

# **TOWN OF EAST WINDSOR CHARTER REVISION COMMISSION**

**Regular Meeting  
Monday, February 11, 2019  
Scout Hall, 28 Abbe Road, East Windsor, CT.**

## **Commission Members**

**Co-Chairman:** John Matthews, Keith Yagaloff

**Members:** Don Arcari, Cher Balch, Betsy Burns, William Loos, John Mazza,  
Rachel Safford, Charlie Szymanski, Bonnie Yosky

## **MEETING MINUTES**

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

### **1. TIME AND PLACE OF MEETING:**

Co-Chairman Matthews called the Meeting to Order at 7:04 p.m. in Meeting Room 2, Scout Hall, 28 Abbe Road, East Windsor, CT.

### **2. ATTENDANCE:**

**Present:** John Matthews, Co-Chairman; Keith Yagaloff, Co-Chairman; Don Arcari (arrived at 7:10), Cher Balch, William Loos, John Mazza, Rachel Safford, Charlie Szymanski.

**Absent:** Betsy Burns, and Bonnie Yosky

**GUESTS:** Robert DeCrescenzo, Town Attorney.

**Press:** No one from the Press was present

### **3. AGENDA APPROVAL/ADDED AGENDA ITEMS:**

**MOTION:** To APPROVE the Agenda as posted.

**Balch moved/Loos seconded/DISCUSSION:** None.

**VOTE:** In Favor: Unanimous (Matthews/Yagaloff/Balch/Loos/Mazza/  
Safford/Szymanski)

### **4. APPROVAL OF MEETING MINUTES/A. January 28, 2019:**

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**MOTION: To ACCEPT the Minutes of the Charter Revision Commission dated January 28, 2019 as presented.**

**Szymanski moved/Yagaloff seconded/**

**VOTE: In Favor: Unanimous (Matthews/Yagaloff/Balch/Loos/Mazza/Safford/Szymanski/)**

5. **PUBLIC PARTICIPATION:** *The public is encouraged to provide their thoughts as succinctly as possible. CRC members will not comment on the merits of an idea at this meeting, but may ask questions to clarify the proposal. A time limit may be imposed.*

No one from the public was present.

6. **HOUSEKEEPING:**

Co-Chairman Yagaloff advised the Commission he would like to resign his position as Co-Chairman but retain his membership on the Charter Revision Commission. Officer identification will be revised on letterhead for next meeting.

Chairman Matthews suggested the Commission should also appoint a Commission Secretary.

Chairman Matthews nominated Don Arcari for Commission Secretary; Mr. Loos seconded the nomination.

Chairman Matthews queried the members for additional nominations; none were made. The nominations were then closed.

**MOTION: To APPROVE Don Arcari to serve as Secretary of the Charter Revision Commission, with assistance by staff.**

**Matthews moved/Loos seconded/DISCUSSION:** Nothing additional

**VOTE: In Favor: Unanimous (Matthews/Balch/Loos/Mazza/Safford/Szymanski/Yagaloff).**

7. **CORRESPONDENCE AND LOCAL NEWS:**

**Local News:**

**1/School budget proposal calls for 4.78 hike”:**

Chairman Matthews referenced a recent news article regarding the Somers school budget. He suggested this is an example of one of the responsibilities of the Town Administrator position – to perform comparative analysis of surrounding towns. Chairman Matthews

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wants language in the Charter to require the comparative analysis, to include the 7 towns contiguous to East Windsor; Mr. Yagaloff felt that responsibility would become part of the job description for the Town Administrator, rather than listing specific towns in the Charter. Ms. Safford suggested the comparison wouldn't be valid as Somers is in a different school district than East Windsor. Mr. Yagaloff also felt that requirement will complicate the question for the voters.

**2/“EW Selectmen to pay for Charter Panel secretary”:**

Chairman Matthews noted that the Board of Selectmen officially voted to support the Charter Revision Commission regarding the interpretation of Section 7-1.G (General Powers and Procedures, Records Requirement for Appointive Boards and Commissions – Compensation Prohibited) – reimbursement of expenses for a recording secretary for the remainder of the Commission's term. Approval of the funding mechanism may then go to the Board of Finance. Chairman Matthews cited the Board of Finance may object; he suggested Section 8.3.B (General Provisions – No Liability or Expense to be incurred in Excess of Appropriations) enables action under Section 7-1.G above, without Board of Finance approval.

Attorney DeCrescenzo indicated he would like to discuss the process for funding this request with the Town Treasurer. He cited the Board of Selectmen has determined that the recording secretary was a necessary expense; they've adopted that expense as their expense. Attorney DeCrescenzo felt funding a recording secretary is not an unreasonable or excessive expense.

Mr. Szymanski cited that over the fiscal year some departments have excess funding for recording secretaries while other departments run short – one board may not meet as frequently as anticipated while another required additional meetings. At the end of the fiscal year why can't money be transferred from one department to another? Attorney DeCrescenzo suggested many municipalities allow the CEO to make inter-department transfers within the last 3 or 6 months of a fiscal year.

Mr. Yagaloff requested Attorney DeCrescenzo to create draft of that language.

**8. OLD BUSINESS/A. Discuss previous minutes open items:**

No discussion this evening.

**9. NEW BUSINESS/A. Review Attorney's initial draft of proposed Charter changes:**

**Section 10-5(c): Reducing the signature requirements for petitions from 200 to 100 and increasing the number of days to obtain the signatures:**

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Mr. Loos suggested requiring no more than 4 referendums per year for the following reasons: Town Budget; Elections; Added Appropriations exceeding \$20,000.

Chairman Matthews suggested the Commission had considered extending the time period to acquire the necessary signatures. Today the time period can be as little as 7 but is actually closer to 14 days when taking into consideration the posting of the legal notice. Chairman Matthews indicated his suggestion would be 21 days. Ms. Safford didn't like increasing the number of days if lowering the number of signatures. Mr. Yagaloff suggested the time period for setting the referendum would actually be closer to a month when taking into consideration the Board of Selectmen's meeting schedule. If the need for a special appropriation involved a time sensitive item the Board of Selectmen would have to call a Special meeting to comply with the timeframe. Mr. Yagaloff also felt there should be an exception for emergencies. Attorney DeCrescenzo indicated the proposed language comes directly from the Statutes; the number of signatures has been reduced. The Commission requested redrafting this language, with the inclusion of the specific section of the Connecticut General Statutes. At this point the Commission is fine with the 14 day time period. Mr. Yagaloff also noted the Commission had also intended for the time period hours for voting at referendum would give residents the maximum time to vote; the Commission requested Attorney DeCrescenzo revise the time period to be 6:00 a.m. to 8:00 p.m.

**Section 10-9: Power of Override:**

Attorney DeCrescenzo reported this is a completely new section intended to rescind actions of any of the following: the Town Meeting, Board of Finance or Board of Selectmen. The Commission discussed examples of situations which could fall under this section, such as a small amount of people voting at Town Meeting for significant expenditures. Attorney DeCrescenzo cited this section is intended to overrule egregious actions. Discussion followed regarding the language for the November ballot. Example: "Shall the action of the Board of Selectmen of "x" date authorizing "x" be over ruled – yes/no. "Shall the Town Charter be amended to allow for "x"?"

Discussion followed regarding the Commission's calendar for presenting the proposed changes. Chairman Matthews suggested the Commission must have a public hearing in early April to present most of the proposed changes for the November ballot. The Commission then gives a report to the Board of Selectmen, who will hold their own public hearing. The Board of Selectmen has 30 days to respond back to the Charter Revision Commission. Questions to appear on the November ballot should be confirmed by June; the Commission must refer the questions to the Secretary of State's Office by August. The Commission discussed the need for expediency, and to keep the process on schedule. Chairman Matthews reported he's already discussed the process for the ballots to handle the Charter questions with the Registrar of Voters.

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The Commission has 3 more meetings to decide ballot questions before referral to the public for the Commission's public hearing. The Commission requested Attorney DeCrescenzo prepare a draft for the public hearing notice.

The Commission requested Attorney DeCrescenzo put a hold on work on the over-rule section for the time being.

**Section 8-7: Drafting Charter language to clarify and set standards for Town purchases:**

Attorney DeCrescenzo noted this is also a new section. Mr. Szymanski suggested it's not only the amount of the sealed bid but also the process. He felt all sealed bids should be sent out, and returned to, the First Selectmen's Office; sealed bids should be opened in the First Selectmen's Office or the Town Hall Meeting Room. Discussion followed regarding emergency purchases, such as repair of disabled fire truck. Attorney DeCrescenzo suggested the Board of Selectmen should set a purchasing policy which includes minimum standards.

Mr. Szymanski requested the process described for sending out, return, and opening sealed bids be included in this section by Attorney DeCrescenzo.

**Section 8-9: Authorization of operation and audits of Town expenditures:**

Mr. Szymanski suggested he would like to see the Board of Selectmen have the ability to require operational audits of Town departments. The intent would be for an outside source to review the functionality of department processes and make recommendations, if necessary. Add: "In addition, the Board of Selectmen is authorized to perform operational audits." Chairman Matthews suggested changing "may" to "shall" in line 4 of the draft language. Mr. Szymanski suggested the Charter should be specific regarding which departments would be subject to operational audits, and set a rotating schedule for performing the audits. Add: "The Board of Finance and the Board of Selectmen shall establish an operational audit policy."

**Section 6-6(H): Chief Administrative Officer:**

Attorney DeCrescenzo noted this is a new position being proposed by the Commission. It is not a union position. The position would be like a Chief of Staff, his or her work would be confidential when related to collective bargaining issues. Mr. Yagaloff noted the Commission has yet to define the responsibilities of this position. The Commission has agreed this would be an assistant position; the duties and job description would be defined by the Board of Selectmen. Mr. Szymanski noted the Commission is creating another six figure position which would be reporting to the First Selectman; playing devil's advocate - why would the First Selectman be needed? Discussion followed regarding examples of other towns utilizing similar administrative positions. Attorney

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DeCrescenzo suggested the First Selectman handles day to day administration and interfaces with the public, while the Town Administrator looks at the broader picture and town plan and creates continuity. Mr. Yagaloff suggested changing the language to “the Chief Administrative Officer will be directed by the First Selectman...” He noted the Commission originally talked about this person working with the Board of Finance on a 5 year plan; Attorney DeCrescenzo agreed that would be what this position typically does – they look ahead and back for 5 year periods. Chairman Matthews cited the Commission is looking for continuity when changing boards; he suggested the Chief Administrative Officer should have the ability to advise other boards regarding appropriate municipal processes. Attorney DeCrescenzo suggested setting a definite term which coincides with the First Selectmen’s term. The Commission requested Attorney DeCrescenzo to focus on item #4 in the Board of Selectmen’s charge to the Charter Revision Commission when redrafting language.

**Section 7-2(n): Shared Services Commission:**

Attorney DeCrescenzo cited this is totally new language. Mr. Yagaloff cited this concept is becoming controversial because of the phraseology. The Commission’s intent was to look across departments for cost savings but it’s become a concern for eliminating positions. MS. Safford agreed; she suggested this sounds like sharing people which can be concerning. She questioned if the Board of Selectmen could establish a committee at any time to encourage cost savings of supplies and equipment. Attorney DeCrescenzo agreed, noting regionalism has become synonymous with shared services. He suggested the Board of Selectmen could also create this commission by ordinance or resolution. Mr. Loos suggested this could be a responsibility of the Chief Administrator Officer. Attorney DeCrescenzo suggested the Commission could include consideration of this commission in your report to the Board of Selectmen, noting that after consideration the Charter Revision Commission feels this concept could be better served by an ordinance or resolution created by the Board of Selectmen.

**Section 6-5(B): Town Attorney:**

Attorney DeCrescenzo suggested this language deletes the current language of Section 6-5(B) and replaces it with this revision. Discussion followed regarding what entity has the ability to hire attorneys to represent the Town. It was noted that some boards and commissions hire their own attorney, such as the WPCA. Does the hiring of environmental experts fall under this concept as well? Mr. Szymanski felt no board of commission should be able to hire an attorney without going through the First Selectmen’s Office. Mr. Yagaloff cited the need for some departments to have legal representation. He suggested if the Planning and Zoning Commission needs counsel the Town has to provide that for them. Discussion continued regarding past practices, and their impact on the Town’s functions.

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Chairman Matthews suggested the 30 day period to hire a Town Attorney referenced in the proposed language, he felt the 30 days wasn't enough time to create an RFP and then interview respondents. Chairman Matthews suggested creating a 2 step process to allow the existing Town Attorney to serve until they're rehired or replaced. Attorney DeCrescenzo suggested that usually it's established at the first meeting of a new board that a Town Attorney will serve until reappointment or replacement. Chairman Matthews suggested Attorney DeCrescenzo look to charge #5 from the Board of Selectmen to the Commission for guidance.

**NEW BUSINESS/B. Identify additional tasks for CRC attorney effort:**

The Commission requested Attorney DeCrescenzo draft a section regarding the requirement for departments to submit a budget "narrative" supporting a budget request increase or decrease. Failure to do so shall result in the department budget not moving on to the Board of Finance.

The Commission also requested the return of the specific C.G.S. numbers to the Charter.

**NEW BUSINESS/C. Brainstorm for additional changes, Round Three continued:**

See discussions above.

**NEW BUSINESS/D. Discuss changes from Item C. as time permits:**

No additional discussion this evening.

**10. 2<sup>ND</sup> PUBLIC PARTICIPATION:**

No one from the public was present.

**11. SUGGESTIONS FOR NEXT MEETING AGENDA:**

Continue to work on current brainstorming list.

**12. ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 9:10 p.m.**

**Safford moved/Arcari seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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Peg Hoffman, Recording Secretary for the 2018 Charter Revision Commission