

TOWN OF EAST WINDSOR BOARD OF SELECTMEN

SPECIAL MEETING

Monday, August 12, 2019

6:30 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; Jason E. Bowsza, Selectman; Andy Hoffman, Selectman; Charles J. Szymanski, Selectman.

ABSENT: All Selectmen were present this evening.

SPEAKERS/GUESTS: Public: Board of Education: Cathy Simonelli, Chairman; Charter Revision Commission: John Matthews, Chairman; Keith Yagaloff, Member; Democratic Registrar of Voters: Angelo Saverino; Democratic Town Committee: Rick Leborius, Chairman; Police Commission: Bob Leach, Chairman; Ed Filipone, Vice Chairman; Paul Anderson, Jim Bulkeley, Marie DeSousa; Jillian Hubbard, David and Mary McDaid, Denise Menard, Charlie Nordell.

Press: No one from the Press was present.

TIME AND PLACE OF REGULAR MEETING:

First Selectman Maynard called the Special Meeting to Order at 6:35 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

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ATTENDANCE: See page 1.

DISCUSS AND APPROVE RESOLUTION IN SUPPORT OF THE “CONNECTICUT JOBS AND REVENUE ACT”:

First Selectman Maynard noted the recent developments regarding discussions occurring in Hartford related to sports betting in Connecticut. Senator Saud Anwar, who represents East Windsor in the Legislature, has proposed that East Windsor pass the following resolution in support of the Mashantucket Pequot and Mohegan Tribes in their venture for the Tribal Winds Casino. First Selectman Maynard read the following:

Resolution in Support of the Connecticut Jobs and Revenue Act

Whereas the Mashantucket Pequot and Mohegan Tribes have been long standing, trusted, and good partners to the State of Connecticut contributing at least \$8 billion dollars in state revenue since inception of their respective business operations much of which has gone to directly support cities and towns through municipal grants; and,

Whereas, The Tribes and their gaming enterprises rank among the top ten employers in the state of Connecticut supporting 18,000 jobs (this incorporates gaming, partners, and tribal) and more than \$750 million in payroll and benefits annually; and,

Whereas Foxwoods and Mohegan Sun are major economic drivers of tourism in the region and the standard bearers for gaming on the East Coast, and,

Whereas Connecticut’s gaming market has been directly targeted by out-of-state Casino magnates and neighboring states who want to pilfer Connecticut jobs and revenue; and

Whereas Connecticut has already acted to protect its economic interests by authorizing development of the MMCT Joint Venture Tribal Winds Casino in East Windsor; and,

Whereas Foxwoods and Mohegan Sun are verified and trusted brands both nationally and internationally; and

Whereas we recognize that the Tribes’ success directly correlates with Connecticut’s success given the lucrative revenue sharing compacts in place; and,

Whereas we respect and honor the decades-old compact agreements signed between the State of Connecticut and the sovereign Tribal Nations of Mashantucket Pequot and Mohegan,

Then be it hereby resolved that the Board of Selectmen, Town of East Windsor calls on the Connecticut General Assembly and Governor to adopt in special session the “Connecticut Jobs and Revenue Act” providing modernization of the state’s gaming laws and protection of our state’s economic interests.

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

MOTION: MOVE the forgoing Resolution.

Bowsza moved/Szymanski seconded/DISCUSSION: None.

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

DISCUSSION OF TRIBAL WINDS CASINO:

First Selectman Maynard advised the Board he would like to send a letter to Governor Lamont regarding East Windsor's support for the East Windsor casino. He queried the Board for comments.

Selectman Hoffman noted that the last time he spoke with David Cappiello he felt the Tribes would be going forward with the East Windsor casino. He questioned if the Board should speak with Chairman Butler in support of the casino; he felt if we were another town that would be their approach. Selectman Hoffman noted that David Cappiello had said if the Tribes need our support they'll ask for it, but he felt the Town should show its commitment to the casino.

First Selectman Maynard agreed with the concept but felt the letter to Governor Lamont would be more appropriate at this time.

Deputy First Selectman Dearborn cited Governor Lamont's preference for a casino in Bridgeport, or the Civic Center in Hartford. Discussion continued regarding the impact of those actions on the East Windsor casino. Selectman Bowsza concurred with sending the letter to Governor Lamont emphasizing the benefits of locating the casino in East Windsor. Selectman Szymanski suggested the Town should reach out to Senator John Larson as well.

DISCUSS AND APPROVE CHARTER REVISION QUESTIONS:

First Selectman Maynard noted the Charter Revision Commission (CRC) has submitted their Final Report dated August 5, 2019 (Document/Attachment A) to the Board of Selectmen (BOS). Included with the CRC Final Report is a full text of the recommended changes to each Charter section (Document/Attachment B). Included in the submission is a copy of the draft Revised Charter (Document C)*. Draft CRC Ballot Questions for each recommended Charter revision is reflected in Document/Attachment D.

First Selectman Maynard referenced the Charter Revision Commission's recommended ballot questions in the order in which they would present them on the ballot (See Attachment D), he noted he is offering a shortened version authored by himself which he felt should be the ballot

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question version and order considered for approval by the Board of Selectmen (See Attachment E).

*** PLEASE NOTE:** The full copy of the revised Charter (Document C) has not been included as an attachment to these Meeting Minutes, as the document is significant in length. The revised Charter is available in the Town Clerk's Office; copies are available for viewing or can be mailed to parties by the Town Clerk if requested.

Discussion followed regarding the presentation of the ballot question order. Selectman Hoffman suggested those questions more significant to consider should be listed first, as there is the potential for several questions. He cites the voters may not respond to all questions when considering their choices. While approval of the technical changes is important, it is the culmination of the questions. First Selectman Maynard agreed with Selectman Hoffman's premise, but felt the questions should be listed in the order of the simplest to the more difficult.

Discussion ensued regarding reading into the record e-mail correspondence received related to the Charter revisions; First Selectman Maynard read the following:

E-mail correspondence:

Please reject the Charter revisions as presented to you this month. We are not in favor of many of the aspects of the Charter revisions and ask that you vote "no changes" to the existing East Windsor Charter.

Upon review of the Charter revisions final recommendations dated 7/12/2019, we strongly disagree with the Board of Selectmen's recommendation to delete Section 10-10 – Power to Overrule.

We do not agree with the recommended changes to the following:

Section 6-6(1) – Police Department – chief; specifically be not limited to the removal of the Chief's responsibilities.

Section 7-7 – Police Commission.

Section 8-9 – Requirement for Operational and Financial audits – specifically change the four to six years with regards to the Town department audits. We strongly feel the audits should be performed every four years.

We ask that our letter be shared at the next Board of Selectmen's Meeting. Please acknowledge receipt of this letter by e-mail.

Thank you for your cooperation.

Kathleen and Mitchell Perikulis.

Selectman Bowsza assisted by reading copies of the following e-mails verbatim:

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Correspondence 1:

Dated 7/28/2019 (later responding to a question from the audience Selectman Bowsza identified the author as Jack Mannette)

1. Finance Director: *In any organization job titles have significance when it comes to perceived duties and authority. To prevent any misunderstanding as to what authority our current Treasurer has you could change Finance Director to CFO/Treasurer. This change will help recruiting in the future while not be misleading as to the actual duties of the job. Also, using "Officer" makes it consistent with the Administrative Officer title. Other Town Charters, by changing the Treasurer's job title, do so by adding BOE financial responsibilities to the position. As an example, see Canton's Municipal School District Financial and Payroll Consolidation Feasibility Study. I believe that Canton eliminated their BOE/Finance Director position by this consolidation, thus reducing this and other administrative costs by over \$113,000. This could be our justification to upgrade our Treasurer's position.*

2. Administrative Officer: *The minimum qualifications stated for this new position could be coupled with being responsible for the day to day operations of all Town department, and will command a salary commensurate with the job requirements. If you're concerned, CCM can provide a summary of average salaries associated with such a position. Not having the responsibility of the day to day responsibilities will render this position with the minimum qualifications nothing more than a high class clerk. Per the Charter, all department heads currently report to the First Selectman; do you really think they'll take day to day direction from someone without authority? I have talked to many folks and I haven't heard from anyone who would agree to have someone manage the Town without any authority. Political or individual bias of the First Selectperson or department head could render this position useless.*

3. Police Department: *Stating that the Police Department will be a Town department seems to be the right thing to do. This will clarify the PD in the Town's organizational structure. However, if a Town Administrator as proposed is approved that would mean that the Police Department day to day responsibilities could be included. Towns with a Town Administrator include the Police Department by making the position also the Public Safety Director. Not doing this risks another fracture in the organizational authority structure. Having a Police Commission responsible for appointing and removal of the Police Chief but having the Board of Selectmen responsible for the term of appointment could be a disaster by splitting the organizational authority structure. It's not clear who the Police Chief reports to. As a department head this must be made clear in the Town's organizational chart.*

4. Rules for expenditures and bidding supplemental appropriations: *Adding this section does not recognize that the Town already has purchasing and other financial policies in place. Why would the Charter be involved in the day to day details that may*

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contradict those policies? Currently, it's up to the Treasurer and the Finance Board to make sure those policies are being followed.

Selectman Bowsza indicated that was Jack Mannette, on July 28th.

Correspondence 2:

Reading verbatim, Selectman Bowsza indicated on July 29th, Joel Whalen wrote:

Good Evening:

I was just listening to the opening of the Charter Revision Meeting and have to ask where the additional funds will come from for the mailer being proposed? I do not recall CRC having that as a line item in the most recent budget that was passed at 2% over last year's budget.

I also agree with Mr. Dearborn that the information should be out there and consumable in the many different avenues to the various populations in town. I know it's late in the process but something Mr. Yagaloff said about people wanting to hear things in words mirrors a comment and request that I have been making to the Commission from the start is that all meetings should have been televised and but until this meeting seems to have fallen on deaf ears.

Thank you for your time, Joel Whalen.

Correspondence 3:

Selectman Bowsza read verbatim the following correspondence from Paul Anderson, August 8th:

I think the Charter revision has become unwieldy. There are too many questions. The average person is going to have a problem understanding the long term implications of the changes. Many items are dependent on other items so they must all pass to work. The ballot can only hold some limited number of questions.

The suggested revisions put too much power in one branch. Many items can be accomplished without being in the Charter. Items in the Charter must do things without much discretion.

I suggest we stop now and try again later with a new Charter Revision Commission.

In response to Mr. Anderson's letter, First Selectman Maynard noted there are 13 questions being considered. He suggested he isn't going base his opinion on what he thinks other people may be thinking. First Selectman Maynard disagreed with the contention that items were interdependent

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and must pass together; he suggested the Board consider the questions to make that determination. He noted that one of the charges the Board of Selectmen had given the Charter Revision Commission at the beginning of this process was that the items must all be independent.

Regarding the ballot limitations, First Selectman Maynard offered a ballot used by Simsbury which utilizes both sides of the ballot. Selectman Bowsza cited the (Democratic) Registrar of Voters expressed opposition to lengthy ballot questions during previous meetings; Selectman Szymanski cited the ballot composition was determined by the Town Clerk. Discussion followed regarding the process for creating the ballot. First Selectman Maynard reported the Simsbury ballot contained 14 questions which were proposed during the 2015 municipal election. Selectman Hoffman recalled that Ellington had been successful presenting 14 ballot questions. He noted that Charter Revision Commission Chairman Matthews was continuing to work with both Registrars regarding presentation of the questions. Charter Revision Commission Chairman Matthews noted the ballot questions proposed by Simsbury contained 800 words; the questions proposed by this Charter Revision Commission are approximately 350 words and the Board has further reduced the questions to 300 words. The East Windsor ballot can easily handle the proposed questions.

The Board began discussion and approval of the Charter Revision questions.

First Selectman Maynard noted the Board will discuss and then vote on the wording for each ballot question; the Board will then vote on inclusion of the question on the ballot.

Selectman Bowsza queried the audience if anyone supports the proposed changes; no one responded.

MOTION: To NOT MOVE FORWARD with the Charter Revisions

Bowsza moved - *No one seconded the motion – the motion failed.*

First Selectman Maynard began review of the proposed ballot questions.

PLEASE NOTE: The format below presents the Charter Revision Questions as follows.

The **FIRST ENTRY** (which is **highlighted**) is the Charter Revision ballot question proposed by the Charter Revision Commission, the number (#) at the end of the title is the order in which the question would appear on the ballot as proposed by the Charter Revision Commission.

The **SECOND ENTRY** (which is in *Italics*, and also **highlighted**) is the First Selectman's version of the ballot question. The number in *Italics* and parenthesis – i.e. (*1*) - is the order in which the question would appear on the ballot as proposed by First Selectman Maynard.

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The Board began review of the proposed ballot questions, considered in order as proposed by First Selectman Maynard.

➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION #12:**

Shall the Charter be amended to make certain technical changes regarding specific references to the Connecticut General Statutes within the Charter and change the title of the Town Treasurer to Finance Director in Charter Section 6-6(D) as outlined in the Charter Commission Final Report? YES/NO?

First Selectman Maynard's Recommended Ballot Question #12 – (1) Specify C.G.S. Numbers:

Shall the Charter be amended to include specific Connecticut General Statute numbers when referencing a Connecticut General Statute? YES/NO?

AND

(2) Change Title of Town Treasurer to Finance Director: Shall the Charter Section 6-6(D) be amended to change the title of the Town Treasurer to Finance Director? YES/NO?

PLEASE NOTE: First Selectman Maynard is splitting the Charter Revision Commission's recommended ballot question #12 into two (2) ballot questions.

First Selectman Maynard noted this is the ballot question which approves the technical changes within the Charter, including specifying the number of the Connecticut General Statute which is referenced, and also notes the references to the Treasurer will change to Finance Director throughout the Charter. As noted above, First Selectman Maynard is proposing to present the technical changes as two (2) questions. The motions below address the references to the Connecticut General Statutes (C.G.S.) throughout the Charter.

MOTION: Move to APPROVE the proposed amendment to Section 6-6(D) of the Charter to include specific references to the Connecticut General Statute numbers when referencing a Connecticut General Statute as outlined in the Charter Revision Final Report.

Maynard moved/Hoffman seconded/**DISCUSSION:** See above

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

MOTION: Move to APPROVE the wording of the Charter Revision Commission ballot question #12 with the wording as presented in (1) – "Shall the Charter be amended to include specific reference to Connecticut

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General Statute numbers when referencing a Connecticut General Statute? YES/NO”

Maynard moved/Hoffman seconded/DISCUSSION: *None.*

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

First Selectman Maynard indicated the following motions address the references to the Treasurer throughout the Charter; those references would now relate to the title Finance Director.

Selectman Bowsza suggested this language doesn't capture other changes throughout the document. Attorney DeCrescenzo noted those references have been made in Attachment C (the full Charter as revised); he noted there are four (4) changes. Attorney DeCrescenzo noted that if this question passes the cross-reference would be approved. The substantive changes are the title change in the corresponding changes as they occur throughout the Charter – Attachment C. If this ballot question passes Attachment C references the Finance Director where the current Charter refers to the Treasurer.

Selectman Bowsza questioned if the muni-code references had been made? First Selectman Maynard suggested that hadn't been part of the charge to the Charter Revision Commission by the Board of Selectmen; references to the muni-code had been a consideration of the Charter Revision Commission.

Selectman Bowsza requested the addition of the phrase – “throughout the Charter” to the ballot question.

MOTION: ***Move to APPROVE the proposed amendment of the Charter to include a change the title of the Town Treasurer to Finance Director in Charter Section 6-6(D) and throughout the Charter as outlined in the Charter Commission Final Report?***

Maynard moved/Hoffman seconded/DISCUSSION: Selectman Bowsza had requested the addition of the wording “and throughout the Charter” to the amendment.

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

MOTION: ***Move to APPROVE the wording of the Charter Revision Commission ballot question #12 (part two) with the wording as presented in (2) – “Shall Charter Section 6-6(D) be amended to change the title of the Town Treasurer to Finance Director throughout the Charter? YES/NO”***

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Maynard moved/Hoffman seconded/DISCUSSION: Nothing additional.

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

➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION
#2:**

Shall Charter Section 8-3, entitled General Provisions, be amended to add a subsection that establishes minimum sealed bids procedures requiring bids to be submitted to the Town Clerk and opened publically as outlined in the Charter Commission Final Report? YES/NO.

First Selectman Maynard's Recommended Ballot Question #2 – (3) Sealed Bids to be opened Publicly in Town Meeting Room: Shall Charter Section 8-3, entitled General Provisions, be amended to add a subsection that establishes sealed bid procedures requiring bids to be submitted to the Town Clerk and opened publicly? YES/NO?

Selectman Bowsza questioned why put a policy in the Charter; he suggested a policy for this function already exists. Selectman Szymanski suggested in his observations there hasn't been strict adherence to policy regarding bidding policies; if the process of requiring the bids to be submitted to the Town Clerk for time and date stamping, with public opening to occur as stated in the bid documents, then the process will be followed consistently. Selectman Bowsza didn't understand why the process needs to be memorialized in the Charter. First Selectman Maynard questioned Selectman Bowsza's opposition to inclusion of the procedures in the Charter; Selectman Bowsza suggested the process could not be changed easily. He gave as an example if the Town Hall Meeting Room isn't available could the bids be opened somewhere else? Attorney DeCrescenzo suggested if the Meeting Room was unavailable the Selectmen could designate another location as the Town Meeting Room and that would satisfy the terms of the Charter.

MOTION: **Move to APPROVE the proposed amendment of the Charter Section 8-3, entitled General Provisions, be amended to add a subsection that establishes minimum sealed bids procedures requiring bids to be submitted to the Town Clerk and opened publically.**

Maynard moved/Szymanski seconded/DISCUSSION: None.

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

MOTION: **Move to APPROVE the wording of the Charter Revision Commission ballot question #2 with the wording as presented in (3): "Shall Charter**

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Section 8-3, entitled General Provisions, be amended to add a subsection that establishes sealed bid procedures requiring bids to be submitted to the Town Clerk and opened publicly? YES/NO?"

Maynard moved/Hoffman seconded/DISCUSSION: None.

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

➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION #5:**

Shall Proposed New Charter Section 6-6(H), entitled Administrative Officer, be added to the Town Charter to establish a professional Administrative Officer position which shall be responsible for administration of department heads at the direction of the First Selectman, as outlined in the Charter Commission Final Report? YES/NO?

First Selectman Maynard's Recommended Ballot Question #5 – (4) Town Administrator:

Shall Proposed New Charter Section 6-6(H), entitled Administrative Officer, be added to the Town Charter to establish a professional Administrative Officer position? YES/NO?

Selectman Hoffman felt Jack Mannette (in his correspondence read by Selectman Bowsza earlier) made an important point but he felt the job description can cover Mr. Mannette's concerns; Selectman Hoffman felt this recommendation is a valid addition to the Charter. Selectman Bowsza felt this proposal is in conflict with other sections of the Charter as it relates to the First Selectman as the CEO. Selectman Bowsza indicated he couldn't support the commitment to this position carrying a salary over \$130,000 when we can't fund JV sports. Selectman Bowsza felt the Board of Selectmen can approve this position as a budgetary item and fill the position at that time. Selectman Hoffman suggested if the position is not in the Charter it will never happen. If we truly feel we need a Town Administrator to assist the First Selectman it should be in the Charter, like the Finance Officer and the Tax Collector and the Town Clerk. Selectman Szymanski reported that everyone he has spoken with feels it's time for East Windsor to have this position, and there will be payback on it. Deputy First Selectman Dearborn felt the position hasn't been given enough power; he cited that department heads must answer to the First Selectman but they could say they don't have to answer to this position like the Police Chief. Selectman Hoffman suggested if the position is in the Charter you can add the power to the job description. Selectman Bowsza felt this proposal puts the job description in the Charter. Selectman Bowsza also suggested the research duties could be handled through CCM; Selectman Hoffman cited his experience when seeking information through CCM required he continue to research information himself from other areas.

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Discussion continued involving other hypothetical situations.

First Selectman Maynard felt that the decision to have a Town Administrator was a big decision; he felt the voters should be able to make that decision so the Board should put the question on the ballot. First Selectman Maynard noted that if he had the benefit of a Town Administrator he would work with that person. First Selectman Maynard noted various other positions, such as the Police Chief, the Deputy Police Chief, the Superintendent of Schools, the Vice Principals, who make salaries similar to that being discussed for the Town Administrator. First Selectman Maynard felt the Town needs this professional position to carry the Town forward.

MOTION: Move to APPROVE the proposed amendment of Charter Section 6-6(H), entitled Administrative Officer be added to the Town Charter to establish a professional Administrative Officer position which shall be responsible for administration of department heads at the direction of the First Selectman.

Maynard moved/Szymanski seconded/DISCUSSION: Deputy First Selectman Dearborn felt the Board should let the people vote.

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

➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION #7:**

Shall Charter Section 8-6, entitled Duties of the Board of Finance on Other Matters, be amended to require a narrative supporting the need and projected cost of supplementary appropriations be filed with the Town Clerk seven days prior to consideration by the Board of Finance as outlined in the Charter Commission Final Report? YES/NO?

First Selectman Maynard's Recommended Ballot Question #7 – (5) Narrative for Supplemental Appropriations: Shall Charter Section 8-6, be amended to require a narrative supporting the need and cost of supplementary appropriations be filed with the Town Clerk? YES/NO?

First Selectman Maynard read the ballot question. Selectman Szymanski questioned if the reference to “seven days prior” has been left in the recommendation? First Selectman Maynard replied affirmatively.

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MOTION: Move to APPROVE Charter Section 8-6, entitled Duties of the Board of Finance on Other Matters, be amended to require a narrative supporting the need and projected cost of supplementary appropriations be filed with the Town Clerk seven days prior to consideration by the Board of Finance

Maynard moved/Hoffman seconded/DISCUSSION: Selectman Hoffman questioned how the adequacy of the narrative would be addressed? First Selectman Maynard felt by posting the narrative with the Town Clerk and elsewhere the public can review the information and take their questions/comments to the Board of Finance when action is taken on the item. Selectman Bowsza reiterated his contention that addition of this amendment to the Charter was inappropriate and could be handled by the Board via a policy decision.

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

MOTION: Move to APPROVE the wording of the Charter Revision Commission ballot question #7 with the wording as presented in (5): "Shall Charter Section 8-6, be amended to require a narrative supporting the need and cost of supplementary appropriations be filed with the Town Clerk? YES/NO?"

Maynard moved/Hoffman seconded/DISCUSSION: Nothing additional

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

➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION #3:**

Shall Charter Sections 8-5, entitled Submission of Budgets to Referendum, be amended to require separate votes for the Town Government Budget and the Board of Education Budget at the Budget Referendum as outlined in the Charter Commission Final Report? YES/NO?

First Selectman Maynard's Recommended Ballot Question #3 – (6) Separate Town Government Budget and Board of Education Budgets: Shall Charter Section 8-5, entitled Submission of Budgets to Referendum, be amended to require separate votes for the Town Government Budget and Board of Education Budget on the Budget Referendum Ballot? YES/NO?

Selectman Bowsza felt this was the worst recommendation of the bunch; this codifies something the Board of Finance can already do under the Statutes. He felt this proposal will create a divide of the citizens we'll never recover from. Deputy First Selectman

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Dearborn reported he's for this proposal; the Town side of the budget gets short-changed every time. He felt people might actually vote for more than 2% if given this option. By putting this in the Charter it makes the separate votes mandatory. Selectman Szymanski cited the Board of Finance always gets two budgets – the Town government side and the Board of Education side; the people should be able to look at the two budgets separately as well. Discussion continued regarding opposing philosophies and opinions.

MOTION: Move to APPROVE Charter Section 8-5, entitled Submission of Budgets to Referendum, be amended to require separate votes for the Town Government Budget and the Board of Education Budget at the Budget Referendum.

Maynard moved/Dearborn seconded/DISCUSSION: Nothing additional

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

MOTION: Move to APPROVE of Charter Revision ballot question #3 with the wording as presented in (6): "Shall Charter Section 8-5, entitled Submission of Budgets to Referendum, be amended to require separate votes for the Town Government Budget and Board of Education Budget on the Budget Referendum Ballot? YES/NO"

Maynard moved/Dearborn seconded/DISCUSSION: Nothing additional

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

➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION #1:**

Shall Charter Section 8-9, entitled Annual Audit, be amended to require operational audits of Town operating departments, as outlined in the Charter Commission Final Report? YES/NO?

First Selectman Maynard's Recommended Ballot Question 1 – (7 Operational Audits):
Shall Charter Section 8-9, entitled Annual Audit, be amended to require operational audits of Town operating departments every four (4) years? YES/NO?

Selectman Bowsza questioned the cost of this proposal? Selectman Szymanski indicated the cost would depend on the depth of the audit; some departments could be done for as little as \$1,000. The consultant would base the cost on the scope of the audit. Selectman Szymanski clarified this is not a financial audit; these would be audits of how the departments function. Selectman Bowsza questioned the cost of auditing the Police Department, with 30 employees; he felt the language wasn't clear regarding the depth of

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the audit. Selectman Bowsza felt this was another example of putting policy into the Charter. Selectman Hoffman noted the consultants who come in have audited many other towns so they can help frame the scope of the audit. Audits save money when the recommendations are implemented; cumulatively the savings get better and the cost is less. Deputy First Selectman Dearborn suggested the consultants coming in will see things the people working day to day won't see. If the recommendation is put in the Charter it will be law, otherwise it won't get done.

MOTION: Move to APPROVE Charter Section 8-9, entitled Annual Audit, be amended to require operational audits of Town operating departments.

Maynard moved/Hoffman seconded/**DISCUSSION:** None

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

MOTION: *Move to APPROVE of Charter Revision ballot question #1 with the wording as presented in (7): Shall Charter Section 8-9, entitled Annual Audit, be amended to require operational audits of Town operating departments every four (4) years? YES/NO?*

Maynard moved/Dearborn seconded/**DISCUSSION:** Deputy First Selectman Dearborn questioned the frequency of the audits? He recalled the Board of Selectmen increasing the cycle of the audits to every six (6) years. Charter Revision Chairman Matthews clarified that the Charter Revision Commission had responded to the Board of Selectmen's comments regarding concern for the cost of the audits so they revised their recommendation to the three (3) largest departments being audited every four (4) years. Smaller departments would be audited at the discretion of the Board of Selectmen.

First Selectman Maynard agreed to amendment of the motion.

AMENDED MOTION: *Move to APPROVE Charter Revision ballot question #1 with the wording as presented in (7) amended as follows: Shall Charter Section 8-9, entitled Annual Audit, be amended to require operational audits of **THE THREE (3) LARGEST** Town operating departments every four (4) years? YES/NO?*

Szymanski moved/Hoffman seconded/**DISCUSSION:** Nothing additional

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

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➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION**

#11:

Shall Charter Section 6-6(B) entitled Town Counsel, be amended to make the appointment of Town Counsel by the Board of Selectmen subject to the recommendation of the First Selectman and to establish a term of office Coterminous with the Board of Selectmen as outlined in the Charter Commission Final Report? YES/NO?

First Selectman Maynard's Recommended Ballot Question #11 – (8) Town Counsel:

Shall Charter Section 6-6(B) entitled Town Counsel, be amended to make the appointment of Town Counsel by the Board of Selectmen subject to the recommendation of the First Selectman? YES/NO?

Selectman Bowsza felt this proposal gives the First Selectman two (2) votes on the selection of the Town Counsel. First Selectman Maynard noted the First Selectman and the Town Counsel must be able to work together; the Board of Selectmen will be appointing the Town Counsel with the recommendation of the First Selectman.

MOTION: Move to APPROVE Charter Section 6-6(B) entitled Town Counsel, be amended to make the appointment of Town Counsel by the Board of Selectmen subject to the recommendation of the First Selectman and to establish a term of office Coterminous with the Board of Selectmen.

Maynard moved/Dearborn seconded/DISCUSSION: Selectman Bowsza questioned the duration of the term; Attorney DeCrescenzo suggested the term of the Town Counsel will run coterminous with the Board of Selectmen. Selectman Bowsza suggested the copy of Attachment C he had for reference didn't reflect that change. After reviewing Selectmen Bowsza's Attachment C Attorney DeCrescenzo agreed Selectmen Bowsza's document did not reflect the Charter Revision Commission's most recent revision with regard to Section 6.6(B). Attorney DeCrescenzo clarified that the motions contained in the Charter Revision Commission's Final Report are reflected in Attachment B; it is those motions the Board of Selectmen are considering for approval, rejection, or revision. Attorney DeCrescenzo clarified the Attachment C which he submitted takes into consideration the language changes made by the Charter Revision Commission; the changes recommended by the Charter Revision Commission were captured in the Minutes of their last meeting; those are the changes contained in the Charter Revision Commission's Final Report.

VOTE:

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

MOTION: Move to APPROVE of Charter Revision ballot question #11 with the wording as presented in (8): "Shall Charter Section 6-6(B) entitled Town Counsel, be amended to make the appointment of Town Counsel

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by the Board of Selectmen subject to the recommendation of the First Selectman? YES/NO”

Maynard moved/Dearborn seconded/DISCUSSION: Nothing further.

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

➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION #9:**

Shall Charter Section 10-5, entitled Town Meeting by Petition, be amended to increase the minimum number of days from six (6) to fourteen (14) to collect signatures to adjourn a special Town Meeting to a Referendum as outlined in the Charter Commission Final Report? YES/NO?

First Selectman Maynard’s Recommended Ballot Question #9 – (9) Increase Days to Move a Town meeting to a Referendum: Shall Charter Section 10-5, entitled Town meeting by Petition, be amended to increase the minimum number of days from six (6) to fourteen (14) to collect signatures to adjourn a special Town meeting to a Referendum? YES/NO?

MOTION: Move to APPROVE Charter Section 10-5, entitled Town Meeting by Petition, be amended to increase the minimum number of days from six (6) to fourteen (14) to collect signatures to adjourn a special Town Meeting to a Referendum.

Maynard moved/Szymanski seconded/DISCUSSION: None.

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

MOTION: *Move to APPROVE of Charter Revision ballot question #9 with the wording as presented in (9): “Shall Charter Section 10-5, entitled Town meeting by Petition, be amended to increase the minimum number of days from six (6) to fourteen (14) to collect signatures to adjourn a special Town meeting to a Referendum? YES/NO”*

Maynard moved/Hoffman seconded/DISCUSSION: Selectman Bowsza felt the reference to the “six (6) days” should be removed from the language of the ballot question, as it’s not referred to anywhere in the Charter.

AMENDED MOTION: *Move to APPROVE Charter Revision ballot question #9 with the wording as presented in (9) amended as follows:*

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Shall Charter Section 10-5, entitled Town meeting by Petition, be amended to increase the minimum number of days ~~from six (6)~~ to fourteen (14) to collect signatures to adjourn a special Town meeting to a Referendum? YES/NO?"

Bowsza moved/Hoffman seconded/DISCUSSION: Nothing further.

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

➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION #8:**

Shall Proposed New Charter Section 10-9, entitled Automatic Referendum, be added to the Town Charter to require a referendum for all Town Meeting actions involving expenditures in excess of \$200,000 in the aggregate as outlined in the Charter Commission Final Report? YES/NO?

First Selectman Maynard's Recommended Ballot Question #8 – (10 Automatic Referendum at \$200,000): Shall Proposed New Charter Section 10-9, entitled Automatic Referendum, be added to the Charter requiring a referendum for all Town Meeting actions involving expenditures in excess of \$200,000 in the aggregate? YES/NO?

MOTION: Move to APPROVE Proposed New Charter Section 10-9, entitled Automatic Referendum, be added to the Town Charter to require a referendum for all Town Meeting actions involving expenditures in excess of \$200,000 in the aggregate.

Maynard moved/Dearborn seconded/DISCUSSION: Selectman Bowsza felt this proposal was completely unnecessary; he felt the proposal codifies something that hasn't gone the way someone wanted a vote to go. Deputy First Selectman Dearborn felt this proposal enables more people to participate in votes. First Selectman Maynard felt the \$200,000 threshold was too low.

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

MOTION: Move to APPROVE Charter Revision ballot question #8 with the wording as presented in (10): "Shall Proposed New Charter Section 10-9, entitled Automatic Referendum, be added to the Charter requiring a referendum for all Town Meeting actions involving expenditures in excess of \$200,000 in the aggregate? YES/NO?"

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Maynard moved/Dearborn seconded/DISCUSSION: None.

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

➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION**

#4:

Shall Proposed new Charter Section 6-6(I), entitled Police Department, be added to the Town Charter to establish the Town of East Windsor Police Department as a town department, within the Charter as outlined in the Charter Commission Final Report? YES/NO?

First Selectman Maynard's Recommended Ballot Question #4 – (11) Make Police a Town Department): Shall Proposed New Charter Section 6-6(I), entitled Police Department, be added to the Charter to establish the Town of East Windsor Police Department as a Town Department? YES/NO?

Selectman Bowsza felt by adopting this proposal we'll be consolidating the law enforcement body for the Town into a political chain of command. You can make points about the Police Commission is also elected but they're not a political body; we (the Board of Selectmen) absolutely are and by introducing politics into a chain of command- which is very different – is going to cause confusion and friction. Their (the Police Department) chain of command is clear; it's linear from the Police Commission to the Chief to the Officer. Selectman Bowsza felt clarity is a problem, even in the word choice; it sounds like the Police Department goes away, or we'll be doing something opposite of what we're intending to do. The verbiage of this must be clear that by adopting this we're making a fundamental change in the chain of command that the department adheres to instead of just saying they're like Public Works. First Selectman Maynard suggested the proposal was written correctly in Attachment B. Selectman Bowsza felt the language says the Police Commission isn't in charge of what it needs to be for personnel issues the Town knows nothing about; he questioned why the Chief's position is still in there when it's been codified in Section "(a)"? Selectman Bowsza felt this proposal makes the Chief subservient to the First Selectman. This proposal muddies the waters by taking another elected Board's authority/jurisdiction away from them.

Discussion continued regarding language as proposed by the Charter Revision Commission. Selectman Bowsza continued to oppose the language, as he felt the average voter will think his options are to make the Police Department a Town Department or that they don't want a Police Department. First Selectman Maynard, Deputy First Selectman Dearborn, Selectman Hoffman, and Selectman Szymanski felt voters would perceive the option as continuing the Police Department status quo. Selectman Hoffman felt the statement of having the BOS involved in the ranks of the Police Department was wrong as well; he questioned if the Board could revise the language. First Selectman Maynard

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replied negatively. Selectman Szymanski clarified that this proposal really had to do with the budgeting.

MOTION: Move to APPROVE proposed new Charter Section 6-6(I), entitled Police Department, be added to the Town Charter to establish the Town of East Windsor Police Department as a town department.

Maynard moved/Hoffman seconded/DISCUSSION: Selectman Bowsza felt that even when reviewing the language in Attachment B this proposal is a power grab for the Board of Selectmen. Selectman Bowsza felt this proposal is bad policy, the verbiage is incredibly misleading. First Selectman Maynard indicated he doesn't agree with the wording in Attachment B which reflects that the Board of Selectmen has something to do with the ranking and the grades of the Police Officers; he felt that should be part of the Police Commission, but he disagreed that the Police Commission isn't political. Selectman Hoffman agreed that the Board of Selectmen shouldn't be involved in the policing activities; he questioned if the Board could revise the language of the proposal? Attorney DeCrescenzo replied negatively. Selectman Szymanski clarified that this proposal has to do with the budget.

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

MOTION: Move to APPROVE Charter Revision ballot question 4 with the wording as presented in (11): "Shall Proposed New Charter Section 6-6(I), entitled Police Department, be added to the Charter to establish the Town of East Windsor Police Department as a Town Department? YES/NO?"

Maynard moved/Hoffman seconded/DISCUSSION: Nothing further.

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

➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION #6:**

Shall Proposed New Charter Section 10-10, entitled Power of Overrule, be added to the Charter as outlined in the Charter Commission Final Report? YES/NO?

First Selectman Maynard's Recommended Ballot Question #6 – (8): Shall Proposed New Charter Section 10-10, entitled Power of overrule, be added to the Charter stating a referendum receiving a 55% vote overrides a Town Meeting? YES/NO?

Attorney DeCrescenzo clarified that this proposal doesn't just overrule the actions of the Town Meeting, it also overrules the actions of the Board of Selectmen and the Board of

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Finance. Selectman Bowsza felt the threshold of 150 voters is way too low and the 55% is to overrule the action; he felt the number should be 150 voters or 2%. Selectman Bowsza also felt this proposal impacts personnel issues.

MOTION: Move to **REJECT** the recommendation that Proposed New Charter Section 10-10, entitled Power of Overrule, be added to the Charter.

Bowsza moved/Maynard seconded/DISCUSSION: None.

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

MOTION: Move to **APPROVE** Proposed New Charter Section 10-10, entitled Power of Overrule, be added to the Charter.

Szymanski moved/Hoffman seconded/DISCUSSION: Deputy First Selectman Dearborn felt this is being proposed in case you get some radicals on the Board and something wrong is approved; this gives people the opportunity to overrule those types of decisions.

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

MOTION: Move to **APPROVE** Charter Revision ballot question 6 with the wording as presented in (12): "Shall Proposed New Charter Section 10-10, entitled Power of overrule, be added to the Charter stating a referendum receiving a 55% vote overrides a Town Meeting, **OR CERTAIN ACTIONS?** YES/NO"

Maynard moved/Hoffman seconded/DISCUSSION: Selectman Szymanski had requested the addition of "or certain actions" to the ballot questions as noted above. Selectman Bowsza felt this proposal totally does away with the Town Meeting form of government.

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

➤ **CHARTER REVISION COMMISSION RECOMMENDED BALLOT QUESTION #10:**

Shall Charter Section 8-3, entitled General Provisions, be amended to add a subsection that requires to allow the Board of Selectman to transfer up to \$15,000 from one department to another, but no more than \$45,000 for all departments, in the last three months of the fiscal years as outlined in the Charter Commission Final Report? YES/NO?

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First Selectman Maynard's Recommended Ballot Question #10 – (13): Shall Charter Section 8-3, entitled General Provisions, be amended to add a subsection to allow the Board of Selectmen to transfer up to \$15,000 from one department to another, but no more than \$45,000 for all departments, in the last three months of the fiscal year? YES/NO?

Selectman Bowsza questioned what's to stop the First Selectman from initiating a spending freeze in April and then saying he's going to use the money for whatever he wants? Selectman Bowsza felt this is nothing but a slush fund for the First Selectman. This is another example of bypassing the existing policies; this encourages abuse in the First Selectmen's Office. First Selectman Maynard didn't feel this proposal was necessary. If there are too many questions for the public to consider then he felt this question could go.

MOTION: To REJECT proposed Charter Section 8-3, entitled General Provisions, be amended to add a subsection that requires to allow the Board of Selectman to transfer up to \$15,000 from one department to another, but no more than \$45,000 for all departments, in the last three months of the fiscal years be added to the Charter.

Bowsza moved/Maynard seconded/DISCUSSION: None.

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

Attorney DeCrescenzo reviewed the process going forward for the Board of Selectmen.

PUBLIC PARTICIPATION:

Marie DeSousa, (10 Rice Road): Mrs. DeSousa recalled providing First Selectman Maynard with a complaint on July 6th. She noted she has not yet received a response; can she expect a response or should she take her complaint elsewhere? First Selectman Maynard indicated he would provide a copy at the next Board Meeting, at which time he would give Mrs. DeSousa a copy.

Paul Anderson, (89 Main Street): Mr. Anderson noted he was occupied when the Board of Selectmen voted to give \$232,000 to the Warehouse Point Fire District. First Selectman Maynard reported the funding request has been forwarded to the Board of Finance; Selectman Bowsza noted the request would go to Town Meeting if it passes the Board of Finance. Mr. Anderson indicated the Board could expect a request from the Broad Brook Library next year requesting additional funding of \$50,000, which can be forwarded to the Board of Finance and then be sent on to Town Meeting.

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John Matthews, Chairman of the Charter Revision Commission: CRC Chairman Matthews cited the purpose of the last proposal recommended by the Charter Revision Commission was to give the CEO a little discretionary funding at the end of the year; the CEO has no funding throughout the year if he proposes an expenditure and the Board of Finance opposes the expenditure. CRC Chairman Matthews cited the need for signage to be posted around town reminding people to vote or communicating with the public on important items. He suggested the \$15,000 is a small amount; he questioned the reference to this funding being a slush fund. Selectman Bowsza suggested then budget for it.

Keith Yagaloff, 125 Depot Street: Mr. Yagaloff referenced Mr. Anderson's frustration asking for money for the Broad Brook Library. It's one of the last threads that we have that connects us to our past and provides a benefit for people that don't have transportation or don't have the inclination to go to the other side of town. Mr. Yagaloff suggested Mr. Anderson puts so much of his personal energy into this; he felt we need to relieve him of his frustration. He shouldn't have to come begging; it's a problem of the whole budgetary process. These small organizational pieces need to get funded in town. The expense is minimal. It's about our history, it's about our culture; it's about us as a community, and it's the kind of thing that pulls people together as a community. Mr. Yagaloff suggested Mr. Anderson's comments about the funding for the Warehouse Point Fire District weren't negative, it's about getting needed funding, and the people sitting up there at the next budget cycle should make it happen.

Marie DeSousa, 10 Rice Road: Mrs. DeSousa felt the changes proposed for the Charter are contradictory. She cited discussions of the audits and their cost. When she sat on the Board of Finance when the fire departments and the libraries wanted excess money before the budget they had to do a financial audit and the cost of the financial audits was close to \$10,000. The issue she has with the Charter that upsets Mrs. DeSousa is the 2% that's been a bone of contention. It costs us money, and we have people on the Charter Revision Commission who just said \$15,000 isn't a lot of money but because of the 2% the library is the first to get cut because it's not a town entity. We'll have additional expenses being spent and mandated if these questions are voted in. That 2% isn't going to cover them; which one of our employees do we want to get rid of, and we'll still not make enough money.

Rick Leborious, 16 Church Street, Chairman, Democratic Town Committee: Mr. Leborious indicated he hesitates to be critical of a board who has put in a lot of time and energy – he commends them for that, but... the best description of the changes he's heard is that it's a "grievance charter" and it seeks to correct areas where individuals involved in the Charter have lost political battles over the years. Mr. Leborious felt that the proposals takes that out of the normal governmental process and puts it into the Charter.

Mr. Leborious felt the two most egregious recommendations are: 1) the bifurcation of the budget; he feels the budgets are emblematic of the town as a whole. Mr. Leborious felt we need one budget that balances all the needs and desires; that's the job of the Board of Finance. And,

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2) the power to overrule – Mr. Leborious felt that's fraught with potential legal ramifications; it doesn't make common sense. If the Board of Selectmen decides to hire a Town Planner that the

citizen could overrule the hiring of that employee. It would be crazy to have the general public involved in personnel issues, or negotiations with bargaining units. Mr. Leborious indicated he will strongly recommend to anyone he speaks with to vote against all the recommendations proposed by the Charter Revision Commission. He felt the document makes no sense from one part to another. Mr. Leborious also opposed the inclusion of the requirement for an operational audit in the Charter.

Cathy Simonelli, Chairman, Board of Education/Chairman, Capital Improvement

Committee: Mrs. Simonelli indicated that every meeting she's come to regarding the Charter revision there have been a number of people in the audience that are knowledgeable about the handling of the Town, and no one is in favor of the revisions. Mrs. Simonelli found it frustrating that the lack of support for the Charter revisions has been ignored. Mrs. Simonelli is frustrated that Public Participation was at the end of the meeting after all the decisions had been made; she's also frustrated that the documents reviewed by the Board weren't made available to the public. Mrs. Simonelli has asked for a full red-line copy of the Charter to be made available to the public; she also hopes there will be meetings so the people can come and ask questions to be able to make an informed decision; she felt the average person doesn't know the way the Town is run.

John Matthews, Chairman, Charter Revision Commission: CRC Chairman Matthews reiterated the documents have been in the Town Clerk's office since August 7th. The Town Clerk is obligated to give them to anyone who requests them. The documents will also be put on line.

Paul Anderson, President, Broad Brook Library: Mr. Anderson reported the documents are also available at the Broad Brook Library.

Bob Leach, Chairman, Republican Town Committee/Chairman, Police Commission, Vice Chairman, Capital Improvement Committee: Mr. Leach reported he has served on Republican Town Committee as Chairman, he is also Chairman of the Police Commission, he has served for 7 years on the Park and Recreation Commission, and the Scout Hall Committee, and 12 years as a Scout Master. Mr. Leach would challenge anyone who has served on any of the committees with him, other than the Republican Town Committee, which is purely political, he would challenge anyone to say he has made a decision based on politics. To say that the Police Commission is political is false and unfair. The members make the decisions, he chairs the Commission but it's their decisions.

SIGNATURES FOR APPROVAL OF CHECK REGISTERS:

The Selectmen reviewed the registers presented and took appropriate action.

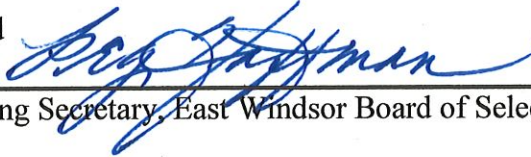
ADJOURNMENT:

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Szymanski moved/Hoffman seconded/DISCUSSION: None

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

Respectfully submitted



Peg Hoffman, Recording Secretary, East Windsor Board of Selectmen

- Attachments:
- A - Final Report dated August 5, 2019
 - B - Full text of the recommended changes to each Charter section
 - C - Draft Revised Charter – see note below
 - D - Draft CRC Ballot Questions for each recommended Charter revision
 - E - First Selectman Maynard's versions of the ballot questions

PLEASE NOTE: The full copy of the revised Charter has not been included as an attachment to these Meeting Minutes, as the document is significant in length. The revised Charter is available in the Town Clerk's Office; copies are available for viewing or can be mailed to parties by the Town Clerk if requested.

Attachment A

8/12/2019 BGS

Town Clerk Transmittal

**2018-2019 EAST WINDSOR
CHARTER REVISION COMMISSION**

FINAL REPORT

August 5, 2019

**MEMBERS OF THE 2018-2019
EAST WINDSOR CHARTER REVISION COMMISSION**

John A. Matthews, Chairman

Donald Arcari
Cheryl Balch
Elizabeth Burns
William Loos
John Mazza
Rachel Safford
Charles Szymanski
Keith Yagaloff
Bonnie Yoskey

EAST WINDSOR CHARTER REVISION COMMISSION FINAL REPORT

August 5, 2019

Pursuant to General Statutes section 7-191, the East Windsor Charter Review Commission hereby transmits its Final Report and recommended Charter Revisions to the East Windsor Board of Selectmen.

A. Introduction and Summary of Proposed Changes

The East Windsor Charter Revision Commission ("the Commission") was impaneled by Resolution of the East Windsor Board of Selectmen May 17, 2018. The Commission was charged with the responsibility of reviewing the East Windsor Town Charter ("the Charter"). In addition, the Board of Selectmen requested that the Commission review the specific issues outlined in a memo dated May 17, 2018 attached hereto as Attachment A which contained the Board of Selectman's Charge to the Commission. As will be seen below, issues were raised beyond that charge and the Commission made recommendations and/or comments when they felt it was appropriate.

The Commission adopted an approach that any recommendations from the Commission to the Board of Selectman would be made on the basis of a majority of Commissioners on a given issue.

B. Commission Proceedings

1. Public Hearings Held by the Commission

The Commission conducted public hearings on June 11, 2018 and April 22, 2019.

2. Commission Objectives

After deliberation, the Commission established the following objectives to their review of and recommended revisions to the Charter.

- **IMPROVE GOVERNMENT STRUCTURE AND EFFICIENCY;**
- **IMPROVE VOTER PARTICIPATION IN TOWN DECISIONS;**
- **IMPROVE TRANSPARENCY AND COMMUNICATION; AND**
- **IMPROVE CHECKS AND BALANCES.**

Each of the proposed revisions to the Charter is intended to give effect to one or more of the above described principles. In the proposed revisions to the Charter sections that follow, the Commission believes it has addressed each of the identified objectives. Further, the Commission believes that the proposed revisions, taken together, will enhance the efficiency and effectiveness of town government while maintaining or improving established citizen participation in town decision making. The revisions should be considered as a whole, within the context of the current Charter.

3. Commission Meetings

The Commission held meetings on the following dates:

June 11, 2018 Hearing	February 11, 2019
June 25, 2018	March 11, 2019
July 9, 2018	April 8, 2019
July 23, 2018	April 22, 2019 Hearing
August 13, 2018	April 29, 2019
August 29, 2018	May 6, 2019
September 10, 2018	May 13, 2019
September 24, 2018	May 22, 2019 (joint meeting with the Board of Selectmen)
October 15, 2018	June 10, 2019
October 29, 2018	June 17, 2019
November 12, 2018	June 24, 2019
November 26, 2018	July 22, 2019
December 10, 2018	July 29, 2019
January 14, 2019	August 1, 2019
January 28, 2019	August 5, 2019

The minutes are listed on the Town website. The minutes of these meetings capture as much of the discussions of the meetings, aggregating more than 250 pages which will provide reference material for future inquiries to commission intent.

4. Community Survey Results

The Commission published a community survey. The result of the survey is available at the Town of East Windsor website. The Commission added the transparency and communication objectives based on the results of the public survey.

5. Issues Raised by the Public

The following issues were raised by the public at the meetings and public hearings of the Commission:

- a. Providing for separate line item question for major budget line items for the Annual Budget Referendum.
- b. Improving transparency and communication.

C. Commission Findings and Discussion

The Commission believes it has addressed each issue identified in the Charge to the Commission. Based on the Charge to the Commission, comment and testimony received at Commission meetings and the public hearings, the community survey and the deliberations of the Commission members, the Commission has drafted a proposed Revised Town Charter with the recommended changes outlined below. The full text of the recommended changes to each Charter section cited herein is attached as Attachment B. A copy of the draft Revised Charter is attached as Attachment C. Draft Charter Ballot Questions for each recommended Charter revision is attached as Attachment D.

The Commission recommends the following changes to the Town Charter.

Proposed Charter Revisions to Increase Professional Capacity of Town Government

The following proposed Charter revisions are intended to increase the professional capacity of Town government by: (a) clarifying the appointment process and term of Town Counsel; (b) creating a new position of Administrative Officer to assist the First Selectman in the supervision and management of Town departments and (c) updating the title of the Town Treasurer to Finance Director to more accurately reflect the role of a municipal finance director.

1. Revise Charter Section 6-6(B), Town Counsel

FINDING: The Commission recommends that the East Windsor Town Charter be amended to require that appointment of Town Counsel by the Board of Selectmen be subject to the recommendation of the First Selectman and that Town Counsel serve for a defined term of office.

Reason for the Proposed Charter Change:

This revision will require that the Board of Selectman appoint the Town Counsel and requires the First Selectman to recommend the attorney to the Board. It is intended to allow the First Selectman to choose a town attorney that he/she feels comfortable working with and that can meet the needs of the town. However, it vests with the Board of Selectman the right to approve the appointment. A second revision provides that the term of the town attorney runs with the term of the Board of Selectman. The Board may choose to continue with the same attorney or select a different attorney at that time, but the process should require seeking requests for proposals for town attorney every two years.

2. **Revise Charter Section 6-6(D), Town Treasurer**

FINDING: The Commission recommends that the Office of the Treasurer be renamed as Finance Director. The Commission believes that the revised title is a more current articulation of the Town finance officer's functions.

Reason for the Proposed Charter Change:

This revision changes the name of the Town Treasurer position to Finance Director. It does not change the responsibilities or duties of the position. The intention is to make it easier for the town to find qualified candidates for the position in the future, as it was determined that many towns hire Finance Directors, and therefore qualified persons are seeking those positions, rather than positions that are advertised as Town Treasurer.

3. **Add New Charter Section 6-6(H), Administrative Officer**

FINDING: The Commission believes that the Town municipal government needs a professional administrator to work at the direction of the First Selectman and be responsible for (a) the administration of Town department heads and (b) conduct comparative analysis of other municipal entities to enable East Windsor to function more efficiently, structurally, economically and financially. The Commission recommends a minimum qualification of a Master's degree in Public Administration with two years of paid professional experience.

Reason for the Proposed Charter Change:

This revision creates a new position, named Administrative Officer. The intention is that the town government will have a qualified administrator who will be responsible for the administration of town departments. The Administrative Officer works directly under the direction of the First Selectman and is responsible for the day to day supervision of the town department heads. It is intended that this person will perform complex professional, administrative and management work and will improve the

efficiency and effectiveness of all areas under his/her direction. The revision requires that Board of Selectman to develop the job description for this position. The Commission's intention is to create a position that has direct supervisory responsibility for all personnel reporting to the First Selectman (except for those positions in the Charter to the contrary, i.e. tax collector), that will administer the hiring process, provides direction, prepare employee performance evaluations, counsel staff consistent with town policies, and assumes responsibility for developing and achieving the town's goals and objectives.

Proposed Charter Revisions to Enhance Town Department Coordination

The following Charter revisions are intended to improve the coordination of Town departments by: (a) creating the Police Department as a Town department; (b) allow inter-department transfers of up to \$15,000 between town departments subject to the approval of the Board of Selectmen; and (c) requiring standardized bidding procedures across all town agencies.

4. Add New Charter Section 6-6(I), Police Department

FINDING: The Commission believes that the East Windsor Police Department should be defined in the Charter as a Town department to facilitate the coordination of the Police Department with other town departments, standardize administrative procedures across all town departments and to allow the Police Commission to focus their work on Police policy and procedures as well as personnel matters within the Police Department.

Reason for the Proposed Charter Change:

This revision creates a Police Department for the Town of East Windsor of which the Chief of Police will be the department head and will have all of the duties necessary to the administration and control of the department. The revision also provides through the Charter that there may be a Police Commission established by ordinance. The intention is to create a Charter based Police Department which has all of the powers and duties necessary for the administration policing and the enforcement of criminal law as vested by police officers by the general statutes, and which is subject to the rules and regulations of the Town of East Windsor. There is a Police Commission established by ordinance and the intention is to leave that Commission intact and the revision includes language to ensure that a Police Commission established by ordinance shall have general management and supervision of the law enforcement responsibilities of the Police Department and of the property and equipment used in connection therewith and all regulations for the law enforcement responsibilities of the Police Department not contrary to law and may prescribe suitable penalties for the violation of any such regulation.

5. **Add New Charter Section 8-3(E), General Provisions-Interdepartmental Transfers**

FINDING: The Commission believes the functions of the Finance Department should be better delineated in the Charter and that inter-department transfers of funds from one department to another up to \$15,000 and \$45,000 in the aggregate within the approved annual Budget in the last three months of the fiscal year should be authorized by vote of the Board of Selectmen.

Reason for the Proposed Charter Change:

This revision will allow the Board of Selectman to allocate excess funds from approved department line items to different department line items, up to three times in the last three months of the fiscal year, up to \$15,000 each time for a total of up to \$45,000. The intention is to give the Board of Selectman the ability to fund town needs or projects using excess funds near the end of the fiscal year.

6. **Add New Charter Section 8-3(F), General Provisions-Bidding Procedures**

FINDING: The Commission believes that the Charter should require minimum bid standards and procedures for all town departments.

Reason for the Proposed Charter Change:

This revision modifies the town bidding procedures to require that sealed bids for purchases over \$20,000 are time and date stamped in by the Town Clerk and opened in the Town Meeting Room of the Town Hall. The intention is to require uniformity in the submission and opening of sealed bids.

Proposed Charter Revisions to Create Greater Checks and Balances in Town Government

The following Charter revisions are intended to improve checks and balances within Town government by (a) requiring operational audits of Town operating departments on a regular basis; (b) increase the minimum number of days from six to 14 to collect signatures to adjourn a special Town Meeting to a Referendum; and (c) creating a power of overrule by petition for referendum.

7. **Revise Charter Section 8-9, Annual Audit**

FINDING: The revisions to Charter Section 8-9, Audit, should mandate operational audits of Town operating departments on a fixed schedule.

Reason for the Proposed Charter Change:

This revision is intended to require operational audits of the town's largest departments. Department operational audits are systematic reviews of the effectiveness, efficiency and economy of town operations. The intention is to improve operational performance of the largest town departments in areas including quality, speed, efficiency, customer value and cost. The intention is to limit the mandated requirement to the three largest departments and limit the requirement that each of those departments be done every four years.

8. Revise Charter Section 10-5(A), Town Meeting by Petition

FINDING: the East Windsor Town Charter should be amended to increase the minimum number of days from six to 14 to collect signatures to adjourn a special Town Meeting to a Referendum

Reason for the Proposed Charter Change:

This revision modifies the time period for filing a petition to adjourn a Special Town Meeting to referendum. The intention is to give voters a reasonable amount of time to gather signatures if they want to petition a Special Town Meeting to referendum. Presently the time period for gathering signatures can be as short as 6 days and the requirement is for 200 signatures. The intention of the revision is to extend that minimum period from 6 days to 14 days.

9. Add New Charter Section 10-10, Power of Overrule

FINDING: The Commission recommends that the Town Charter be amended to allow for overrule by referendum of certain actions by the Boards of Selectmen and Finance, and Town Meeting.

Reason for the Proposed Charter Change:

This revision creates the right of voters to file a petition and obtain a referendum vote seeking to overrule certain actions of the Board of Selectmen, the Board of Finance and Town Meeting. The intention is to give voters a process for overruling these actions through a referendum vote. The petition requirement for such referendum is

the greater of 150 votes or two percent of the Electors in town. Overrule would occur if at least 55% of those voting at referendum voted in favor of overruling the action.

Proposed Charter Revisions to Improve Transparency and Encourage Greater Public Participation in Town Government

The following Charter revisions are intended to provide for broader public participation in Town decision making.

10. Revise Charter Section 8-6(B), Duties of the Board of Finance on Other Financial Matters: Supplementary Appropriations

FINDING: The Commission recommends that the Charter be amended to require a narrative supporting the need and projected cost estimate of a supplemental appropriation be filed with the Town Clerk seven days prior to consideration by the Board of Finance.

Reason for the Proposed Charter Change:

This revision requires that prior to the Board of Finance voting on Supplemental Appropriations, the requesting town department, commission or agency will submit a narrative describing the need and cost estimate for the project for which the appropriation is requested. The intention is to ensure that the Board of Finance and the public will have information supporting the need and cost for the project at least one week before the matter is voted on. It will be the responsibility of the department, commission or agency making the request to prepare the narrative and obtain the cost estimate.

11. Add New Charter Section 10-9, Automatic Referendum

FINDING: The Commission recommends that the Charter be revised to add a required referendum for all Town Meeting actions involving expenditures in excess of \$200,000.

Reason for the Proposed Charter Change:

This revision requires a referendum vote where the Town Meeting is taking up voting on expenditure(s) of more than \$200,000 or one half of one percent of the annual budget. This amount is in the aggregate, which means that if several expenditures are being considered at a Town Meeting, and if those combined expenditures are greater than \$200,000 or a half of one percent of the annual budget, then the votes on those expenditures will take place by referendum. The intention is to require referendum voting for large expenditures of money. If this Charter revision is approved, the

Town Meeting will take place as scheduled, but instead of voting at the Town Meeting, the meeting will be adjourned for voting by referendum.

12. Revise Charter Section 8-5(A) and (B)(2) through (4), Submission of the Budgets to Referendum

FINDING: The Commission recommends that the Town Charter be amended to require separate questions for the Town government budget and Board of Education budgets at the annual budget referendum.

Reason for the Proposed Charter Change:

This revision requires separate votes for the Town government budget and the Board of Education budget at the annual budget referendum(s). The intention is allow voters to vote separately on these items. There is no change to the 2% increase over the last year's approved budget where there are three failed budget votes. If, for example, the Board of Education budget passes, and the Town budget fails (after three votes), the Board of Education budget will be set at approved level, and the Town budget will be set at the prior year's budget plus 2%.

13. Revise the Town Charter to Make Technical Changes to the References to Provisions to the Connecticut General Statutes, Re-Name the Office of Treasurer and Establish the Effective Date for proposed Section 6-6(H), Administrative Officer.

FINDING: the East Windsor Town Charter should be amended to make certain technical changes regarding specific references to the Connecticut General Statutes, the title of the Town Treasurer shall be changed to Finance Director and establish an effective date for the Administrative Officer position of July 1, 2020.

Reason for the Proposed Charter Change:

Currently, the Charter does not include specific references to those sections of the Connecticut General Statutes that apply to the various town functions and departments. The Commission believes it will aid in the understanding and use of the Charter by the public to identify the specific sections of the General Statutes within the Charter document. In addition, the revision described above to change the name, but not the duties and responsibilities, of the Town Treasurer is considered by the Commission to be a technical, as opposed to a substantive, change. Finally, the Commission recommends that the effective date for the Administrative Officer position be July 1, 2020 to allow for funding in the next Town Budget.

D. **Other Issues Considered by the Commission**

The Commission reviewed a number of other issues raised by the public and Town Staff and did not recommend changes to the Charter. Instead, the Commission urges the Board of Selectmen to consider other forms of action. The following issue was considered and action by the Board of Selectmen is recommended.

1. **Shared Services Commission**

FINDING: The Commission considered including a Shared Services Commission in the Charter. As part of its study of the issue, the Commission reviewed similar shared services commissions in other towns. After deliberations, it was concluded that a shared services commission created by ordinance was preferable. A commission created by ordinance can more easily be modified to adapt to state law changes.

E. **Proposed Revised Town Charter**

Based on the testimony received at its public hearings and meetings, the comments of its guests, the documents it reviewed and its deliberations, the East Windsor Charter Revision Commission recommends the proposed revisions to the Charter as outlined herein and incorporated into the Revised East Windsor Town Charter attached hereto as Attachment C.

F. **Proposed Charter Revision Ballot Questions**

The Commission has developed recommended ballot questions for each proposed revision for consideration by the Board of Selectmen. The Commission's recommended ballot questions are attached as Attachment D.

G. **Acknowledgements**

The Commission would like to thank the members of the public who attended and testified at Commission meetings, the guests that appeared before the Commission and Town staff who participated in the Commission's deliberations and in the generation of the Commission Final Report and the Proposed Revised Charter.

Respectfully submitted by the East Windsor Charter Revision Commission this 6th day of August, 2019.

John A. Matthews, Chairman
East Windsor Charter Revision Commission

Received by the East Windsor Town Clerk on August ____, 2019.

Town Clerk

Transmitted to the Board of Selectmen on August ____, 2019.

Town Clerk

ATTACHMENT A

Charter Revision Commission Charge from Board of Selectman May 17, 2018

1. The changes to the Charter should be separated so residents can vote on the changes separately in a referendum and if one change is defeated, the defeat change will not affect other changes that pass the referendum vote.
2. Examine the budget default. Consider:
 1. Should the number of budget referendums be limited?
 2. If the number of budget referendums is limited, what should the number of referendums be?
 3. If the number of budget referendums is limited, what should the default be?
 4. Clarify the method of allocating the default budget money across departments.
3. Address existing ambiguities in the Charter as follows: Utilize Municode system for maintaining Charter and Ordinances online; identify specific state statutes applicable to Charter provisions; identify specific state statutes for the establishment of boards and commissions; codification of all ordinances.
4. Consider a Charter provision for a position that will research, organize, save and make available information that is of value to the Town.
5. Revise/clarify requirements for budget narratives throughout the budget process describing, requests, the reasons for budget increases and decreases and the reasons for cutting and increasing requests.
6. Clarify the Town Attorney selection process and term of service.
7. Consider Charter provisions for a Shared Services Commission.
8. Reduce the number of signatures required for a petitioning referendum.
9. Clarify the Town's procurement, purchasing and external department operations audit procedures.

*DN 8/12/2019
Attachment B*

ATTACHMENT B

Summary of Charter Revision Commission Final Recommended Changes: August 5, 2019

A. Proposed Charter Revisions to Increase the Professional Capacity of Town Staff

1. Section 6-6(B): Town Counsel
2. Section 6-6(D): Town Treasurer
3. Section 6-6(H): Administrative Officer (*new Charter Section*)

B. Proposed Charter Revision to Enhance Town Department Coordination

4. Section 6-6(I): Police Department (*new Charter Section*)
5. Section 8-3: General Provisions (*new Sections E and F*)

C. Proposed Charter Revisions to Create Greater Checks and Balances in Town Government

6. Section 8-9: Annual Audit
7. Section 10-5(a): Town Meeting by Petition
8. Section 10-10: Power of Overrule (*new Charter section*)

D. Proposed Charter Revisions to Improve Transparency and Encourage Greater Public Participation in Town Government

9. Section 8-6: Duties of the Board of Finance on Other Financial Matters – Supplementary Appropriations
10. Section 10-9: Automatic Referendum (*new Charter section*)
11. Section 8-5(A) and (B): Submission of Budgets to Referendum
12. Citations to specific sections of the Connecticut General Statutes and Effective Date

East Windsor Charter Revision Commission

Commission Final Recommended Changes: August 5, 2019

Section 6-6(B): Town Counsel

B) **Town Counsel.** The Town Counsel shall be an Attorney at Law admitted to practice in the State of Connecticut ~~and shall be retained by the Board of Selectmen.~~ The Town Counsel shall be appointed by the Board of Selectman and the upon the recommendation of the First Selectman jointly. ~~The Town Counsel shall serve at the pleasure of both the Board of Selectman and the First Selectman~~ for a term coterminous with the Board of Selectmen. The Town Counsel shall:

1. upon request from the Board of Selectmen, appear for and protect the rights of the Town in actions, suits or procedures brought against it or any of its departments, officials, boards, commissions or other agencies of the Town;
2. be the legal advisor of the Board of Selectmen, and all Town officials, boards, commissions or other agencies of the Town, in all matters affecting the Town and shall, upon request from the First Selectman or from the Chairman of any of said boards, commissions or other agencies of the Town, furnish a written opinion on any question of law involving their respective powers, duties and responsibilities;
3. prepare or approve forms, contracts or other instruments to which the Town is a party or in which it has an interest;

4. have the power, with the approval of the Board of Selectmen, to appeal orders, decisions and judgments and, subject to the approval of said Board of Selectmen, to compromise and settle any claims by or against the Town;
5. if, in special circumstances, or for investigation purposes, the Board of Selectmen deems it advisable, they may provide for the temporary employment of counsel other than or in addition to the Town Counsel; and
6. act upon those matters to come before a Special Town Meeting as stated in Section 10-5 of this Charter.

East Windsor Charter Revision Commission

Commission Final Recommended Changes: August 5, 2019

Section 6-6(D): ~~Town-Treasurer~~ **Finance Director**

(D) ~~Town-Treasurer~~ **Finance Director**. The Board of Selectmen, in consultation with the Board of Finance shall appoint a Town Finance Director ~~Treasurer~~ who shall be qualified by training, experience, education and professional certification as determined by the Board of Selectmen and the Board of Finance.

(1) The Town ~~Treasurer~~ Finance Director shall be the Town Treasurer and shall have all the powers and duties conferred by C.G.S. §7-79 et seq. and such powers and duties, consistent with this Charter, as may be prescribed by the Board of Selectmen, including but not limited to, the following:

- (a) ~~The Town-Treasurer~~ shall receive all monies belonging to the Town, pay it out in the order of the proper authority, keep accurately the records required by law and have such other powers and duties as are prescribed in C.G.S. §7-80.
- (b) ~~The Town-Treasurer~~ shall inform all departments that monies belonging to the Town shall be deposited within three working days from receipt of same.
- (c) All monies received belonging to the Town will either be deposited or turned over to the Town Finance Director ~~Treasurer~~ within three working days.

(2) The Town Finance Director ~~Treasurer~~ may appoint and may remove all Assistant Town Finance Director ~~Treasurers~~ and other employees subject to approval of the Board of Selectmen, and subject to such rules and regulations covering town employees as may be adopted by the Board of Selectmen.

(3) The Town Finance Director ~~Treasurer~~ shall report to the First Selectman.

East Windsor Charter Revision Commission

Commission Final Recommended Changes: August 5, 2019

New Section 6-6(H): Administrative Officer

(a) The First Selectman 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. The Administrative Officer shall be appointed exclusively on the basis of executive and administrative qualifications, character, education, training and experience. The minimum qualifications for this position shall be a Master's degree in public administration and two years of paid professional administrator experience.

(b) The Administrative Officer shall report to the First Selectman and be responsible for day to day supervision of department heads. The Administrative Officer shall be responsible for (a) research of comparative data analysis from other municipalities of budget and program reviews and (b) assisting the First Selectman in the administration of the Town Departments consistent with this Charter and the job description policies established by the Board of Selectmen.

(c) The compensation and benefits of the Administrative Officer shall be fixed by the Board of Selectmen.

East Windsor Charter Revision Commission

Commission Final Recommendation: August 5, 2019

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

(a) Police Department. The East Windsor Police Department is hereby established, consisting of the Chief of Police and such other officers and employees of such ranks and grades as the Board of Selectmen may determine. The department is subject to the rules and procedures that apply to all town departments as set forth in this Charter. The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property and enforcement of the laws of the state and the ordinances of the Town and all rules and regulations made in accordance therewith. All members of the Police Department, except clerical and other personnel without law enforcement responsibilities, shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the general statutes.

(b) Police Commission. The Town of East Windsor may establish a Police Commission by Town ordinance and such commission shall have those powers and duties as described in the ordinance not inconsistent with this Charter. The powers and duties of the Police Commission under such ordinance shall include (a) general management and supervision of the law enforcement responsibilities of the police department and of the property and equipment used in connection therewith and (b) all needful regulations for the law enforcement responsibilities of the police department not contrary to law and may prescribe suitable penalties for the violation of any such regulation. The ordinance shall provide that the commission shall have the sole power of appointment, promotion and removal of the officers and members of such police

department, under such regulations as it adopts for the purpose and such appointees shall hold office during good behavior and until removed for cause upon written charges and after hearing.

(c) Chief. The Police Commission and the First Selectman shall jointly recommend to the Board of Selectmen who shall appoint and may remove, in accordance with the provisions of C.G. S. Section 7-278, a Chief of Police who shall serve for an indefinite term or such other term as the Board of Selectmen shall determine. The Chief of Police shall be the department head of the Police Department. He or she shall report to the police commission for all law enforcement responsibilities and shall assign all members of the Department to their respective posts, shifts, details and duties under the terms and conditions of any collective bargaining agreement that may apply. He or she shall be responsible for the care and custody of all property used by the Department and for the efficiency, discipline and good conduct of its members. He or she shall make rules for the operation of the Department and the conduct of police work. The violation of these rules by any member of the department shall be punishable by appropriate disciplinary action which may include loss of pay, suspension from duty and removal.

East Windsor Charter Revision Commission

Commission Final Recommendation: August 5, 2019

Section 8-3: General Provisions

Add the following new Sections (E) and (F):

E) Interdepartmental Transfers: The Board of Selectmen during the last three (3) months of the fiscal year may, by resolution, transfer any unencumbered appropriation, balance or portion thereof that are determined jointly by the Finance Director/Treasurer and the Department head from the sending department to be excess funds up to Fifteen Thousand Dollars (\$15,000.00) for the sending department from one (1) department, commission, board or office to another; provided, however, that this provision shall not apply to the Board of Education. No transfer shall be made from any appropriations for debt service and other statutory charges. In no event shall the sum total of all such transfers exceed Forty Five Thousand Dollars (45,000.00) in one fiscal year.

F) Rules for Expenditures and Bidding: There shall be rules and regulations concerning expenditures, and bidding procedures, not inconsistent with the provisions of this section, such rules and regulations shall be adopted by the Board of Selectmen as it may from time to time deem necessary and appropriate. Purchases for the Town of East Windsor, with the exception of the Board of Education, shall be made under such rules and regulations. Such rules shall, at a minimum, require sealed bids for all purchases in excess of \$20,000, and that all sealed bids be submitted to the office of the Town Clerk where they shall be time and date stamped upon receipt and opened in the Town Meeting Room at Town Hall during regular Town Hall business hours.

East Windsor Charter Revision Commission

Commission Final Recommended Changes: August 5, 2019

Section 8-9: Annual Audit: Requirement for Operational and Financial Audits.

The Board of Finance shall annually designate an independent certified public accountant, or firm of independent certified public accountants, licensed in the State of Connecticut to audit the books and accounts of the Town as required by C.G.S. §7-391 et seq. and may periodically designate an accountant to perform special audits of the books and accounts of any office, board, commission or other agency of the Town. The recommendations of the auditors shall be submitted to the Board of Selectmen and Board of Finance and shall be included in the Annual Town Report for the current year. The Board of Selectmen and Board of Finance shall respond to the auditor's recommendations in the following years Annual Town Report. 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 the town's operating departments from time to time such that each of the town's three (3) largest operating department as determined by total budgeted appropriation is audited at least every four years.

East Windsor Charter Revision Commission

Final Commission Recommended Changes: August 5, 2019

Section 10-5: Town Meeting by Petition: Add the following:

(A) Upon petition filed with the Town Clerk and signed by twenty persons entitled to vote at Town Meetings, petitioning for the warning and convening of a Special Town Meeting, said petition to be in accordance with the provisions of C.G.S. Section 7-9 and to contain the matter or text of the proposed ordinance or resolution to be considered at said Special Town Meeting, the Town Clerk shall, within ten days, determine whether or not the petition contains the required number of valid signatures, and if it does shall so certify to the Board of Selectmen within said ten days. Said petition may propose consideration of any proper matter to come before a Town Meeting. Upon receipt of such certification from the Town Clerk, the Board of Selectmen shall, within twenty-one days (21) thereafter, but no less than fourteen (14) days thereafter to be convened a Special Town Meeting, which meeting may be adjourned from time to time as the interest of the Town requires. At said Special Town Meeting, the only matters that may be considered shall be those matters set forth in said petition.

East Windsor Charter Revision Commission

Commission Final Recommended Changes: August 5, 2019

Section 10-10: Power of Overrule (NEW)

All actions of the Board of Selectmen, the Board of Finance and any Town Meeting, except an action affecting public health and safety, except those actions subject to referendum or contrary to law, shall be subject to overrule by a Special Town Referendum in the following manner:

(a) If, within thirty (30) days after such action of the town meeting, a petition conforming to the requirements of 7-9 and 7-9a of the General Statutes, as amended, and signed in ink or indelible pencil by qualified electors of the town equal in number to at least one hundred and fifty (150) or two percent (2%) of the Electors of the town as determined from the latest official list of the Registrars of Voters, whichever is greater, is filed with the Town Clerk requesting the referral to the town voters at a special referendum, the effective date of such action, if an affirmative action, shall be suspended;

(b) Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said C.G.S. Sections 7-9 and 7-9a;

(c) The Town Clerk shall within five (5) days after receipt of the last page of said petition determine whether the petition and affidavits are sufficient as prescribed by law and if so, certify said petition to the Board of Selectmen;

(d) Within fifteen (15) days of receipt of said petition, so certified, the Board of Selectmen shall fix the time and place of said special referendum which shall be held not less than twenty (20) nor more than ninety (90) days after the certification of said petition and notice thereof shall be given at least five (5) days in advance by publication in a

newspaper having general circulation in the town and by posting a notice in a public place.

Any action so referred shall take effect upon the conclusion of such referendum unless fifty-five percent (55%) of those persons voting thereon shall have voted in favor of overruling such action. To the extent permitted by law, the aforementioned provisions are intended to supersede the applicable portions of Section 7-7 of the General Statutes as amended.

East Windsor Charter Revision Commission

Commission Final Recommended Changes: August 5, 2019

**Section 8-6(B): Duties of the Board of Finance on Other Financial Matters:
Supplementary Appropriations**

- B) Supplementary Appropriation.** Upon request of any office, board, commission or similar body that additional funds in excess of what had been provided in the approved annual budget as revised or, if funds are required for which no provision was made in the budget, the Board of Finance, after inquiry into and review of the request, may approve one or more appropriations not to exceed twenty thousand (\$20,000.00) dollars. Said funds may be taken from any cash surplus available or from the contingency fund. The amount requested and approved shall not exceed twenty thousand (\$20,000.00) dollars for any one office, board, commission or similar body in any one year without Town Meeting approval. A narrative cost justification in a document as prescribed by the Board of Selectmen shall be submitted by the requesting department, commission or agency to the Town Clerk supporting the need and projected cost estimate for the supplemental appropriation from the requesting Town department or agency (7) calendar days prior to the date the Board of Finance considers the supplemental appropriation.

East Windsor Charter Revision Commission

Commission Final Recommended Changes: August 5, 2019

Section 10-9: Automatic Referendum (NEW)

Any Town Meeting action under Section 10-8 which involves an expenditure amount in excess of the greater of two hundred thousand dollars (\$200,000) or one half of one percent (1/2%) of the annual budget for the then current fiscal year in the aggregate on any call of any Town Meeting for the then current fiscal year shall be subject to an automatic referendum by all qualified voters of the Town of East Windsor on a date set by the Board of Selectmen.

East Windsor Charter Revision Commission

Commission Final Recommended Changes, August 5, 2019

Section 8-5 (A) and (B)(2) through (4): Submission of the Budgets to Referendum

(A)Initial Budget Referendum.

The budget as approved by the Board of Finance shall be submitted to the voters of the Town in the form of at least two questions, one each for the Board of Education and one for the Town proposed annual budgets, at a Budget Referendum to be held on the second Tuesday of the month of May.

(B) Referendum Outcomes

- (2) Failure of the Budget following Initial and Second Budget Referendum.** If the budget or any portion thereof fails at either the initial or second Referendum, the budget or the portion of the budget that failed shall be returned to the Board of Finance who shall, following a public hearing, resubmit a budget or that portion of the budget that failed to a subsequent Referendum.
- (3) Subsequent Budget Referenda.** The budget or any portion thereof as approved and re-submitted by the Board of Finance shall be submitted to the voters of the Town at a Second Budget Referendum to be held on the fourth Tuesday of the month of May; and a Third Budget Referendum to be held on the second Tuesday of the month of June.
- (4) Failure of the Budget following the Third Budget Referendum.** If the budget or any portion thereof fails at the third Referendum the budget or portion thereof reverts to last year's approved Annual Town Budget, plus two percent (2%), shall be deemed to be the approved budget for the ensuing fiscal year. The budget shall be returned to the Board of

Finance for the sole purpose of establishing a mil rate. The budget and the mil rate shall be adopted no later than midnight on the 15th of June.

208 8/12/2019

ATTACHMENT D

**East Windsor Charter Revision Commission
Proposed Draft Charter Referendum Questions**
August 5, 2019

1. Shall Charter Section 8-9, entitled Annual Audit, be amended to require operational audits of Town operating departments, as outlined in the Charter Commission Final Report?

YES _____ NO _____
2. Shall Charter Section 8-3, entitled General Provisions, be amended to add a subsection that establishes minimum sealed bids procedures requiring bids to be submitted to the Town Clerk and opened publically as outlined in the Charter Commission Final Report?

YES _____ NO _____
3. Shall Charter Sections 8-5, entitled Submission of Budgets to Referendum, be amended to require separate votes for the Town Government Budget and Board of Education Budget at the Budget Referendum as outlined in the Charter Commission Final Report?

YES _____ NO _____
4. Shall Proposed New Charter Section 6-6(I), entitled Police Department, be added to the Town Charter to establish the Town of East Windsor Police Department as a town department within the Charter as outlined in the Charter Commission Final Report?

YES _____ NO _____
5. Shall Proposed New Charter Section 6-6(H), entitled Administrative Officer, be added to the Town Charter to establish a professional Administrative Officer position which shall be responsible for administration of department heads at the direction of the First Selectman, as outlined in the Charter Commission Final Report?

YES _____ NO _____
6. Shall Proposed New Charter Section 10-10, entitled Power of Overrule, be added to the Charter as outlined in the Charter Commission Final Report?

YES _____ NO _____
7. Shall Charter Section 8-6, entitled Duties of the Board of Finance on Other Matters, be amended to require a narrative supporting the need and projected cost of supplementary

appropriations be filed with the Town Clerk seven days prior to consideration by the Board of Finance as outlined in the Charter Commission Final Report?

YES _____

NO _____

8. Shall Proposed New Charter Section 10-9, entitled Automatic Referendum, be added to the Town Charter to require a referendum for all Town Meeting actions involving expenditures in excess of \$200,000 in the aggregate as outlined in the Charter Commission Final Report?

YES _____

NO _____

9. Shall Charter Section 10-5, entitled Town Meeting by Petition, be amended to increase the minimum number of days from six (6) to fourteen (14) to collect signatures to adjourn a special Town Meeting to a Referendum as outlined in the Charter Commission Final Report?

YES _____

NO _____

10. Shall Charter Section 8-3, entitled General Provisions, be amended to add a subsection that requires to allow the Board of Selectman to transfer up to \$15,000 from one department to another, but no more than \$45,000 for all departments, in the last three months of the fiscal year as outlined in the Charter Commission Final Report?

YES _____

NO _____

11. Shall Charter Section 6-6(B) entitled Town Counsel, be amended to make the appointment of Town Counsel by the Board of Selectmen subject to the recommendation of the First Selectman and to establish a term of office Coterminous with the Board of Selectmen as outlined in the Charter Commission Final Report?

YES _____

NO _____

12. Shall the Charter be amended to make certain technical changes regarding specific references to the Connecticut General Statutes within the Charter and change the title of the Town Treasurer to Finance Director in Charter Section 6-6(D) as outlined in the Charter Commission Final Report?

YES _____

NO _____

BOB's Guide for Charter Questions

Suggested order and wording: The first number is the number on Attachment D the number after the "➔" mark is the number on Attachment B. The number in the parentheses "()" is a reference number.

12. (1) Specify C. G. S Numbers ➔ 12.

Shall the Charter be amended to include specific Connecticut General Statute numbers when referencing a Connecticut General Statute?

YES _____

NO _____

12. (2) Change Title of Town Treasurer to Finance Director ➔ 2.

Shall Charter Section 6-6(D) be amended to change the title of the Town Treasurer to Finance Director?

YES _____

NO _____

2. (3) Sealed Bids to be opened Publicly in Town Meeting Room ➔ 5.

Shall Charter Section 8-3, entitled General Provisions, be amended to add a subsection that establishes sealed bid procedures requiring bids to be submitted to the Town Clerk and opened publicly?

YES _____

NO _____

5. (4) Town Administrator ➔ 3.

Shall Proposed New Charter Section 6-6(H), entitled Administrative Officer, be added to the Town Charter to establish a professional Administrative Officer position.

YES _____

NO _____

7. (5) Narrative for Supplemental Appropriations ➔ 9.

Shall Charter Section 8-6, be amended to require a narrative supporting the need and cost of supplementary appropriations be filed with the Town Clerk?

YES _____

NO _____

3. (6) Separate Town Government Budget and Board of Education Budgets ➔ 11.

Shall Charter Sections 8-5, entitled Submission of Budgets to Referendum, be amended to require separate votes for the Town Government Budget and Board of Education Budget on the Budget Referendum Ballot?

YES _____

NO _____

1. (7) Operational Audits ➔ 6.

Shall Charter Section 8-9, entitled Annual Audit, be amended to require operational audits of Town operating departments every four (4) years?