

TOWN OF EAST WINDSOR BOARD OF SELECTMEN CHARTER REVISION COMMISSION

SPECIAL MEETING

Wednesday, May 22, 2019

7:00 p.m.

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

Meeting Minutes

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

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

Charter Revision Commission: John Matthews, Chairman; Don Arcari, Secretary; Cher Balch, Betsy Burns, Bill Loos, John Mazza, Rachel Safford, Charles Szymanski, Keith Yagaloff, Bonnie Yosky.

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.

Charter Revision Commission: John Matthews, Chairman; Don Arcari, Secretary; Charles Szymanski, Keith Yagaloff, Bonnie Yosky.
ABSENT: Cher Balch, Betsy Burns, Bill Loos, John Mazza, Rachel Safford.

SPEAKERS/GUESTS: Attorney Robert DeCrescenzo, Rich Laborious.

Public: Ed Filipone, Jillian Hubbard, Bob Leach, Rich LeBorius, Sarah Muska, Charlie Nordell, Dick Pippin, Kathy Pippin, Tom Talamini.

Press: No one from the Press was present.

TIME AND PLACE OF REGULAR MEETING:

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First Selectman Maynard called the Special Meeting of the Board of Selectmen to Order at 7:05 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

ATTENDANCE: See page 1.

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

Selectman Bowsza suggested he would to take Public Participate at the beginning of the Meeting for those people who might not be able to stay. First Selectman Maynard noted this Meeting is a working session for the Board of Selectmen (BOS) to understand the Charter Revision Commission's Draft Report. First Selectman Maynard indicated the BOS will hold a Public Hearing on the Draft Report; that would be the time to take public comments. What's been passed out, the Draft Report and the full Charter with revisions, is available on the Town website. First Selectman Maynard indicated he would take time at the end of the meeting for Public Participation but he felt the goal at this time is for the BOS to understand the Draft Report.

MOTION: To take Item V (PUBLIC PARTICIPATION) out of order.

Bowsza moved/no second – the motion failed.

First Selectman Maynard suggested he would like the BOS to look at each of the 13 proposed changes. He noted the receipt of the following items:

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

First Selectman Maynard referenced the BOS's charges to the CRC, noting recommendation #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."

First Selectman Maynard felt the BOS would put that recommendation forward as a ballot question; the consensus of the Board agreed – no motion made.

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First Selectman Maynard then began review of the changes as follows:

**1. Section 6-6(D): Finance Director/Treasurer (Revision of current section):
*(Proposed Charter Revisions to Increase for Professional Capacity of Town Government)***

First Selectman Maynard suggested this proposal is a change in the name of the position in the Charter. Charter Revision Commissioner Yagaloff reported that during prior discussions the CRC had considered including job qualifications for this position. The current Treasurer already has a defined job; the point is that most Towns no longer identify the position as Treasurer. The proposed change identifies the title of the position as Finance Director/Treasurer but does not include job qualifications.

Selectman Bowsza questioned the rationale for keeping “Treasurer” in the title description? Attorney DeCrescenzo noted that Treasurer is a statutory position; they can be Treasurer-Financial Director. Selectman Bowsza questioned if any other substantial changes had been made to the role of the Treasurer/Finance Director; he hadn’t noticed anything different. Attorney DeCrescenzo suggested that once he had been given direction by the Charter Revision Commission he took their revision and added it to the revised Charter, with no changes to the qualifications. Charter Revision Commissioner Yagaloff recalled the Finance Director has also been added to the Audit Section. Attorney DeCrescenzo suggested it’s an additional duty in the Audit Section, but no additional duties have been reflected in Section 6.6(B) Finance Director/Treasurer. Selectman Bowsza questioned where the additions were made to the Audit Section? Charter Revision Chairman Matthews noted under Section 8-6(B): Duties of the Board of Finance re: Supplemental Appropriations. [See additional discussion under review of Section 8.6(B)].

13. Section 8-5(A) and (B)(2) through (4): Separate Referendum Questions for Major Budget Areas (Revision of current section):

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

First Selectman Maynard noted this proposal is on the last page of Attachment B, and page 41 of Attachment C – Charter. (available online).

Selectman Bowsza referenced page 41 of the Charter revisions, he suggested there were some items stricken in the original language and refashioned in the new section. Attorney DeCrescenzo indicated the revision looks awkward as he had to change Section 8-5(A) to accommodate the changes in Section 8-5(B) so the stricken language in Section 8-5(A) was put back into revised Section 8-5(B). Attorney DeCrescenzo indicated the only substantive change is “in the form of one or more questions”. Selectman Bowsza questioned if the order of the actions is correct? Attorney DeCrescenzo suggested the

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order in the current Charter is the correct order, 8-5(A) is the initial referendum, 8-5(B) begins discussion referendum outcomes. He noted 8-5(B)(1) doesn't change; the changes to 8-5(B) starts in items #2, #3, and #4. The intent of the change is to add language that reflects that there may be more than one question going to referendum, and the item that fails goes on to subsequent referendums and the one that passes does not. Discussion followed regarding the sequence of the actions in the revised Charter.

Selectman Bowsza read an excerpt from Section 8-5(A), questioning the language change. Attorney DeCrescenzo noted the only change is the inclusion of the phrase "in the form of one or more questions" following "shall be submitted to the voters of the Town. Selectman Bowsza questioned who made the decision regarding multiple questions; Charter Revision Commission Chairman Matthews suggested it would be the Board of Finance; it continues as it is. Selectman Bowsza then questioned that in the situation of a bifurcated budget recommendation put forth by the Board of Finance, and it's split into thirds, one of them passes on the first try and the other two don't pass on the third try, the 2% provision is then only applied to those two sections that have not passed? Charter Revision Commission Chairman Matthews suggested that the intent was for those two to default to the 2% and the initial one that passed would go at whatever level it was presented at, and, if it were to go to a third referendum and we still hadn't resolved the final questions they would default to 2%. Selectman Bowsza suggested that in this budget scenario that's broken into three questions, one of those pieces – we'll say it was capital – capital could end up with a 4 ½% spending increase but the other two – we'll say it's the Town and the school side – don't and they could end up with a 2% increase regardless of what the cumulative overall increase is. Charter Revision Commission Chairman concurred; that's correct. Selectman Bowsza questioned Attorney DeCrescenzo if that was new language? Attorney DeCrescenzo replied affirmatively, because if you look at revised section 8-5(B)(4) – "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 2%..." – he suggested it's the "portion thereof" that indicates that's the portion that reverts back to last year's budget.

Selectman Bowsza suggested one of the problems with the 2% under the current Charter, which continues under this proposed Charter revision, is it only speaks to the 2% increase; it doesn't address the taxation level. The Town could end up with the State eliminating the PILOT payment and Solnit North (Alfred J. Solnit Children's Center) would no longer contribute \$500,000 to the revenue side; that creates a revenue hole but the budget, even if it failed three times, there would be a 2% spending increase and an associated taxing increase far in excess of that. Selectman Bowsza questioned if that had been a discussion point?

First Selectman Maynard suggested he understood that was not a discussion point for the Charter Revision Commission, but the Board is currently discussing if they want one or more items on a budget referendum. He acknowledged Selectman Bowsza had a valid point; the Charter Revision Commission is not changing the budget default. First

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Selectman Maynard noted the Board of Selectmen could bring up that discussion, but he felt that should be done at another point. Charter Revision Commissioner Yagaloff suggested the Charter Revision Commission discussed the 2% for the spending increase but they didn't discuss converting the spending increase into a tax increase because that has a lot of implications. If you go the other direction and say it's a 2% tax increase and then the spending increase could far exceed it based on additional revenue or appropriations from the Fund balance, so whatever the reason was when this was put in as a 2% cap on the spending increase the CRC didn't get into addressing those policy issues. To change that would require a lot of discussion. Whatever the percentage is, if it's on a tax increase or a spending increase, it has implications in all different directions depending on revenue or spending going up or down.

Discussion continued regarding the current budget default percentage.

First Selectman Maynard indicated his preference would be for only two (2) budget options for the voters. Selectman Hoffman felt the language should be specific with the Board of Selectmen identifying the budget lines; he suggested the voters should be given the option to consider the budgets which are large, and the two largest budgets are the Board of Education and the Town budget. Selectman Hoffman suggested you may want to consider identifying one or more of the larger department budgets within the Town as well. Selectman Hoffman felt the Board should give the voters a chance to accept or reject those portions of the budget that are very large. He didn't feel the option to set separate questions should be left to the Board of Finance. Selectman Bowsza felt the Board of Finance already has the discretion to separate the budgets; it makes no sense to put this in the Charter revision. Attorney DeCrescenzo concurred the Board of Finance has the discretion as an implied power under the C.G.S. but this language addition specifies that power in the Charter. He noted that the Board of Finance, under statutory powers, has a broad discretion fashioning the budgets that go to referendum. Attorney DeCrescenzo noted there are towns that have the opportunity for more than one budget option in their Charters. Selectman Bowsza disagreed with specifying departments as they could change; he cited the potential for the school districts being regionalized in the future as an example of change. Selectman Bowsza favored checks and balances; he felt giving the Board of Finance the power to make the decision as to what provides the best opportunity to pass a workable budget, he felt there's sound rationale for that.

Selectman Hoffman disagreed; he wants to see a clear process identified so the voter can vote yes or no on Town departments that we select. He felt they should start with the Board of Education and the Town operations because that's the split we have today. Selectman Hoffman didn't want to give that discretion to the Board of Finance; he wants the voters to have that opportunity. Selectman Hoffman felt we don't give the voters credit for being smart enough to make that decision; they are. It's their money we're spending, and we're not giving them the credit for being smart enough to make good decisions. Selectman Hoffman suggested the Board should pick whatever departments

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you want, and they may change, but he felt the Board should move forward on this and give the voters the opportunity to vote.

First Selectman Maynard felt the decision should be left to the Board of Finance; he felt if people want more than one option the people will come to the BOF and make that request. Selectman Hoffman cited there's precedent for separating the Town government and the Education budget; he requested that change be made.

Selectman Bowsza questioned which Towns bifurcate their budgets? Charter Revision Commission Chairman Matthews cited that Ellington has a combined budget at the first referendum but then has the option to divide the budgets at the second and subsequent referendums. Selectman Bowsza questioned who makes that decision; is it an option or mandatory? Charter Revision Commission Chairman Matthews didn't have that information regarding who makes the decision; the separation of budgets is not mandatory.

Deputy First Selectman Dearborn indicated that a lot of boards and commissions have members who are there for political reasons and aren't competent to spend his money. You saw what happened at the last budget, the things that got cut got put back in and the schools didn't get chopped. It's political, not only in East Windsor but in other Towns. They are not business people; they're not competent to spend the taxpayers' money. He agrees with Selectman Hoffman to split the budgets; if you give it to the Board of Finance they'll say no because they'll put the money where they want it to go.

Selectman Szymanski cited the Board had an indicator in the survey put out by the Charter Revision Commission regarding splitting the budgets; we have a pulse on what the people want already. First Selectman Maynard concurred, but noted the initial questions had been about splitting the budget but now it's getting into who should decide that so there's more discussion than he anticipated. Selectman Bowsza felt the survey wasn't a weighted survey because it under-sampled households with more than two occupants; he didn't feel the survey results should be considered as gospel. First Selectman Maynard agreed but noted he learned from the survey that the people want the Boards to communicate and work together. Selectman Hoffman cited he had contacted the Quinnipiac Polling Institute and spoke with the director, who said that was an overwhelming difference for those who were for or against the questions. Don't minimize the results because of the number of respondents. When the difference is 4 to 1 it's something that should be looked at. Selectman Hoffman disagreed that the survey was meaningless.

Charter Revision Commission Chairman Matthews clarified that this particular question on the survey, unlike others that included "unsure" responses, was point blank, they either wanted it or they didn't want it. There were four times as many people that wanted it as those that didn't. Selectman Bowsza questioned what the universe of responses were, not just the responses; he suggested the survey demographics – were they

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male or female respondents, single vs. dual income households – are just as important as just the numbers. Discussion continued briefly.

**12. Section 10-9: Automatic Referendum (Add New Section):
*(Proposed Charter Revisions to Improve Transparency and Encourage Greater Public Participation in Town Government)***

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

Referencing the first sentence of the proposed new section, First Selectman Maynard indicated he felt the “\$150,000” should be deleted, while the “1% of the annual budget” was ok.

Charter Revision Commissioner Yagaloff noted the Commission spent a lot of time on this section, considering the aggregate amount and the percentage; they feel the automatic referendum is an expansion of the advantages of the Town Meeting because of the expanded time period for voting, and a referendum gives those voters not able to attend a Town Meeting, such as people who work second shift, those taking care of kids, or working two jobs etc., the ability to participate in a vote. Charter Revision Commissioner Yagaloff indicated the Commission was consistent in the belief that a referendum is not something other than a Town Meeting. It’s an enhancement of the people’s right to vote. Charter Revision Commissioner Yagaloff noted the Commission is aware, and recognizes, that some people feel differently about that. Some people feel the Town Meeting is more valuable than a referendum for the ability to be able to vote on budgetary items but the Commission was firm in the belief that a referendum offers significant advantages for voting.

With regard to the 1% of the annual budget suggested by First Selectman Maynard, Charter Revision Commission Member Yagaloff indicated the Commission discussed the 1% as well. The 1% would equate to \$400,000 of the current budget, and the 1% rises; the Commission felt that was too high. The concept was, first and foremost, to allow more participation for the people to vote on substantial purchases which are not part of the annual budget vote which is by referendum. The Commission felt the referendums shouldn’t be set for small items, but they felt the \$400,000 was too high.

Selectman Bowsza questioned why would that prohibit people from voting? Charter Revision Commissioner Yagaloff cited this proposal doesn’t prohibit people from voting on any expenditure; he noted under the current system, any expenditure, including the entire Fund balance, could be spent at a Town Meeting by 30 people. It must be a proposal that goes through the Board of Finance. Charter Revision Commissioner Yagaloff referenced the recent petition with 20 signatures for Town Meeting that did go through the Board of Finance but was put off by the Board of Selectmen for more information. He noted that essentially, through Board of Finance referral, at a Town

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Meeting with 30, 20, 5 people, the entire Fund balance could be spent. Charter Revision Commissioner Yagaloff indicated the Commission didn't see the Town Meeting as bad, they just felt more people could come out and vote at a referendum for large purchases. It's the voters' money, and their purchases, and they should decide if the Town should spend their money on the proposed purchases. This isn't targeting a current group, or philosophy, this is for the long term future of the Town. Charter Revision Commissioner Yagaloff indicated that one of things the Commission started at the very beginning of their discussions when they talked about the value of the Charter to the Town they said the Charter should make it easier for the voters to participate in Town decisions; they felt they should enhance opportunities for the voter to participate in Town government. Charter Revision Commissioner Yagaloff reiterated the Charter Revision Commission felt referendums are an enhancement and other Commission members feel a referendum are a detriment and somehow hurt Town Meetings. The Charter Revision Commission sees the Town Meeting and the referendum as being important, and at the end of the day it's to let the voter decide. Charter Revision Commissioner Yagaloff reiterated the Commission felt the referendum is an enhancement. He clarified there is nothing in this proposal that prevents an affirmative vote; it just says that for large expenditures it should go to referendum for vote.

Selectman Hoffman suggested there's a silent majority of people who won't stand up in a meeting and say what they want. He admires the people who show up at the Board of Selectmen's meetings and say what they want but when we spend the people's money they should have a voice. Selectman Hoffman indicated he attended several Charter Revision Commission Meetings, during those discussions Selectman Hoffman was for \$100,000 to go to referendum, and the Commission wanted the \$150,000. Selectman Hoffman indicated he felt we owe it to the voters because we're spending their money, and we should give them credit that they're smart enough to have an opinion. As Charter Revision Commissioner Yagaloff was saying, we can have ten people who are very dedicated to their causes and it's over at a Town Meeting.

Charter Revision Commissioner Arcari recalled that Town Meetings are often stacked. He recalled that \$800,000 in supplemental appropriations was voted in at a Town Meeting last year; he felt that vote should have gone to referendum. That's where the people should have a voice at how much money we're spending, not at a Town Meeting.

Selectman Bowsza felt the question of trusting the voters to have an opinion to weigh in on these decisions is a valid argument but he felt there are more educated voters participating at a Town Meeting vs. than people deciding why or why not they don't like a number on a ballot. Selectman Bowsza also felt there's already a provision under the General Statutes that enables people who are aggrieved to petition for a referendum; this is a work-around to no longer have a Town Meeting form of government which is a specific structure that doesn't happen when you get away from that. If the intent is to get away from the Town Meeting we should that that rather than kind of do that.

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First Selectman Maynard noted that a Town Meeting can be adjourned to a referendum but he felt this proposal is saying you want the ballots, the people are voting by machine. First Selectman Maynard indicated he thought the initial conversation was talking about the amount of money that would cause it to go to referendum. First Selectman Maynard suggested he thought the 1% is a large amount of money but it's not the entire budget; he initially felt if the Board could agree at some point that an expenditure should go to referendum that's one issue. But if you're now saying you want to leave it all up to a Town Meeting that's a different point.

Selectman Bowsza agreed the \$150,000 was too low a threshold; the 1% makes more sense. Selectman Bowsza cited this is a completely new section entitled "Automatic Referendum". If the concern is, to Selectman Hoffman's point, that there aren't people who are confident to stand up in a room full of people and say what they think, or vote a particular way, that's 100% true. But the solution to that isn't to vacate our form of Town government, it would require that the Town Meeting votes be taken by secret ballot. That's how we would protect the silent majority's perspective. If you stay with a Town Meeting form of government stay with that, and find ways to enhance voters comfort levels within that structure. First Selectman Maynard questioned if Selectman Bowsza if we decided that an expenditure of 1% of the budget would send something to a referendum would you be willing to agree to that as a Charter change? Selectman Bowsza had to think about that.

Respectfully Charter Revision Commissioner Yagaloff noted Selectman Bowsza said three (3) times that this will eliminate the Town Meeting form of government, and someone from the public said the same thing at a Charter Revision Commission Meeting, and, respectfully, that's so inconsistent with the Charter Revision Commission's intent. Charter Revision Commissioner Yagaloff suggested that unfortunately that language is going to be used to say all of these Charter changes are intended to undermine our Town Meeting form of government. He suggested he felt because Jason had studied government that that isn't accurate at all. He cited this Town has three opportunities to vote at referendum for a Town budget. The Town no longer votes at a Town Meeting for a budget; changes were made to our form of government to require a referendum; Charter Revision Commissioner Yagaloff recalled he didn't hear anyone say that was destroying the form of Town government. Someone mentioned there might have been a bit of dissension. Charter Revision Commissioner Yagaloff felt the people said through the vote at the Charter revision that they wanted to have the option of voting on the budget by referendum because they felt that was important for enhancing government, and now the Commission is proposing a change to the ability of the Town Meeting to vote for the Town budget.

Charter Revision Commissioner Yagaloff suggested the Town Meeting can't vote for appropriations not referred by the BOF. The Town Meeting doesn't have unilateral rights to just show up by petition and vote for appropriations; those appropriations must be

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referred by the BOF. There are limits on the Town Meeting form of government just to spend money so there are limits there; there are limits already in the Charter on bonding that has to go to a referendum. They did that because they thought the Town should vote on bonding. The concept that a change to the Charter is an elimination of the Town Meeting form of government - some folks think everyone should have a right to vote on special appropriations. That's what this is all about. It's about the difference in having a referendum on special appropriations beyond a certain amount. That's it. It doesn't change the Town Meeting form of government; it doesn't eliminate the Town Meeting form of government; it doesn't affect that our Town Meeting is our primary governing body. What it does say is that the voters of the Town shall have the right to vote on large appropriations. And right now there are other limitations to the budget also. This is just saying - should the voters have a right to vote on expenditures. There was one expenditure of \$800,000, there was another for \$600,000, there's another of \$350,000 coming. There were several expenditures that were not approved by our Town budget but were approved by a small number of people at Town Meeting.

First Selectman Maynard suggested if the language was "if the amount of the expenditure proposed is beyond the budget is in excess of 1% of the approved budget of the Town then a Town Meeting would be held and the Town Meeting would be adjourned to a vote by machine in the hours of 6:00 a.m. to 8:00 p.m.

Selectman Bowsza questioned the Commission's ability to set the time of the vote in the Charter; it's really a procedural thing.

- The Charter Revision Commission agreed to eliminate the specified time period for referendums in the Charter.

Discussion continued; Selectman Bowsza continued to oppose this proposal as he felt there is already a remedy for the voter. Charter Revision Chairman Matthews noted the Commission had discussed an option included in many Charters. Rather than calling it a Town Meeting if you're going to go to automatic referendum there's a hearing required in front of that; the hearing is effectively like a Town Meeting; everyone gets to speak. There's no vote taken and you move to referendum after that. Discussion followed regarding the process for petitioning to go to referendum, the requirement for 200 signatures within an approximate 14 day time period, vs. the process for Town Meeting requiring 20 signatures. Charter Revision Commissioner Yosky recalled when the 2009 Charter was proposed the First Selectman at the time made the recommendation for the referendum because they felt everyone should have an opportunity to vote. The referendum gave those people with small children and night jobs the opportunity to vote. Charter Revision Commission Chairman Matthews reiterated that to petition for a referendum requires 200 signatures acquired in 14 days while the petition for a Town Meeting requires 20 signatures acquired in six (6) days. Selectman Bowsza suggested a remedy would be to lengthen the number of days; Charter Revision

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Commission Chairman Matthews noted that recommendation is part of the proposal for this section.

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

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

Charter Revision Commission Chairman Matthews read the first paragraph of the proposed new section.

First Selectman Maynard noted the Commission is suggesting 150 people, or 2% of the voters. Charter Revision Commission Chairman Matthews indicated there are currently 7700 electors in East Windsor, 2% of that number is close to 150 people. Selectman Bowsza questioned the reason for the 150; Charter Revision Commission Chairman Matthews cited the 200 signatures is difficult to get. First Selectman Maynard referenced sub-section (d), which specifies 55% of those persons voting shall have voted in favor of the over-rule; he questioned why not 50%? Charter Revision Commission Chairman Matthews cited the Commission didn't want to make it too easy to over-rule a decision, the threshold of 55% was ultimately chosen.

Selectman Bowsza questioned Attorney DeCrescenzo if the decision is to purchase a fire truck and a petition is submitted with 150 signatures to go to referendum, then at the referendum 53% of the people agree with the BOS - do you buy the fire truck? Attorney DeCrescenzo replied the fire truck would be purchased. Selectman Bowsza questioned what if 53% do not agree with the BOS, do we buy the fire truck? Attorney DeCrescenzo cited the question is "shall the purchase of the fire truck as voted by the BOS be over-ruled?" If 55% vote yes in favor of over-rule then no fire truck. Selectman Bowsza questioned if 53% vote in favor of over-rule we still get a fire truck? Attorney DeCrescenzo indicated the Town would get the fire truck. Attorney DeCrescenzo suggested, in his opinion, if the fire truck is in the annual Town budget it would not be subject to over-rule; special appropriations would be subject to over-rule. Charter Revision Commission Chairman Matthews concurred, if the item is in the budget it's not subject to power of over-rule.

Selectman Bowsza referenced the initial sentence of Section 10-10, noting "All actions of the Board of Selectmen, the Board of Finance and any town meeting involving (a) personnel,". He noted the Town had a difficult time hiring a Town Treasurer, under this proposal if 57% didn't like who you hired that decision would be appealable by referendum? Attorney DeCrescenzo replied yes, under the way the language is currently written. Continuing with the same sentence, Selectman Bowsza referenced "...an action affecting public health and safety,..." he noted we have the potential in East Windsor for a number of homes having pyrrhotite in their home construction, and if the condition was

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found in condominium complexes which were required to be condemned, and the voters were to petition that and somehow or other 60% of the voters decided that their home which is unsafe should be condemned that would be permissible? Attorney DeCrescenzo suggested his opinion would be that the condemnation of a building is not an action of the BOS/BOF at Town Meeting; it's an action of the Building Official undertaken under State Law. Attorney DeCrescenzo felt that would be beyond the scope of this over-rule. Selectman Bowsza gave additional scenarios; he continued to disagree with the thresholds specified in the revision proposal, especially those related to public safety.

Selectman Bowsza then referenced Section 10-10(a) which set the number for petition at an arbitrary number of 150 votes, or 2%; he questioned that in terms of over-ruling the actions of a duly elected governing body shouldn't that threshold be hard? He felt it shouldn't be easier than allowed by the Statutes.

Charter Revision Commissioner Yagaloff cited the Commission members had varying opinions regarding the number and percentage of voters. Charter Revision Commissioner Yagaloff indicated the Commission viewed this proposal as promoting greater accessibility for greater voter participation.

Selectman Bowsza cited an example of repeated referendums over-turning their referendums in Maine; he questioned where the final action is in this proposal? Attorney DeCrescenzo indicated the Commission's intent was if it's already passed at referendum then it's beyond the scope of over-rule.

Selectman Hoffman suggested the bar is still reasonably high; by having a relatively low number of signatures required just gives the people the opportunity to get to the referendum. Selectman Hoffman suggested you must have the 55% majority, which isn't insignificant, to over-rule the action. Selectman Hoffman felt this is still a high hill to climb.

First Selectman Maynard cited the need for the Board of Selectmen to give the Charter Revision Commission some direction. He requested that the Selectmen send their comments to him, he'll then put together a document gathering everyone's comment and/or recommendations.

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

See pages 44 and 45 of Attachment C – Charter (available online).

First Selectmen Maynard referenced the proposal's language "...to perform operational and special audits of town departments from time to time such that each town department is audited at least every four years." – First Selectman Maynard preferred to see the cycle expanded to ten (10) years; he felt the four years was too ambitious. Selectman Bowsza

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questioned why the Charter would designate an audit company as the Board of Finance currently does that under a three (3) year contract? He also referenced the final sentence “...In addition to the foregoing, the Board of Selectmen shall engage a qualified firm ...” – he noted that currently the Board of Finance selects the firm. Charter Revision Commission Chairman Matthews noted that option doesn’t change under this proposal.

Charter Revision Commissioner Yosky clarified this proposal has the Board of Selectmen doing an operational audit, a procedural audit regarding the day to day operation which comes under the Board of Selectmen, or the Administrative Officer. Charter Revision Commissioner Yosky cited operational audits are often done by the boss of a company and are beneficial in reviewing procedures.

Selectman Szymanski clarified that this section references operational audits, which are totally different than financial audits. The operational audits wouldn’t be in the scope of the people performing the financial audits. The people doing the operational audits will be looking at how things are done on a detailed level and consider what improvements can be made. Selectman Szymanski clarified the operational audit isn’t a forensic audit. Selectman Szymanski noted the operational audits do have a financial impact as they sometimes create changes which have an economic benefit; he felt there’s a payback to this. Selectman Szymanski noted that when he was elected he was surprised to see that this wasn’t already being done; he felt this is the most critical things the Charter Revision Commission is proposing to do.

Selectman Bowsza questioned Attorney DeCrescenzo if he was familiar with the Town’s collective bargaining agreements? Selectman Bowsza agreed, we should do operational audits, and in some cases, desk audits. Selectman Bowsza questioned if there were inefficiencies found, and they were persistent inefficiencies, and there any opportunities, based on any familiarity you may have, to rectify those within the prospect of the grievance process? Attorney DeCrescenzo suggested such a situation would require the Town to enter into an “impact bargaining within the collective bargaining Statute. Attorney DeCrescenzo gave as an example if an operational audit found that five people were doing a job three people could do; Attorney DeCrescenzo felt management has rights within the collective bargaining agreement allowing the Board of Selectmen/First Selectman to change how the Town operates. Selectman Bowsza then questioned if an employee were taking an hour to do something that should be done in 15 minutes, and it was pervasive, are there grounds to correct that behavior? Attorney DeCrescenzo suggested that would trigger an obligation to provide that employee with additional training, and if they still shouldn’t do it then there would have to be some form of recourse.

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

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

Selectman Bowsza questioned if the proposed “\$50,000” dollar amount replaces the current “\$20,000”? Charter Revision Commissioner Yagaloff cited there is a different section that says the BOF can do \$20,000 on their own, this is proposing everything Selectman Bowsza has been saying he wants.

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

Selectman Bowsza questioned what precludes the Town from doing this now? Charter Revision Commission Chairman Matthews felt the Board of Selectmen could do this currently, but adding this section to the Charter institutionalizes that it will be done. First Selectman Maynard noted there must be a budget for this position but if the Board of Selectmen say they want this position and include it in the budget the Board of Finance has an obligation to fund it at some level; he felt the Board of Finance could set the funding level but couldn't zero it out. Attorney DeCrescenzo cited that if the position is in the Charter the BOF has a duty under the Charter to adequately fund the position.

Selectman Hoffman cited we have a shining example of that situation last year when the funding for the Economic Development Director was requested but the funding was zero. He recalled he stood before the BOF for 15 minutes promoting the benefits of an Economic Development Director and the BOF didn't care; we have a history of that in East Windsor.

Charter Revision Commissioner Yagaloff suggested this speaks to issue of consistency. This section should include language that this is a “full time position” and that the Board of Selectmen “shall” appoint rather than “may” because the Board of Selectmen cycle through; this position will stay and provide the consistency as the Board changes. Charter Revision Commissioner Yagaloff offered as an example the Town Treasurer; she does a phenomenal job and elevates the level of professionalism to Town government. The Administrative Officer will provide administrative services to the Town departments; this proposal is intended to raise the level of professionalism for East Windsor.

Selectman Bowsza felt much of this proposal is already assigned to the Chief Executive Officer. He also noted that much of the data research is available free of charge from CCM. First Selectman Maynard agreed that information is available from CCM but Town staff often hasn't the time to do this research; the Administrative Office is the person who can do. Often staff needs to do further research through other sources to acquire the information; he didn't feel the availability of CCM shouldn't be a reason for not having the Administrative Officer. Selectman Hoffman cited he's used information from CCM but it often required tailoring for his needs. CCM is a resource but the person

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looking for the information must be able to work with it and provide an objective position on what they're researching and CCM doesn't do that for people; they give you a data dump. Selectman Szymanski cited the Administrative Officer will have the credentials to get the information needed. Assigning other people to get this information, there may be other information they could get but they don't realize that, where the Administrator will have that depth of knowledge and experience to burrow in to find what's needed. He cited previous meeting when boards have considered what other towns do; Selectman Szymanski felt we should have some focus on that as an ongoing step of the process of governing the Town of East Windsor.

Selectman Bowsza cited Charter Revision Commissioner Yagaloff's comment about continuity he referenced the initial sentence "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." Selectman Bowsza questioned what "or such other term" mean? Attorney DeCrescenzo suggested this language gives the Board of Selectmen the option to hire this person by contract for a set number of years. The options would either be for an indefinite term, which would make that individual a classified employee, or a contract under a set number of years. Selectman Bowsza suggested this employee would become a new employee under the Supervisor's union? Attorney DeCrescenzo suggested they could be classified, non-bargaining; this would be a confidential employee. First Selectman Maynard compared this position to that of the Treasurer Selectman Bowsza questioned if a new Board of Selectmen changed party control could they change the term of employment? Attorney DeCrescenzo suggested no because if this individual were appointed to an indefinite term the incoming BOS would not have the opportunity to transform it into a term by contract; the BOS would appoint this individual for a term of two years commiserate with their terms. Selectman Bowsza suggested this is a one-off; we make this decision one time at the outset and then we live with it. Attorney DeCrescenzo suggested it's by contract and you go contract by contract. Selectman Bowsza summarized various methods of hiring these individuals; he suggested it's not uncommon that these people get flushed if the election goes the other way.

Selectman Bowsza referenced sub-paragraph (3), referencing "The compensation and benefits of the Administrative Officer shall be fixed by the Board of Selectmen and shall not be decreased except at the beginning of a fiscal year" Selectman Bowsza questioned why include a provision that allows us to lessen compensation? Selectman Bowsza felt this makes the Town a training ground. Charter Revision Commissioner Yagaloff suggested if the Board wanted to hire someone with lesser skills, this is fitting it for the position for the skills rather than the individual. We also discussed that by agreement there could be a change in the in the nature of the job. This language is meant to prevent the Board to cut the salary of the Administrative Officer to force the person out, and also to cover a change in the personnel. Regarding Selectman Bowsza's comment about the concept of continuity, Charter Revision Commissioner Yagaloff cited the phenomenal job being done by the Treasurer, but that could be changed by a

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new Board of Selectmen for political reasons. He suggested the language was intended to be able to do it by contract, or for an indefinite term; this is the same language that would apply to other officers in the Town. Charter Revision Commission Chairman Matthews noted this is one of the things the Commission discussed about the power to over-rule; if you had a favorite Town Administrator and a new political group came in and said you're out of here they could be over-ruled.

Selectman Bowsza then questioned if a decision is made by the BOS to terminate an employee for gross negligence is the Town allowed to disclose that; Charter Revision Commissioner Yagaloff felt they could. Selectman Bowsza questioned if the terminated employee has any protection as to the circumstances of their termination? Charter Revision Commissioner Yagaloff felt the employee has a right to due process, they have a right to a hearing; Attorney DeCrescenzo suggested FOI controls that. Discussion followed regarding the process, some of which occurs in Executive Session. Selectman Bowsza felt the Board could have information that they couldn't make public but the public has a the ability to overturn that decision without all of the information. Attorney DeCrescenzo replied negatively, noting the personnel file would fall under the Perkins Rule, under which if the public need to know outweighs the personal privacy of the employee then anything, even going back 20 years, that relates to the job is clearly disclosable.

First Selectman Maynard acknowledged that perhaps the language of this section could be clearer; he polled the Board if they would like a Town Administrator if the language was of their liking? Should a Town Administrator be a ballot question? Deputy First Selectman Dearborn, and Selectman Hoffman and Selectman Szymanski favored including the option for a Town Administrator; Selectman Bowsza opposed the option because he felt it's not common for a community the size of East Windsor; it's utilized in towns either much smaller than East Windsor, like Union, or much larger, like Enfield. Charter Revision Commissioner Yosky questioned that we should never consider a Town Administrator because the town is never going to grow? Selectman Szymanski cited Ellington is comparable in size and they're proposing to hire a Town Administrator. Selectman Hoffman felt size may be a consideration but he felt the complexity of the Town was also a consideration. He cited East Windsor will be getting the casino, which will increase growth. He suggested that at some time we'll hire an economic development professional, which he felt will trigger significant growth. He suggested maybe the complexity has more weight. Selectman Hoffman felt there are other things besides size that trigger the need for an Administrator.

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

See pages 16 – 18 of Attachment C – Charter (available online).

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First Selectman Maynard didn't feel this revision was needed at all. He noted he's lived through this for several years; he felt the only revision necessary was the first two sentences *as originally written* – "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." Selectman Bowsza questioned what happens when they don't agree? First Selectman Maynard indicated that's been the problem in the past; we've had a Board of Selectmen who thought there was only one attorney that was able to serve but there are hundreds who are qualified. First Selectman Maynard suggested to have a Board and an attorney who don't work together hurts the Town. If the Board of Selectmen and the First Selectman agree on an attorney that should be the person or firm selected.

Selectman Szymanski referenced language midway in the first section which indicates that "the initial appointment of a firm or individual attorney shall be through a request for proposal process"; he suggested that language should be retained as he found it helpful when they went through the interview process. You often had different firms with different expertise. Selectman Szymanski felt that should be a requirement and should be included in the Charter. Charter Revision Commission Chairman Matthews cited the term should be coterminous with the term of the Board of Selectmen. Attorney DeCrescenzo suggested that under the rule of professional conduct you don't force a client to work with an attorney, the attorney works at the will of the client. It's the "Letter of Engagement", the language "shall serve at the" makes the chosen individual the Town Attorney who is the single legal counsel for the Town. Attorney DeCrescenzo cited that every Town that includes a section for a Town Counsel/Town Attorney includes sub-sections 1 through 4.

First Selectman Maynard requested the Board e-mail him their comments or recommendations regarding this section; comments should address pages 16 and 17 of the Charter revision.

**8. Section 10-5 (Revise): Petition Signatures:
(*Proposed Charter Revisions to Create Greater Checks and Balances in Town Government*)**

Selectman Bowsza questioned what initiated this change? Charter Revision Commission Chairman Matthews cited the difficulty getting the 200 signatures within the timeframe to get more voters involved. The proposal reduces the number of signatures required from 200 to 150, or 2% of the voters, and the timeframe has been increased. Charter Revision Commission Chairman Matthews cited this still is a challenge because of the timeframe. He noted the Commission discussed this several times, the number of signatures considered was as low as 75 but the Commission settled on 150 signatures to be consistent with the number in other sections of the Charter.

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Selectman Bowsza felt the petition is an available remedy to people who are aggrieved by the people who are elected to govern without having nearly all of their decisions second guessed. Selectman Bowsza felt the number of signatures shouldn't be reduced but agreed with the increase in time. Selectman Bowsza would be agreeable to continuing the requirements under the Statutes but would agree to extend the time to allow reasonable collection of the signatures.

Charter Revision Commissioner Yagaloff suggested resolution depends which side of this issue you're on. He recalled on the Casino Ordinance a lot of people wanted to go out to referendum. That Town Meeting was set, to require 200 signatures for people who wanted to vote town wide on that ordinance was a lot. Charter Revision Commissioner Yagaloff indicated that for him this is to strike a balance of increased accessibility; it makes it easier for the people who are concerned to be able to petition for the Town-wide vote; it makes it easier for people to have a town-wide vote. The 150 is a lot of people who feel something is important enough to go to referendum. First Selectman Maynard noted the ability of 20 people petition to go to Town Meeting. Charter Revision Commissioner Yagaloff cited that it only requires 20 signatures for a Town Meeting but it requires ten times that in six (6) days to go to referendum; that's not a lot of time. Attorney DeCrescenzo referenced C.G.S. #7-7 which requires that to petition for a vote by machine it must be accepted 24 hours before a Town Meeting; that Town Meeting is still heard but when it comes to a vote the moderator says the meeting will be adjourned to a future date to vote.

10. Section 8-6(B) (Revise): Duties of the Board of Finance re: Supplemental Appropriations:

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

See page 43 - 44 of Attachment C – Charter (available online).

Selectman Bowsza felt this now says that the Financial Officer will have veto power over a narrative set by the BOF. He cited proposed language in the final sentence of sub-section B – “.....If the Finance Director/Treasurer rejects the narrative as non-compliant...”, Selectman Bowsza questioned what that meant? Attorney DeCrescenzo noted the previous sentence calls for various items to be included in the narrative. Attorney DeCrescenzo suggested the Finance Director is the gatekeeper of that narrative, without the narrative the supplemental appropriation can't move forward and can't be approved. Selectman Bowsza gave an example of the Planning Department requesting a supplemental appropriation for the Economic Development Director, and the Board of Selectmen acquiesce but the narrative doesn't include enough information, Selectman Bowsza indicated he's hearing the Finance Director has veto power. Attorney DeCrescenzo explained the requesting department must provide a narrative and the Finance Director is the one who will say the narrative is ok. Charter Revision Commission Chairman Matthews suggested this proposal increases the transparency of

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supplemental appropriations; someone must check the box that the narrative is adequate to describe the request. Selectman Bowsza questioned if that information goes to the Finance Director before it goes to the Board of Selectmen? Attorney DeCrescenzo suggested under the current language the request could go to the BOF and the Finance Director could say you're not prepared to endorse this request for a supplemental appropriation. Selectman Bowsza felt that was a policy issue. Attorney DeCrescenzo concurred but noted the Charter Revision Commission wanted to set minimum standards to the policy. Selectman Bowsza didn't like professional staff weighing in on policy matters; he cited an example of wanting to spend \$400,000 on road improvements being a policy issue that's beyond the purview of what staff should be opining on. Charter Revision Commission Chairman Matthews noted the proposal allows the requesting department to revise the narrative if it's denied by the Finance Director. Selectman Szymanski felt this proposal is to provide text as to what is being requested, an explanation of what the money is going to be spent on. Selectman Szymanski felt this should be a good thing for the BOF because they're getting more information than they may have gotten before.

Selectman Hoffman felt the intent of this section is very good. If you're going to bring forth a supplemental appropriation you must have back up information regarding the cost; everyone does that. First Selectman Maynard felt this proposed language is saying good information should be available to the public to understand what the request is for. Selectman Bowsza felt the existing language says that. Charter Revision Commission Chairman Matthews suggested someone has to be the arbiter regarding if the narrative is correct; Selectman Bowsza felt the BOF does that now. First Selectman Maynard suggested if the BOF does that now the information isn't given to the public. Selectman Hoffman cited that with the two budget cycles he's been involved in he isn't impressed with the information the BOF provides. He cited the example of a list of projects provided prior to a meeting, then a subsequent list with dollar values provided at the meeting at which the Board voted on \$600,000 to \$700,000 with no back up information. Selectman Hoffman felt that was wrong. First Selectman Maynard questioned if a justification was included with the funding request which included a statement and cost estimate, and that information was subsequently made available to the public how would Selectman Bowsza feel about that? Selectman Bowsza suggested that would be acceptable to him. Selectman Hoffman suggested that would raise the narrative to the level Selectman Bowsza is talking about; it's proper to define what's required of a board or department as backup information. Selectman Szymanski suggested by leaving this language in it goes through the Finance Director and the department will know what the expectation will be for the narrative; it will be uniform. Selectman Szymanski cited in another town they have commentary on every increase and decrease during the budget process; he didn't feel that was a big deal to the Finance Director of the departments; it's giving them a different path.

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First Selectman Maynard cited the time; he suggested the Board go on to discuss other Agenda items, and consider an additional meeting to further discuss the Charter Revision Commission draft report. Selectman Bowsza cited his significant work schedule until after June 10th. Discussion followed regarding the time period for the Board of Selectmen's response to the Charter Revision Commission, the timing of the Board of Selectmen's Public Hearing which provides comments pertinent to the Board of Selectmen's recommendations, and the impact of the schedule on the Charter Revision Commission's ability to get the questions on the November ballot. Attorney DeCrescenzo advised the Board of Selectmen he is their resource as well as the Charter Revision Commission's; he's completely neutral regarding Charter revisions.

After significant discussion the Board of Selectmen tentatively set the following additional meetings related to the review of the Charter Revision Commission Draft Report:

- ❖ **June 6, 2019, Thursday, 4:30 p.m. (preceding the Regular BOS Meeting) – includes the Charter Revision Commission.**
- ❖ **June 12, 2019, Wednesday, at 7:00 p.m., - Public Hearing on Charter Revision Commission Draft Report.**

No motions were made, decisions were by consensus.

Sections of the Charter Revision Commission Draft Report NOT discussed at this meeting:

Proposed Charter Revisions to Enhance Town Department Coordination:

4. Add New Section – Section 6-6(I): Police Department
5. Add New Section – Section 7-7: Police Commission
6. Revise Section 8-3: Finance General Provision:

DISCUSS AND SCHEDULE REFERENDUM ON CASINO IMPACT FUND:

First Selectman Maynard queried the Board regarding this preference for approval of Casino Impact Fund ordinances. He suggested the Board could send the current first ordinance to referendum now, or could hold off to complete the second ordinance and send both to referendum in September. The consensus of the Board was to hold off to complete both ordinances and send both to referendum in September.

PUBLIC PARTICIPATION:

Rich Leborious, 16 Church Street: Mr. Leborious indicated when the Board of Selectmen holds their Public Hearing it must be held on the Draft Report submitted to the Board, not a work in progress. Mr. Leborious cited the C.G.S. regarding his comment; subsequent to the Public Hearing the Board can massage the Draft Report. Mr. Leborious felt the current meeting should

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have been held prior to submission of the Draft Report. Mr. Leborious felt that by delaying the Public Hearing until June 12th the Board isn't leaving much time, and there might be good comments made at the Public Hearing that the Board may want to incorporate in their recommendations. Mr. Leborious considered the timeframe specified within the C.G.S.

Attorney DeCrescenzo concurred that the Public Hearing must be held on the Draft Report received by the Board of Selectmen on May 15th. Attorney DeCrescenzo noted the Board can hold as many Public Hearings as you want on as many topics as you want but the first Public Hearing must be on the Draft Report.

The Board then decided on the following additional meeting/Public Hearing:

- ❖ **5/30/2019, Thursday, 7:00 p.m., Town Hall Meeting Room - Public Hearing on Charter Revision Commission Draft Report – includes the Charter Revision Commission**

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

No Executive Session this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 10:05 p.m.

Bowsza 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

NOTE: Charter Revision Commission Draft Report, and the revised Charter, are not included as attachments. They documents are included in one scanned document under the Town Clerk's Department Page on the Town website.