrative Officer

Szymanski moved/Maynard seconded/

Selectman Bowsza amended the motion to include "in comparison to the duties/functions of the First Selectman", Selectman Szymanski agreed to the amendment.

Attorney DeCrescenzo suggested this recommendation doesn't capture the change in section (1) or the deletion of section (3). Selectman Szymanski agreed to the amendment. (See further amendment).

AMENDED MOTION: To RECOMMEND to the Charter Revision Commission to be more specific of the duties and responsibilities of the Administrative Officer in comparison to the functions of the First Selectman, AND, in paragraph (1) the first sentence shall read: "The First Selectman **MAY shall appoint upon approval of the Board of Selectmen an Administrative Officer who shall serve for an indefinite term or such other term as determined by the Board of Selectmen."... AND DELETE paragraph 3 completely.**

Szymanski moved/ Maynard seconded/**DISCUSSION:** Selectman Bowsza felt discretion is a benefit and he felt the Board was getting away from that.

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

1. **Section 6-6(B) (Revise): Town Attorney**
 (Proposed Charter Revisions to Increase for Professional Capacity of Town Government)

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

See page 16 of Attachment C – Charter (available online).

First Selectman Maynard indicated he asked Attorney DeCrescenzo to make some revisions to this section regarding selection of a Town Attorney. He felt the selection should include both the BOS and the First Selectman. At his request Attorney DeCrescenzo has revised 6.6 (B); underlined language is new... “The Town Counsel shall be an Attorney at Law admitted to practice in the State of Connecticut. The Town Counsel shall be appointed by the Board of Selectmen and the First Selectman jointly. The Town Counsel shall serve at the pleasure of both the Board of Selectmen and the First Selectman. The Town Counsel shall:...” First Selectman Maynard suggested his request is made because you don’t want to have a Town Counsel that neither the BOS or the First Selectman wants. First Selectman Maynard called for questions, or a motion.

Deputy First Selectman Dearborn questioned why the phrase “shall be retained by the Board of Selectmen” was crossed out? First Selectman Maynard indicated there was a question that the BOS could over-ride and force the First Selectman to have an attorney that the First Selectman couldn’t work with which makes the Town dysfunctional. Attorney DeCrescenzo suggested the way this is written you have a 5 member BOS and you want to hire a Town Attorney, you need the First Selectmen’s affirmative vote and 2 others. Selectman Bowsza felt this gives the First Selectman veto power over an action of the Board. Attorney DeCrescenzo suggested the other way to do this is the BOS can only vote on a Town Attorney recommended by the First Selectman. With a 5 member board that the First Selectman sits on the First Selectman essentially has 2 votes. Selectman Bowsza felt either way the First Selectman is getting 2 votes; Attorney DeCrescenzo concurred; Selectman Bowsza noted no other member is getting 2 votes. Attorney DeCrescenzo suggested dismissal would be essentially the same thing.

Selectman Bowsza asked are there any other situations in the Charter that gives the First Selectman 2 votes on matters? Attorney DeCrescenzo considered other appointments that the First Selectman makes that have to be confirmed by the BOS; Selectman Bowsza pushed for examples. First Selectman Maynard cited he came to the BOS when he hired the Town Treasurer. Attorney DeCrescenzo suggested Section 6.2 says “The BOS shall appoint officials and other personnel as they deem necessary in furtherance of the best interests of the Town.” And, under Section 6-4 Vacancies it says “Any vacancy in any position appointed by the BOS shall be filled by the BOS.” Selectman Bowsza referenced Section 4.3 Appointments – “The BOS shall have the power to appoint such personnel and members of boards, commission and other similar bodies as are provided in this Charter.” Selectman Bowsza indicated that currently in the Charter the BOS are responsible for appointment of personnel. Attorney DeCrescenzo cited other responsibilities under Section 6.6 Appointed Officials required by the Charter. Selectman Bowsza questioned if the proposed change is in conflict with either Section 6.2 or Section 4.3? Attorney DeCrescenzo suggested it modifies Section 6.2; if you were to recommend this back to the CRC he would suggest adding “except as otherwise provided in this Charter.” Regarding Section 4.3 – Powers and duties of the BOS –

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

Attorney DeCrescenzo suggested a similar recommendation to the CRC would be to add the same qualifying language – “except as otherwise provided in this Charter” be added to Section 4.3 as well. Attorney DeCrescenzo suggested strictly speaking it’s still the BOS who is the appointing authority but it comes with concurrence of the First Selectman who is a member of the BOS; Attorney DeCrescenzo’s recommendation would be to add the qualifying language to both sections.

Selectman Bowsza questioned how often this would be revisited? He cited as an example First Selectman Maynard is stepping down in 6 months, Attorney DeCrescenzo has been reappointed, does the new BOS have an opportunity to revisit that? Attorney DeCrescenzo responded – always, our retention letter doesn’t talk about term, it just says we’ll all be retained under the terms of our engagement. Attorney DeCrescenzo suggested he couldn’t think of a situation that he was aware of that the Town Attorney doesn’t serve at the pleasure of the appointing authority. He also didn’t feel a lawyer should ever be in the business of representing a client that wants another attorney to represent them. Attorney DeCrescenzo cited standard language as is proposed by the CRC is that “at the beginning of each term the BOS shall appoint a Town Attorney...” under the Charter with a 2 year term of the BOS there’s an appointment made for a Town Attorney. Deputy First Selectman Dearborn questioned the term “retained”, he questioned that that didn’t obligate the BOS to keep the Town Attorney; they could appoint as many times as they wanted to; it isn’t a contract that we’re obligated to keep them on for several years? Attorney DeCrescenzo replied – no, the BOS is the client; the attorney serves at the pleasure of the client. First Selectman Maynard noted that regarding the Town Counsel, the CRC did propose different language; Attorney DeCrescenzo referenced the proposed language which says that “...one or more Town Attorney who shall serve for a term of two (2) years coterminous with and at the pleasure of the BOS.” First Selectman Maynard suggested that language appears to allow the BOS to appoint a Town Attorney after each election. He suggested that while that proposal changes the Charter a lot without it 3 members of the BOS could appoint someone that the First Selectman can’t work with and that hurts the Town; we become a dysfunctional Town. First Selectman Maynard indicated his revision is meant to make the process simple, but if the Board feels it’s taking authority away from the Board we can leave it as the CRC proposed. Deputy First Selectman Dearborn questioned if the Board was locked into the attorney for 2 years? Attorney DeCrescenzo cited the BOS can get rid of the firm or the individual any time you want, but the over-riding principal is they serve at the pleasure of the BOS. Attorney DeCrescenzo indicated the term “shall serve for a term of two (2) years coterminous with the BOS” is common in many Charters. Every BOS is a new BOS who should have the ability to hire the firm that they feel is most consistent with their approach for the legal matters of the Town. Deputy First Selectman Dearborn reiterated his concern for being locked in to the 2 year term; he questioned what happens if the relationship goes sour? Attorney DeCrescenzo cited his experience is you enter into an engagement letter which sets the term of the hourly rates, etc.; if at any time within that 2 year term the BOS finds this isn’t working the firm/attorney understands that they can be replaced. He suggested that under the code of

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

professional conduct that's one of the over-riding rules that cover an engagement with any client or municipality.

First Selectman Maynard queried the Board for action on this item; shall we go with what the CRC wrote? Selectman Bowsza suggested that's lifted almost verbatim from Ellington's charter. Attorney DeCrescenzo suggested Ellington's Charter language is lifted almost verbatim from virtually every other Charter; the language is pretty standard.

MOTION: To RECOMMEND to the Charter Revision Commission to RETAIN Section 6-6(B): Town Attorney as written.

Maynard moved/Szymanski seconded/

DISCUSSION: Selectman Bowsza didn't feel any member of the Board should have more than one vote. Discussion continued regarding which document was being considered when approving the language as written. After review it was determined that First Selectman Maynard's motion referenced the language as originally proposed by the Charter Revision Commission.

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

**7. Section 8-9 (Revise): Audit
 *(Proposed Charter Revisions to Create Greater Checks and Balances in Town Government)***

See page 44 of Attachment C – Charter (available online).

Selectman Bowsza referenced the cycle for the operational audits being every 4 years [the last sentence, paragraph (A)] "*In addition to the foregoing, the Board of Selectmen shall engage a qualified firm licensed to do business in the State of Connecticut to perform operational and special audits of town departments from time to time such that each town department is audited at least every four years.*" First Selectman Maynard would change the 4 years to 10 years. Selectman Bowsza questioned what comprised a special audit; is it a forensic audit? Selectman Bowsza didn't know what that term meant. Selectman Szymanski suggested not necessarily; Bill Loos, a member of the Charter Revision Commission, replied from the audience a special audit would be an operational audit. Selectman Szymanski clarified that the CRC had recommended special and operational audits once every 4 years while First Selectman Maynard is saying they should be done once every 10 years; Selectman Szymanski clarified the CRC is saying departments would undergo operational audits, which wouldn't necessarily be a financial audit, every 4 years. If a circumstance came up that there seemed to be some issue in a particular department, with First Selectman Maynard's suggestion, that would be out of the scope of once every 4 years. Selectman Bowsza suggested so an special audit isn't a different thing, it's an additional occurrence; Selectman Szymanski concurred, and it

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

gives you the opportunity to do that if you think there's an issue. Selectman Bowsza questioned if there's something that prevents the Board from doing that now? First Selectman Maynard –noted this would require every department to be audited every 10 years; Deputy First Selectman Dearborn questioned that 10 years is too long. First Selectman Maynard felt if the BOS or First Selectman had reason for concern they could require an audit of any department at any given time; if things were going well the departments could be audited every 10 years by someone from the outside; Deputy First Selectman Dearborn felt the Board could do that now. Selectman Szymanski disagreed with the 10 year timeframe; he suggested it's a waste of money. Selectman Szymanski felt the audits should be required in the Charter at a minimum of 4 years. The special audit could also be if something is discovered through the audit the department should have time to remedy the situation, or, if it was found to be something to increase efficiencies. It's just good business to have audits. Selectman Szymanski indicated he asked that question when he came on the Board and he found there's never been an operational audit, while the financial audit is required every year; he felt the operational audit is essential today. Deputy First Selectman Dearborn questioned that First Selectman Maynard was looking at 10 years vs. the 4 years because of the cost factor? First Selectman Maynard concurred, and felt the audits interfere with the department's business; he didn't see a reason to do it if the departments are functioning well. Selectman Bowsza noted 3 departments would have to be audited each year to complete the cycle in 4 years; he suggested that was a lot of strain on the personnel. Selectman Szymanski felt performing the audits every 10 years was a waste of money, he felt we're talking about efficiencies; Selectman Szymanski also suggested adding language to require timely follow-up to audit recommendations. First Selectman Maynard agreed with the addition of language to include timely follow-up to audit recommendations but then noted that would trigger a subsequent audit. Selectman Szymanski noted there may be many departments that don't require a follow-up audit. Selectman Bowsza questioned if there was discussion of the cost? Selectman Szymanski estimated \$25,000, noting some departments will require briefer audits than others, and the second/follow-up audit would be briefer and less costly as they would only be reviewing the issue raised; subsequent audits in the next 4 year cycle should be less costly.

Selectman Bowsza questioned if this is a collective bargaining issue? Attorney DeCrescenzo suggested the audit would have to be conducted in a manner that's consistent with the bargaining unit.

Attorney DeCrescenzo suggested an operational audit of the tax department is a different magnitude than that of the DPW. Deputy First Selectman Dearborn questioned Selectman Szymanski that he continued to think the 10 years were too long? Selectman Szymanski concurred, suggesting it's a waste of money. Discussion followed regarding the definition of the follow-up audit; is it the second audit of a particular department within the audit cycles or is it a follow-up to a recommendation to an issue uncovered in an audit? How would the 10 year time frame be implemented?

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

Selectman Szymanski suggested the rule of thumb is to audit the areas of greatest risk and the largest departments and where you spend the most money, and you go down from there; he felt that should be the practice in the Town. Selectman Szymanski suggested that never having had an operational audit says that there have to be things that we can do better. Deputy First Selectman Dearborn questioned if the Town could audit the BOE; First Selectman Maynard replied negatively, but they might want to do it themselves. Selectman Szymanski suggested if we adopt this recommendation the BOE might see the value of it and adopt it themselves. Selectman Bowsza questioned if there was anything stopping us from doing this now? Attorney DeCrescenzo replied negatively, he felt it was under the jurisdiction of the First Selectman as the Chief Executive Officer; this mandates it under the Charter and the BOF would have to fund it. Selectman Bowsza gave an example of the State auditing themselves; he felt there's a way for the Town to do this without incurring the cost. Selectman Bowsza indicated he appreciated the intention, but it's a costly process, and he felt there was a way to do it without incurring the cost. Selectman Szymanski indicated he didn't know the cost because we don't know what departments should be audited, so we haven't sent out the RFP, or decided what's to be done. Selectman Szymanski felt what the State was doing the Town should be doing anyway; he noted we have small departments and often people will make suggestions within their departments, but when you bring people in from outside that's when you gain efficiencies. To say you can do it if it's not in the Charter, he cited the financial audit is required in the Charter. Deputy First Selectman Dearborn questioned how you could have anyone audit themselves; he wasn't saying anyone wouldn't report on issues but he felt having someone from the outside might be better.

First Selectman Maynard called for a motion; no one responded. Deputy First Selectman Dearborn questioned that the issues under discussion were the timeline, Selectman Szymanski doesn't like the 10 years, you (First Selectman Maynard) wants the 10, the audits can be expensive. Selectman Szymanski pointed out we don't know the cost, and if you don't get the funding you don't do it, or you do a reduced audit. Discussion continued. Selectman Bowsza questioned if this is put in the Charter and the funding isn't available, or if we get an RFP back that's too high, do we have an opportunity to say we're not going to do it; Selectman Bowsza felt not doing it wouldn't be an option. Selectman Szymanski suggested the scope of the audit could be reduced; Attorney DeCrescenzo concurred, it's the scope of the work that creates the cost. He felt you could meet the intent of this section if you were to reduce the scope of the audit to make it more affordable. Attorney DeCrescenzo referenced the proposed language again, noting the use of shall; he interpreted that to mean the BOS must schedule the audits of every Town departments every 4 years. You could leave the scope of the audits up to the BOS, and the timing to the departments. Selectman Bowsza questioned doesn't it defeat the purpose of the operational audit to reduce the scope of the original audit? Attorney DeCrescenzo suggested he didn't know the answer to that question; he felt the BOS would have to work with the consultant to develop the RFP and work with the department.

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

First Selectman Maynard suggested moving forward with a motion.

MOTION: To RECOMMEND to the Charter Revision Commission to MOVE FORWARD with Section 8-9: Audit as written.

Szymanski moved/Maynard seconded/

DISCUSSION: Selectman Bowsza questioned First Selectman Maynard that the First Selectman thought the timing was wrong? First Selectman Maynard replied affirmatively but he preferred to let the voters vote it down. Deputy First Selectman Dearborn felt once it's in the Charter it's law but the Board of Finance can say they don't have the money, but if it's in the Charter they have to do it. Selectman Szymanski suggested that over time there are things that are mandated and the Board of Finance finds a way to do it, like with the financial audit; these types of things should have been done years ago. Selectman Bowsza felt we don't know the cost and we can already do this.

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

The Board reviewed the outstanding items for review.

**9. Section 10-10: Power of Overrule (Add New Section):
*(Proposed Charter Revisions to Create Greater Checks and Balances in Town Government)***

See page 51 of Attachment C – Charter (available online).

First Selectman Maynard recalled that the Board had considered changing the number of voters to 200; he recalled Selectman Bowsza had wanted to change the percentage of persons voting to 67%; Selectman Bowsza concurred. Selectman Bowsza suggested this is another section that's verbatim from Ellington. First Selectman Maynard questioned if Selectman Bowsza would go with 60%; Selectman Bowsza concurred.

First Selectman Maynard referenced sub-paragraph (a):

MOTION: I MOVE to RECOMMEND to the Charter Revision Commission...

Selectman Bowsza requested a delay in the motion. He suggested "sub (a) in the Charter this is drawn from (Ellington) has a trigger point of 5%, so we should have that. Selectman Bowsza suggested in sub-paragraph (a) of the CRC proposal the language related to the number of signatures should read: "...equal in number to at least one hundred and fifty (150) or ~~two percent (2%)~~ five percent (5%) of the electors in town..." First Selectman Maynard recalled they had said at least 200 or 2% of the electors in town; he questioned Selectman Bowsza if he now wanted 5%? Selectman Bowsza suggested

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

that's what the proposed language is based on. First Selectman Maynard questioned that the 200 number is still sufficient; Selectman Bowsza replied sure.

MOTION: To RECOMMEND to the Charter Revision Commission that in Section 10-10: Power of Overrule paragraph (a) the number of electors be changed to at least 200, and the percentage be changed to 5%, and in paragraph (e)

Selectman Szymanski questioned that the number is 5%; First Selectman Maynard felt the 5% was a lot, he felt the number 200 would be the number that's always used. Selectman Szymanski referenced the way it's written, he questioned if it's the 200 or the 5%? First Selectman Maynard suggested it's whichever is least. Attorney DeCrescenzo suggested it's the lower of 150 or 2%; First Selectman Maynard clarified they're going to change it to 200.

Selectman Szymanski questioned if you get the 200 you can't go forward with it? Attorney DeCrescenzo suggested it's the lower of either number, he suggested the 2% may never come into play because if you have more than 4,000 electors... Deputy First Selectman Dearborn questioned if we get 200 signatures under this new section that means that they can overrule any decision; First Selectman Maynard indicated 60% is needed to kick out what they're overriding. Attorney DeCrescenzo clarified that it's 2% or 200 to get to ballot and once it's on the ballot it has to pass with 60% to override the decision.

MOTION: To RECOMMEND to the Charter Revision Commission that in Section 10-10: Power of Overrule paragraph (a) the number of electors be changed from 150 to 200, and the percentage be changed to 5%, and in paragraph (e) the referendum shall not take effect unless of the electors vote in favor of over rule.

Maynard moved/Bowsza seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (Maynard/Dearborn/Bowsza/Szymanski)
(No one opposed/No abstentions)

10. Section 8-6(B) (Revise): Duties of the Board of Finance re: Supplemental Appropriations:
(Proposed Charter Revisions to Improve Transparency and Encourage Greater Public Participation in Town Government)

See pages 43 and 44 of Attachment C – Charter (available online).

Selectman Bowsza and First Selectman Maynard agreed Section 8.6 was the last section the Board hasn't taken a vote on.

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

First Selectman Maynard doesn't like the Finance Director having the ability to veto/reject the narrative; he would rather see "the narrative that the requester produces be put on the Town website 5 days prior to the review by the BOF". Selectman Bowsza felt the 5 days will short-change the BOS, we need to publish the meeting agenda 1 day prior to a meeting and a public hearing 5 days prior to the meeting date but with the schedule of the BOS meetings often falling within 5 days of the next scheduled BOF Meeting this could be difficult. Selectman Szymanski felt the 10 days was better because of vacations, and absences. First Selectman Maynard felt this would give the public the ability to go to the BOF Meeting to discuss or request more information. Selectman Szymanski likes the 10 days; now Selectman Bowsza likes 5 days; First Selectman Maynard suggested 7 days as a compromise. Delete final sentence of sub-paragraph (B), which reads "If the Finance Director/Treasurer rejects the narrative as non-compliant with this section, such non-compliance shall result in denial of any requested supplemental appropriation." Selectman Szymanski questioned if this was based on a calendar or business schedule; Selectman Bowsza and First Selectman Maynard suggested calendar.

MOTION: To RECOMMEND to the Charter Revision Commission that in Section 8-6(B): Duties of the Board of Finance re: Supplemental Appropriations that the final sentence be DELETED, and REPLACED with "The narrative supplied by the requesting department or agency must be publicized on the Town website no less than seven (7) calendar days before the Board of Finance approves the supplemental appropriation.

Maynard moved/Bowsza seconded/DISCUSSION: None

**VOTE: In Favor: Unanimous (Maynard/Dearborn/Bowsza/Szymanski)
(No one opposed/No abstentions)**

DISCUSSION OF BOARD OF FINANCE ADDITIONAL APPROPRIATION IN THE AMOUNT OF \$260,000 FOR THE BOARD OF EDUCATION:

First Selectman Maynard reported a petition was received on June 7th to send this specific additional appropriation to Town Meeting; after confirmation in the Town Clerk's Office the petition was submitted to the First Selectmen's Office on June 10th.

Discussion followed regarding the process for approval of this additional appropriation. First Selectman Maynard read an excerpt from the Charter regarding submission of a petition for Town Meeting. The request for the additional appropriation was approved by the BOF on May 29th, and was forwarded to the BOS on June 6th. The Board deferred setting the Town Meeting until additional information was received. First Selectman Maynard noted the Charter requires the petitioned Town Meeting must be held within 14 days of receipt. He noted the next BOS Meeting is scheduled for Thursday, June 20th; he suggested holding the Town Meeting on June

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

20th, at 7:30 p.m. Selectman Bowsza clarified the only issue to be heard during that Town Meeting should be this request for additional funds.

Selectman Szymanski recalled the issue during the June 6th BOS Meeting was the question is it against the law to overspend the budget by approval of this additional appropriation? Selectman Szymanski suggested his understanding is that the BOE has bankrupt their account; is it legal to take money from somewhere else to put into a bankrupt account when they were given “x” amount of money by vote of the Town’s people to provide whatever they have to. Selectman Szymanski indicated he didn’t want to do something that’s against the law.

Selectman Bowsza questioned Attorney DeCrescenzo if it’s legal to transfer from one account to another? Attorney DeCrescenzo questioned if Selectman Bowsza meant within the BOE set of accounts? Selectman Bowsza suggest from the Town side of the budget to anywhere. Attorney DeCrescenzo suggested this issue is covered by C.G.S.10-222; he read the following excerpt – “...expenditures by the BOE shall not exceed the appropriation made by the municipality; that appropriation includes all Town funds, all grant funds, all State funds, and all funds from all sources.” Attorney DeCrescenzo suggested there are lots of non-Town sources of funds in the BOE budget. Attorney DeCrescenzo continued reading C.G.S. 10-222: “Such money received from other sources for fiscal purposes if any occasion arises where additional funds are needed by such board the chairman of such board shall notify the BOF, BOS, or appropriating authority (Attorney DeCrescenzo clarified – the BOF) as may be the case and shall submit a request for additional funds in the same manner as provided by departments, boards, or agencies of the municipality, and no such additional funds shall be expended unless such supplemental appropriation be granted, and no supplemental expenditure shall be made in excess of those granted through the appropriating authority.”

Attorney DeCrescenzo suggested the request for additional funds falls under the supplemental appropriation section of the Charter. He suggested from reading the BOE Minutes he felt the BOE has exercised its obligation under C.G.S. 10-222 to advise the BOF and as of tonight they have approved the supplemental appropriation of \$260,000 to cover the cost of special education. Attorney DeCrescenzo suggested it’s difficult to budget for the special education costs because you budget for this cost 18 months before you know what you need to spend. Attorney DeCrescenzo cited Bloomfield recently experienced the same situation. Attorney DeCrescenzo also noted under C.G.S.10-277(d) “...BOE’s shall pay the full net cost of special education necessary...” Attorney DeCrescenzo indicated he wasn’t aware of the situation with the cafeteria fund.

Selectman Szymanski noted the potential bankrupt account was recognized as having a deficit back In January and February, and the cafeteria account deficit has gone on for last fiscal year and this fiscal year; didn’t they have an obligation, where’s the step by step plan that was to be adopted back then. At that point you could have done something to mitigate the potential deficit. Selectman Szymanski noted the BOS hadn’t seen any plan from the BOE; there’s nothing that says they have to do that. Attorney DeCrescenzo indicated he didn’t know the standing of the BOE’s funds in January but during a fiscal year they rarely have a balance to meet the needs of

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

the special education students. He noted they did submit a request for a supplemental appropriation to the BOF, the BOF approved that supplemental appropriation, and the BOS's role is to set the Town Meeting.

Attorney DeCrescenzo noted he was asked what's the downside of not doing this and under C.G.S. 7-349 - "Any officer who, in violation of any provision of this chapter, expends or causes to be expended any money of such town, except for the purpose of paying judgments rendered against such town, shall be liable in a civil action in the name of such town, and the amount so drawn from the treasury of such town shall be liquidated damages in such action against any such officer". Attorney DeCrescenzo suggested that's been interpreted to be personal liability on the part of the officers who allow the budget to go into the red at the end of the fiscal year. He cited the case of the BOE vs Town of Ellington vs Town of Ellington 151.CT.1 – 1963 which applies to a supplemental appropriation for the BOE that wasn't approved. Selectman Bowsza suggested his point would be that the agents being responsible for the account going into the red would be the BOS if they don't take action. Attorney DeCrescenzo suggested the BOS's role is to send the request to Town Meeting; your actions under the Charter and Statutes are administrative you've received a request for a supplemental request which has been approved by the BOF; you don't have any discretion but to send it on to Town Meeting. It's a lawful purpose, specifically addressed by Statute, and was done in accordance with the Charter; having the Town Meeting is the next step. Attorney DeCrescenzo suggested the Board may want to follow up with the BOE but that's a different issue. Selectman Szymanski questioned so those responsible for administering the budget through the course of their fiscal year could be held liable for overspending and bringing that account bankrupt? Attorney DeCrescenzo suggested the BOE would need to make cuts to find that money and the cuts would bring the budget into balance. Selectman Szymanski felt that's impossible at this point. Attorney DeCrescenzo suggested there may be lapsed or encumbered funds, but when the clock strikes midnight on June 30th, 2019 the budget must be in balance. Deputy First Selectman Dearborn questioned if we don't send this to Town Meeting the BOS could get in trouble? Attorney DeCrescenzo indicated he doesn't look at it that way; your duty is to send it to Town Meeting. To take it to the illogical extreme the BOE or the BOF or any of the members could file a civil lawsuit compelling the BOS to send it to Town Meeting. Deputy First Selectman Dearborn questioned what else can we do instead of sending it to Town Meeting; can he move to have a referendum on this? Attorney DeCrescenzo suggested C.G.S. 7-7 allows the BOS to elect to have the vote at Town Meeting be a vote by machine; you can do that tonight but you need to hold the referendum before June 30th. You can hold the Town Meeting and the moderator can move to adjourn the Town Meeting to a vote on a date set for vote by machine. Deputy First Selectman Dearborn suggested if we go to referendum the people of East Windsor could vote instead of a handful of people. Selectman Szymanski questioned what if it didn't pass? Deputy First Selectman Dearborn felt the same people coming in for the money would be the same people voting by machine. First Selectman Maynard noted if you have a referendum you would have to have it on Thursday, June 27th; the Town Meeting could be held on Thursday, June 20th. Selectman Bowsza suggested having the referendum on Saturday, June 29th; no one is working then. Deputy First Selectman Dearborn felt the Board needs to give everyone in Town the ability to vote. First Selectman Maynard would really rather not have a referendum, this is an

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

unusual situation; the BOS have an obligation; we don't want this to happen again. First Selectman Maynard noted we need to notice the June 20th meeting by tomorrow by noon. Selectman Szymanski questioned the reason not to have a referendum? First Selectman Maynard sited it's short notice to have the registrar of voters and have everyone to come in for the vote and it's too short a timeframe to have this done. And, if it fails he feels the Town is in a position we don't want to be in so he doesn't want a referendum but that doesn't mean we shouldn't look at the school system so this doesn't happen again. Deputy First Selectman Dearborn suggested if we have so much money in the Fund balance we should use it to bring the taxes in Town down and with 3 budgets and going to 2% and they get slashed big time; we can't do anything to the school system, we can't audit them. Selectman Szymanski requested clarification that there are repercussions to the BOS if we don't move it forward to Town Meeting? Attorney DeCrescenzo replied affirmatively.

MOTION: To FORWARD TO TOWN MEETING the Board of Finance's recommendation to authorize an additional appropriation in the amount, not to exceed, \$260,000 to fund the Board of Education FY 18-19 deficit due to special education unbudgeted costs and cafeteria fund deficits for FY 17-18 and FY 18-19 to Town Meeting on June 20, 2019 at 7:30 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Bowsza moved/Maynard seconded/DISCUSSION: Selectman Szymanski felt there should have been back up information regarding what modifications were made for over 6 months, to get to this stage at the last hour; he'd like to see a discussion between the Boards. First Selectman Maynard would like to discuss this at other BOS's meeting until the BOS are comfortable with the situation; he cited Cathy Simonelli's (BOE Chairman) Facebook posting about the 41% special needs students. Selectman Szymanski indicated he understood those comments but he doesn't understand why you're out of budget in January, usually the financial person comes in to talk to the Board about potential changes to reduce the deficit; someone usually has a plan and a plan for how the change can be measured; he didn't see any of that. Jerilyn Corso, Chairman of the BOF, requested to speak; First Selectman Maynard requested she make her comments under public participation. First Selectman Maynard felt the BOE and the School system are part of the Town and the Town and the BOE must come together and do a better job, and to do that the Town has to understand the school system. First Selectman Maynard cited the recent flyer indicating the \$22,000 per student cost; people are asking him about people coming from out of town coming into our district and the school system sending out an offer for special education students. First Selectman Maynard felt this is a bigger problem than can be solved tonight; they do have to take responsibility for this – that they manage their money. Selectman Szymanski understands all that but the problem is systemic; he suggested you have a red ink bankrupt account for the cafeteria going on 2 years plus with no cure; why is that?

Selectman Bowsza suggested there's another issue that should be of concern to the BOS. If we don't take this action, in addition to having our own personal obligations under the law not met,

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

we're inviting a material finding in the next audit; while it's an issue on the school side the auditors are going to see it as the Town and that's a strike we should avoid by just taking the step we should take, which is an obligation we have under the law and the Charter. We should just move this forward and discuss this in a new fiscal year. Deputy First Selectman Dearborn suggested they've dug their own hole and they can't get out, and there are people saying they're taking kids in because they don't have enough children in the classrooms for the teachers to work with so we're bringing in kids for \$8,000 a head which cost us \$20,000, so we're blowing another \$12,000 for these kids? In the real world if there's not enough work you lay people off. Selectman Szymanski suggested it shocked him that this \$230,000 plus in the scope of a \$22 to \$23 million budget and that amount couldn't be found. Selectman Bowsza indicated that's about 1%.

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

MOTION: **Move that the Board of Selectmen have set the above Town Meeting by Charter and that they deny the petition for a Town Meet as mute.**

Bowsza moved/Maynard seconded/DISCUSSION: None

VOTE: **In Favor:** **Unanimous (Maynard/Dearborn/Bowsza/Szymanski)**
 (No one opposed/No abstentions)

PUBLIC PARTICIPATION:

Jerilyn Corso, 23 Lindsay Lane, Chairman, Board of Education: Mrs. Corso noted the BOE deficit was much higher when they came in in November, at every meeting the BOE comes before the BOF to tell them what they were doing to change it. Maybe you should ask them to come to this meeting if you don't want to come to the BOF meetings.

Regarding the cafeteria account she doesn't disagree that it's been in their audit for 2 years, they've asked them to respond to it, and consider looking at a company managing the cafeteria, they have hired a consultant to see what they can do different; that report is due this month.

In response to Deputy First Selectman Dearborn's comment, we took a half of a million dollars from the general fund and put it in a revenue line to decrease the tax increase of this budget cycle. The Treasurer recommended not to go higher than that.

Marie DeSousa, 10 Rice Road: The BOF did their fiduciary responsibility when the BOE came to them. In past years the BOE never over-spent their budgets and returned that money to the general fund; one year, in her experience in all the years she's been in town that they've had a problem and they've followed the rules to come in to get that money. Ms. DeSousa is glad you put the request to Town Meeting; what will happen will happen. Ms. DeSousa suggested the

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

BOS liaisons should attend the different meetings. The BOE has had a problematic year; they need the \$260,000.

Dick Pippin, 37 Woolam Road: Mr. Pippin noted he goes to nearly every BOF Meeting and everything Mrs. Corso said is correct.

Mr. Pippin feels the Board should look at the operational audit seriously. He felt Selectman Szymanski is 100% right but it doesn't belong in the Charter; it should be a policy so you can change it from time. By putting it in the Charter it becomes an unfunded mandate.

Regarding the comment – what can I do? Mr. Pippin suggested voting in November; vote for different people if you don't like what's going on, or run yourself.

Jack Mannette, Old Ellington Road: Mr. Mannette felt many of the Charter revision proposals were trying to put policy in the Charter. Mr. Mannette suggested if you go back, he can't see that the CRC has met with the BOF and the Treasurer to discuss the policies they have had for years to see what should go in the Charter and what should be policy.

Mr. Mannette cited the conversations he's heard this evening; he questioned if you could imagine trying to sell those proposals to the public. Mr. Mannette felt we're focusing on the problems happening here rather than the things the Town really needs to change in its basic Charter. You're talking about adding a Town Administrator; maybe you want to change the form of government you have, you need to start by looking at the BOS and how they might interface with a possible Town Administrator. He urged the CRC to sit down with the BOF and Treasurer to discuss existing policies and how they relate. If you do that maybe you'll find out you don't need this stuff you've just talked about.

Regarding the extra money the BOE wants, Mr. Mannette indicated his experience on the BOF, especially with the amount of money they're looking for, the only time you would have someone go over their budget is in an emergency, not for a normal budget. Mr. Mannette suggested Selectman Szymanski noted they're given \$24 million. Mr. Mannette felt the BOE has given significant information to the BOF and has told them they're under, but he didn't see a discussion and an analysis of that overage. He cited a memo in December from the business manager to the superintendent indicated they would cover their shortage on special education and we're here today looking for over \$200,000. Maybe the BOF is taking the information in but not asking the right questions. In the referendums the people of East Windsor are saying the cost of education is too high; to sell that increase to the public we have to explain what that cost is. Are the administrative costs higher than normal? The 41% special education students is higher than normal, why? What makes it up; why is it there? You can't sell the BOE budget without telling them what it's for or about.

Charlie Nordell, 7 Grandview Terrace: Regarding the Town Administrator, Mr. Nordell understands what Selectman Szymanski said about having more information about the position to sell it but if you have a job description in the Charter you can't change it. Like Deputy First

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

Selectman Dearborn said it's a good thing to try, and if it doesn't work you can get rid of the guy, Mr. Nordell felt you couldn't do that if the job description is in the Charter.

Regarding the audits, like people have said you already have the power to do it. By putting it in the Charter, Mr. Nordell felt you're not aware of the costs and you'll be in the same boat as the BOE.

Mr. Nordell requested people show respect to the BOE/BOF .

Rick Leborious, 18 Church Street, Chairman, Democratic Town Committee:

Mr. Leborious believed that the proposed Charter, even with the revisions suggested by the BOS, is fatally flawed. It shouldn't go to referendum. Mr. Leborious suggested he had numerous comments but due to the lateness of the meeting he would reserve his other comments for the Public Hearing.

For information, students that come in under Project Choice, which is a CREC program, (Mr. Leborious noted his wife is an employee of CREC) – whenever there are special education requirements for special needs they're not covered by the Town budget, those costs are borne by CREC. That's on any of those students who are bussed in.

First Selectman Maynard returned to Mr. Leborious's comments about the Charter revisions being fatally flawed, he requested perhaps Mr. Leborious could mention two. Mr. Leborious indicated there are several, including:

Regarding freeing up time for the First Selectman so he can attend CRCOG and CCM and other regional organizations and do the political work a First Selectman should do you could combine some of your departments. You just made your Treasurer a Finance Director, you could change the direct reports to the First Selectman and add the Assessor and the Tax Collector and create a department larger than 3 people. You could combine Planning and Development and Building regarding inspection and enforcement.

Mr. Leborious felt a flaw was splitting the budget; he felt the budget should be a unified document that represents the best interests of the Town as a whole. A budget needs to be a balancing act between the wants and needs of a community.

Mr. Leborious suggested when he sees the proposed Charter changes he sees government by referendum; he felt you could have referendums monthly, or weekly. He felt lowering the numbers to force referendums on issues is a mistake; Mr. Leborious felt it isn't that difficult to get 200 signatures to petition for a referendum. He felt the number of signatures should be higher because we should respect the people we elect to make basic decisions. We have options in the Charter to pull them back when they get out of control.

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
Special Meeting –June 12, 2019
MEETING MINUTES**

First Selectman Maynard queried the audience for additional comments; no one requested to speak.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 10:15 p.m.

Bowsza moved/Maynard seconded/DISCUSSION: None

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

Respectfully submitted

Peg Hoffman, Recording Secretary, East Windsor Board of Selectmen

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