

TOWN OF EAST WINDSOR BOARD OF SELECTMEN

SPECIAL MEETING

Thursday, October 10, 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 (arrived at 6:40 p.m.)

ABSENT: All Selectmen were present this evening.

SPEAKERS/GUESTS: **Public:** Paul Anderson, Chandra Campinelli, Marie DeSousa, Karen Gaudreau, Gil Hayes, Jillian Hubbard, Bob Leach, Sarah Muska, Charlie Nordell, Jeffrey Ostrout, Dick Pippin and unidentified members of the audience.

Press: No one from the Press was present.

TIME AND PLACE OF SPECIAL MEETING:

First Selectman Maynard called the Special Meeting of the Board of Selectmen to Order at 6:32 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Although the Pledge of Allegiance had not been included on this Special Meeting Agenda several attendees requested the addition of the Pledge.

PLEDGE OF ALLEGIANCE:

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Everyone present stood to recite the Pledge of Allegiance.

ATTENDANCE: See page 1.

PUBLIC PARTICIPATION:

Paul Anderson, 89 Main Street: Mr. Anderson questioned that this is a single subject meeting? First Selectman Maynard replied affirmatively. Mr. Anderson suggested the public speaks, the Board conducts their business, but the public has no opportunity to comment on the Board's actions?

Jillian Hubbard, 40 Mill Street: Ms. Hubbard questioned if it was possible to have a second public participation after the agenda item? Selectman Bowsza cited this is a Special Meeting; Agenda additions are not allowed.

Unidentified member of the audience: The speaker questioned if the Public Participation Could be taken out of order?

MOTION: MOVE to GO OUT OF ORDER and take Public Participation at the end of the meeting.

Bowsza moved/Dearborn seconded/DISCUSSION: None

**VOTE: In Favor: Unanimous (Maynard/Dearborn/Hoffman/Bowsza)
(No one opposed/No abstentions – Selectman Szymanski had not yet arrived at the meeting.)**

DISCUSS AND APPROVE THE DISTRIBUTION OF THE CHARTER REVISION EXPLANATORY FLYER:

MOTION: To APPROVE the distribution of the Charter Revision Explanatory Flyer.

Maynard moved/Hoffman seconded/DISCUSSION: Selectman Bowsza offered the following comments regarding the language of the flyer:

Page 4, Question 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? – Under the language **“Reason for the Proposed Charter Change”** Selectman Bowsza referenced the word “Charter based” in the third sentence; he suggested “Charter based” should be hyphenated.

Question #4 – “Shall Proposed New Charter Section 6-6(H), entitled Administrative Officer, be added to the Town Charter to establish a professional Administrative Officer position, effective July 1, 2020?” Selectman Bowsza suggested that there was previous discussion about the appropriateness of a job description being listed in the Charter. Referencing the language of the paragraph: **“Reason for the Proposed Charter Change”**: Selectman Bowsza suggested anything after “his duties...” should be removed from the flyer.

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Question #6 – “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 Ballot?” Selectman Bowsza referenced language in the **“Reason for the Proposed Charter Change”**, specifically the example of the Board of Education budget passing and the Town budget failing... Selectman Bowsza felt that introduces a bias into the question; he felt the voters could be swayed by the example. He felt that a voter who was pre-disposed to vote for the Board of Education Budget might view that as a likely outcome, which he didn't think was the case. Selectman Bowsza felt the example should be removed from the explanatory language to eliminate any bias. Selectman Hoffman felt the example was necessary, as it gives the voters an understanding of the proposal; Deputy First Selectman Dearborn agreed with Selectman Hoffman.

LET THE RECORD SHOW that Selectman Szymanski arrived at 6:40 p.m.

First Selectman Maynard clarified that the document had been approved by the State as being neutral, so they didn't feel this language was biased. Selectman Bowsza continued his disagreement with the proposed language for this explanatory language but suggested if the Board chose to leave an example in there he felt it was better to provide the more transparent outcome, which would be – “If the Town Budget passes and the Board of Education Budget fails after three votes the Town Budget will be set at the appropriate level and the Board of Education Budget will be set at the prior year's budget plus 2%”. Selectman Bowsza felt to invert the example removes any misleading questions about the outcome. First Selectman Maynard suggested putting both examples in the explanatory language.

Going back to **Question #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?”** Referencing the **“Reason for the Proposed Charter Change”**, Selectman Bowsza felt the first sentence of the explanatory language would suggest, to him at least, that the failure of this question would impact the Police Department other than a status quo arrangement. He felt language needs to be added so people understand this is a change from what the Police Department has been since the 1970s to something new; he didn't feel that comes across in the proposed language; he's concerned people will think they won't have a Police Department. Selectman Bowsza felt people need to understand that if it's voted down it remains a stand-alone Police Department with sworn officers, and the powers of the Police Commission remain as they are; he's concerned that people reading the question will assume the alternative is not to have a Police Department, not that this is an organizational change between a department of the Town under Town Department organizational structure vs. the status quo.

First Selectman Maynard agreed to amend his motion as follows:

AMENDED MOTION: To APPROVE the distribution of the Charter Revision Explanatory Flyer, with everything from his duties and beyond in #4 OMITTED, in the explanation for #6 to have

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both examples - the Board of Education passing and the Town failing, and the Town failing and the Board of Education failing.

Maynard moved/Dearborn seconded/DISCUSSION: Regarding question #11, Selectman Bowsza cited continued concern that people who haven't been enmeshed in this for too long now won't be clear on that question; he questioned what would be a better way to do that? First Selectman Maynard noted the Board was running out of time; this has to be published fairly soon, and there's a process to printing and mailing it. He noted if the document can be approved tonight it can be printed and mailed in a timely manner. First Selectman Maynard noted the Board has made some revisions. He cited this has been approved by the State as being neutral and not being biased; they've read that (explanation of) #11; they (the State) have approved it, lawyers (Town Attorney DeCrescenzo) have approved it. Selectman Bowsza questioned when (people) could see the final proof; First Selectman Maynard cited the changes are in the motion, the proof can be available tomorrow. Selectman Bowsza replied "ok". First Selectman Maynard called for further discussion. No one responded.

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

Selectman Bowsza referenced Robert's Rules, noting that if the Board chose to reconsider a motion the motion to reconsider must be made by a member on the prevailing side of the vote; he stated he was not (on the prevailing side).

First Selectman Maynard felt the previous vote was good; he understood that the public may have additional comments. Lengthy discussion followed, with various members of the audience offering suggestions for reconsideration of the previous motion. First Selectman Maynard called for Public Participation.

Marie DeSousa, 10 Rice Road, Broad Brook: Ms. DeSousa acknowledged the two changes made by Selectman Bowsza in the flyer, she reported that First Selectman Maynard had handed out a flyer at the Senior Center yesterday. She questioned if that (flyer) is going to be what's being distributed? First Selectman Maynard reported this document would be mailed out; what they get in the mail is the documentation. **Jillian Hubbard, 40 Mill Street:** Why was it already passed out? First Selectman Maynard advised the audience that once a month he goes to the Senior Center to an event called "Coffee with the First Selectman; he passed out a document that was close to this document, as it had the questions and the explanations. **Jillian Hubbard, 40 Mill Street:** Was it the final draft that was in the office? First Selectman Maynard indicated they don't have a final draft, except for this, which we've finished today. First Selectman Maynard indicated the Seniors will get the final flyer in the mail.

Jillian Hubbard, 40 Mill Street: When you were mentioning question 6 that talks about the budget split when you gave the examples back, you said if the Town side doesn't pass and the

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school side doesn't pass. It should be if the Town side doesn't pass and school side does pass; that would be the proper reversal. First Selectman Maynard agreed with Ms. Hubbard's interpretation; he apologized if he misspoke.

Ms. Hubbard agreed for the need for clarity when explaining the questions. Ms. Hubbard is concerned that average residents who are just going into the polling stations are not going to fully understand what they are voting for. She is concerned that we're going to be spending money on these flyers to send out to the people and the people aren't going to understand it any better. Ms. Hubbard suggested it seems like a waste of funds in some ways, and in other ways, I'm really glad we're having a flyer go out so that it helps to inform the residents

Ms. Hubbard didn't think that every single question should necessarily be voted no on. With that being said, I also don't think it's been transparent enough. I've been going to almost every meeting for the last seven or eight months, so I am a much different person than the average working person who hasn't been to any of these meetings.

Karen Gaudreau, 167 Depot Street, Broad Brook: Ms. Gaudreau requested someone read the first sentence (of the explanatory language) on question #11; Selectman Bowsza read the language. Ms. Gaudreau noted we already have a Police Department; she suggested that nowhere in the first sentence does it say there's going to be a change of oversight.

Dick Pippin, 37 Woolam Road: **Mr. Pippin** felt question 11 is very confusing; all you have to do is add at the end of it "Non-passage will result in leaving Police as is." Mr. Pippin felt your first sentence is not worded right; that says we're creating a new Police Department; we are not. First Selectman Maynard suggested the revision creates a Police Department for the Town of East Windsor; it creates a Police Department that's similar to the Public Works Department and the other departments in the town. In towns that have a Town Administrator or a Town Manager the Police report to the person who manages the Town. There's a problem with the Police Department reporting to the Police Commission because it breaks down the communication within the Town; First Selectman Maynard felt we need that communication. Selectman Hoffman suggested at the end of that sentence you could say "this change is a change in the reporting functions of the Chief of Police", he suggested that's really what we're doing here. We want to have a Chief of Police in effect who reports to the CEO of our town. First Selectman Maynard suggested "This revision creates a Police Department for the Town of East Windsor of which the Chief will be the department head and report to the CEO of the Town." Selectman Hoffman suggested "report to the First Selectman".

MOTION: Move to RECONSIDER after we have Public Participation.

Maynard moved/Hoffman seconded/DISCUSSION: None.

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

First Selectman Maynard opened Public Participation.

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Sarah Muska, 25 Maple Avenue: Ms. Muska questioned how much is the flyer going to cost in printing and postage, and what line item is it coming out of? First Selectman Maynard indicated the cost of mailing the flyer will be \$978.95, and then they'll be an additional cost for printing. It will cost less than \$2,000 and the line item it will come out of is called Community Outreach; he didn't have the line item number with him. Selectman Bowsza questioned how many households would the flyer be sent to; First Selectman Maynard replied about 5,000. He then described the mailing process for both Broad Brook and Warehouse Point.

Gil Hayes, 143 Rye Street: Mr. Hayes reported that as of November he'll no longer be a Police Commissioner but his question is what will be the task and the abilities of the Commissioners that will be duly voted in in November? First Selectman Maynard indicated it'll be pretty much what they are, they'll still be commissioners and they'll still have the role that's outlined in the State Statutes. It'll be pretty much the same. Mr. Hayes suggested it wouldn't be the same with the Police Chief reporting to the First Selectman or the Town Administrator

Chandra Campinelli, 2 Rye Street: Addressing First Selectman Maynard, Ms. Campinelli indicated you just stated that the cost of the flyer mailing will be somewhere around \$900, and it will be somewhere near \$2,000 including printing. Ms. Campinelli questioned if it had already been paid for; First Selectman Maynard replied no.

Ms. Campinelli suggested you said if you knew that Marie would be at the Senior Center you wouldn't have handed out those flyers because you knew how she would react. Ms. Campinelli felt the honorable statement would have been I probably shouldn't have done it because it wasn't the right thing to do, yes? First Selectman Maynard suggested he felt it was the right thing to do but he understands the confusion it might cause.

Ms. Campinelli suggested the gentlemen in the prevailing vote earlier made a statement by not moving to have public participation first.

Marie DeSousa, 10 Rice Road, Broad Brook: Ms. DeSousa asked now that there's been so many changes does this have to go back to whoever it's supposed at the Secretary of State's Office, and will there be a delay? First Selectman Maynard agreed, there will be a delay. Ms. DeSousa questioned if you'll make the five day turnaround to get it posted in the paper? First Selectman Maynard clarified that this doesn't have to be posted in the paper; Ms. DeSousa suggested it's a Town Meeting, it certainly does. Selectman Bowsza clarified this is a mailer; it's not a notice.

Karen Gaudreau, 167 Depot Street: Ms. Gaudreau believed the Police Department was created by an ordinance; is this Charter change in conflict with the ordinance? First Selectman Maynard replied no.

Jeffrey Ostrout, 2 Rye Street: Mr. Ostrout reported there was an e-mail from John Matthews stating that this publication had already been sent out to Allied to be printed by October 4th, and

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paid for. Mr. Ostrout asked was it paid for? Now that we're making changes will we have to pay for a re-print? First Selectman Maynard replied no.

Bob Leach 39 Church Street, Chairman of the East Windsor Police Commission: Mr. Leach felt it was rather obvious that some members of this Board, and of course the Charter Revision Commission, are being intentionally deceitful on question #11. Regarding question #11, does it go against the ordinance? Mr. Leach suggested the ordinance created a commission that under the Connecticut General Statutes the Commission has full control and authority over the Police Department, including the Chief of Police. This removes that authority. By law, they can do that because Connecticut is a Home Rule state so they can write whatever they want in the Charter and it's ok as long as it doesn't break the State law. So, is the question intentionally deceitful? Mr. Leach felt that it is. It also reverses the role of the Police Chief and the Police Commission and puts that authority in the First Selectmen's hands. The Commission will no longer be part of that department; it's going to be the First Selectman.

Jeffrey Ostrout, 2 Rye Street: Mr. Ostrout questioned who authored this flyer? First Selectman Maynard indicated he did. Mr. Ostrout questioned who edited it? First Selectman Maynard indicated he wrote it, although he used other documents to write it from. First Selectman Maynard suggested when he finished writing it the flyer was reviewed by the lawyer. Mr. Ostrout questioned which lawyer? First Selectman Maynard reported his name is Bob DeCrescenzo. First Selectman Maynard noted the document was then reviewed by the State staff lawyer who overlooks referendums. Mr. Ostrout questioned if Keith Yagaloff had anything to do with it? Did he touch anything? First Selectman Maynard indicated Mr. Yagaloff didn't touch anything.

Gil Hayes, 143 Rye Street: Mr. Hayes referenced the Police Commission, he questioned what are they going to do? We're voting in five people; what are they going to do? What's their need? What's their need as a town committee?

Charlie Nordell, 7 Grandview Terrace: Mr. Nordell felt it's a shame you guys get all this input, you've gotten all of this kind of input for a year and a half, two years now on this Charter, and you've ignored it. Mr. Nordell felt there was only one guy sitting up there who's taken any of it into consideration. Mr. Nordell felt the Board has ignored what people have been saying about the Charter revisions.

Jillian Hubbard, 40 Mill Street: Ms. Hubbard agreed with Charlie Nordell.

First Selectman Maynard called for additional comments; no one else requested to speak.

MOTION: MOVE to RESCIND the motion above to approve the distribution of the Charter Explanatory Flyer.

Maynard moved/Hoffman seconded/DISCUSSION: None.

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

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MOTION: MOVE to APPROVE the distribution of the Charter Revision Explanatory Flyer, with the following changes: Question #4: Everything from “his/duties” will be deleted; Question #6: there will be two (2) examples, one explaining if the Board of Education budget passes and the Town budget fails, and the second being if the Town budget passes and the Board of Education fails; Question #11: The first sentence of the explanation shall be: “This revision creates a Police Department for the Town of East Windsor of which the Police Chief will be the department head and will report to the First Selectman; the Chief will have all of the duties necessary to the administration and control of the department.”

Maynard moved/Dearborn seconded/DISCUSSION: None.

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

EXECUTIVE SESSION/Pursuant to C.G.S. Sec. 1-200 (6-a), Sec. 1-210 (b-1) (b-4 Employment, Litigation and Negotiations) – Action is possible:

No EXECUTIVE SESSION this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:20 p.m.

Bowsza moved/Dearborn seconded/DISCUSSION: None

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

Respectfully submitted

Peg Hoffman, Recording Secretary, East Windsor Board of Selectmen