

TOWN OF GROTON
 CHARTER REVISION COMMISSION
 SPECIAL MEETING MINUTES
 October 30, 2017
 TOWN HALL ANNEX – COMMUNITY ROOM 2

Chair Pro Tem Aument called the meeting to order at 6:31 p.m.

I. ROLL CALL:

Members Present: Chair Hauber, Chair Pro Tem Scott Aument, Commissioners Kathy Chase, Jane Dauphinais, Robert Frink, Patrice Granatosky, Rosanne Kotowski, Daniel Mello, and Jennifer White.

Absent: Commissioners Brandon Marley and Darcy Peruzzotti.

Also present were Town Clerk Betsy Moukawsher, Town Attorney Eileen Duggan and Attorney Mike Carey.

II. APPROVAL OF MINUTES:

Chair Hauber made a motion, seconded by Commissioner Chase, to approve the minutes of the October 17, 2017 Special Meeting.

Vote: Passes

In favor 8: (Hauber, Aument, Chase, Frink, Granatosky, Kotowski, Mello, White)

Opposed 0

Abstained 1: (Dauphinais)

III. COMMUNICATIONS:

- a. Chair: None.
- b. Secretary: None.
- c. Members: None.

IV. NEW BUSINESS:

- a. Town Attorney Recommendations

Attorney Carey referenced proposed Section 9.10.2. He noted that his concern is the elimination of the requirement that the budget be published before the Public Hearing. He suggested including the requirement for the publication of the budget.

In response to Commissioner Frink, Town Clerk Moukawsher stated that the budget summary that is published today is approximately half a page.

Commissioner Frink reviewed *Chapter IX Proposed Resolution of Attorney Comments*; The Commission workshopped the following language for Chapter Nine:

9.2 The Budget

9.2.1 The budget shall provide a complete financial plan of all town funds to be appropriated for the ensuing fiscal year and, except as required by C.G.S. or this Charter, shall be in such form as the Council may require. The budget shall begin with a general summary of its contents, shall specify how the budget corresponds to the Council's established goals; shall show in detail all estimated

revenue, including the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged to show comparative figures for actual revenue and expenditures of the preceding fiscal year, estimated revenue and expenditures of the current fiscal year, estimates of revenue and requested budget for the next fiscal year and projections for the following fiscal year. [M78]

9.2.2 As part of the Budget or as a separate report attached thereto, there shall be a program, previously considered and acted upon by the Town Planning Commission in accordance with the C.G.S., listing municipal improvements and proposed Capital Projects for the ensuing fiscal year and for the five (5) fiscal years thereafter.[M78]

9.3 Budget Development Schedule

9.3.1 There will be an annual schedule for the development of the budget. The schedule will include dates and locations where the public can participate. [M5]

9.3.1.1 The BOF and the Town Manager will collaborate on developing the schedule. Not later than October 30th the BOF will communicate the schedule to the public, the BOE and Subdivisions. The method of communication shall include the Town website, mention at BOF meetings and other means the BOF deems appropriate. [M5]

9.4 Town Council Budget Guidance

9.4.1 The Council shall provide annual budget guidance to the Town Manager, the BOE and the BOF in writing not later than January 15. [M6]

~~9.4.2 Based on their knowledge of the electorate, the Council shall, by the 3rd week in January, provide quantitative guidance to the Manger and to the BOE on the budget. [M4]~~

9.4.3 The Town Council budget guidance will identify and prioritize the functions, programs, initiatives and capital projects that should be funded, or not funded, for the upcoming year and will include an overall budget change expressed as a percent, in dollars or other measure from the previous year's Budget.[M7][M8]

9.4.4 In preparing the annual budget guidance the Town Council will seek community input to identify goals and objectives to accomplish in the coming year. The Town Council shall determine the method for obtaining community input which may include public hearings, surveys, budget workshops and other means deemed appropriate by the Town Council.

Commissioner Frink noted that the change in the language reflects seeking community input; the method will be determined by the Town Council.

9.4.5 The Town Council shall notify the BOE and Subdivisions of the annual budget planning sessions related to their particular accounts. Authorized representatives of BOE and Subdivisions may participate in the same.

Commissioner Granatosky stated that as a matter of process, it would be beneficial to the Town if they were participating during the process as opposed to waiting to the end.

The Commissioners discussed including the phrase, “shall be invited by the Town Council.”

Commissioner Mello noted that if it is a bifurcated budget, then they will have interest in attending the meetings, otherwise they will not have input.

In response to Commissioner Chase, Attorney Duggan stated that the purpose in the change to the language is to try and make it clear that you want them participating.

Commissioner White questioned what the problem is with requiring representatives from the BOE and Subdivisions to participate in the budget planning sessions; they should participate.

Attorney Carey noted that the concern is if somebody does not attend, then they run the risk of not receiving as much funding as they hoped.

Commissioner Mello noted that the funding process is changing; there is a bifurcated budget and a referendum. He stated that they need to participate in the process to defend their needs.

Commissioner Dauphinais questioned if “shall” is used, does it mean they need to attend all budget sessions. She stated that there is no enforcement mechanism; it is unnecessarily heavy handed. She stated that a softer touch is better and more flexible.

Attorney Duggan clarified that the concern is if “shall” is used, then there is a risk that they will not attend the planning sessions, they may not receive as much funding requested, and it may lead to a legal challenge at some point. She stated that representatives authorized by the BOE and Subdivisions should be included in the language as well.

Commissioner Granatosky stated that she is concerned there may be a Town Council that will not ask the City or Board of Education to attend the meeting.

In response to Chair Hauber, Commissioner Dauphinais stated that they attended and participated when invited. She noted that she understands Commissioner Granatosky’s concern: the Town Council may hold budget planning sessions and may not inform some of the groups.

9.4.6 No later than November 20th the BOF will provide to the Town Council data on the current fiscal status of the Town and a forecast of pertinent financial indicators pertinent to both the long and short term operation of the Town as well as their opinions on each. The provision of data and opinions shall be in written form. [M15]

In response to Attorney Carey, Commissioner Frink clarified that the Board of Finance will give input before the Town Council starts its process; the Council will use that information and guidance.

9.5 Departmental estimates.

9.5.1: Based on the Council guidance, per Sec. 9.4.1- 9.4.4, and on a date to be set by the Town Manager but not later than January 15 of each year, each department, office, board, commission, committee and agency of the town, excepting the Chair of the BOE, shall submit to the Town Manager a detailed estimate of the expenditures, to be incurred by each department, departmental function or

agency and the revenue, other than tax revenue, to be earned thereby in the ensuing fiscal year and such other information as may be required by the Council or the Town Manager. [M16]

9.6 The Board of Education Budget

9.6.1 Not later than February 15 the Chair of the BOE shall submit a similar report as Section 9.5.1 to the Town Manager. The BOE shall provide additional information as requested by the BOF. [M17]

Town Clerk Moukawsher noted that other revenue, aside from tax revenue, is missing from this Section. She confirmed that the BOE does not include grants in budget estimates, but they are disclosed.

The Commissioners discussed redundant language; they noted the language is already in Section 9.5.1.

The Commissioners discussed the elimination of the term amplification.

9.7.1 Not later than February 15 the governing body of any Subdivision within the Town requesting town appropriations shall submit a similar report as Section 9.5.1 to the Town Manager. The Subdivision shall provide additional information as requested by the BOF. [M18]

9.8.1 Not later than February 28 the Town Manager shall present to the BOF and the Council a proposed budget, in the general form and content described in Section 9.2, including recommendations of the amounts to be appropriated for the several departments, departmental functions, offices or agencies of the Town for the ensuing fiscal year, and projections for the following fiscal year for all items, as well as the requests of the BOE and the Subdivisions. [M19]

Commissioner Frink noted the change in the date.

9.8.2 The Town Manager's proposed budget shall incorporate the guidance described in Section 9.4 except if deviations from the guidance are warranted, the Town Manager shall provide explanation for those cases. [M20] The Town Manager shall indicate progress toward established Council goals, including any deviations from the Council's stated budget goals, during the current year. [M4]

9.8.3 The Town Manager shall not alter the budget estimates of the BOE, or the Subdivisions. The Town Manager may provide comments on the budget estimates of the BOE, and any Subdivision. [M84]

9.8.4: No changes were made.

9.8.5 The Town Manager shall recommend, and include in his/her proposed budget, those capital projects in accordance with Section 9.2.2 to be undertaken during the ensuing fiscal year and the methods of financing the same in accordance with Section 9.2.2. All proposed capital projects, regardless of the proposed method or source of funding, shall be identified in the budget. [M21]

9.8.6 The Town Manager shall provide to the Council and the BOF on a quarterly basis, reports regarding expenditures, revenue, and general fund balance. The reports shall be in writing, shall be published on the Town website and shall be available in the Manager's office during regular office hours. [M4]

Commissioner Frink reviewed the proposed changes for Section 9.9.1

Sec. 9.9 Duties of the Board of Finance on the proposed budget.

9.9.1 The BOF shall hold one or more public hearings no later than ten (10) days after budget submittals by the Town Manager, the BOE, and the subdivisions, at which the public may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Notice of the public hearing(s) under article 9, shall be in accordance with Section 11.7 and shall include a summary of said proposed budget estimates and also showing the amount proposed to be raised by taxation. At least five (5) days prior to the aforementioned public hearing, the BOF shall cause copies of said budget estimates to be made available for general distribution in the office of the Town Clerk and shall cause a copy of said estimates to be made available for download via the internet. [M85]

The Commissioners discussed allowing the public or electors to speak at public hearings.

Attorney Carey noted that there could be language that references the requirements for a public hearing in Article Nine of the Charter; the requirements defined in this Section could be referenced throughout the Charter.

Commissioner Mello questioned if anyone can attend and speak at the hearing (public versus elector).

Attorney Carey noted that in certain places in the Charter, there is a reference to the public hearing on the budget and the word “elector” is used, and in other places in the Charter for public hearings, the word “public” is used.

In response to Commissioner Mello, Commissioner Dauphinais noted that non-resident taxpayers could speak at public hearings; this does not address voting.

Attorney Duggan suggested having the Town Attorneys workshop the language on Public Hearings and then submit it to the Commission for review.

9.9.2 The Town Manager, or designee, shall be present at hearing. Representatives authorized by the BOE and subdivisions may participate in the hearing. [M22]

9.9.3 Following the aforementioned public hearing(s) the BOF shall prepare its recommendations for the budget and submit them to the Council for consideration not later than March 31. The submittal shall include its overall opinion on the budget and its consistency with Town fiscal policies, also a statement accepting or rejecting any Manager deviations from Council guidance. The budget submitted by the BOF to the Council shall be in the form required by Sections 9.2.1 and 9.2.2 [M23]

Sec. 9.10 Duties of the Council on the proposed budget.

9.10.1 On receipt of the budget recommendations by the BOF, the Council shall prepare its proposed budget. The Council’s proposed budget need not be limited in total or in part, by the recommendations of the Town Manager, the BOF, nor any subdivision within the Town. [M24]

Commissioner Granatosky noted that this makes it sound like there is a Board of Finance budget.

Commissioner Dauphinais stated that she did not think there was a Board of Finance budget; the Board of Finance makes recommendations on the budget.

Attorney Carey clarified that the Town Council is not bound by recommendations on the budget.

9.10.2 The Council shall hold a public hearing at which the public may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. At least five (5) days prior to the aforementioned public hearing, the Council shall cause sufficient copies of said budget estimates, indicating by description and dollar amounts all variations and departures from the recommendations of the BOF, be made available for general distribution in the office of the Town Clerk and shall cause sufficient copy of said estimates to be made available for download via the internet. [M25]

9.10.3 After the Council has considered the recommendations of the public hearing, the Council shall adopt a recommended budget in the form required by Section 9.2 for the ensuing fiscal year. Such budget shall be adopted no later than April 30. [M26]

Sec. 9.11 Failure to Adopt a Recommended Budget

9.11.1 Should the BOF fail to submit budget recommendations to the Council by March 31, the Council shall proceed with the Managers proposed budget to establish a recommended budget.

Section 9.11.2: No changes were made.

Section 9.11.3: No changes were made.

Section 9.12.1: No changes were made.

9.12.2 No later than 10 days prior to the Annual Budget Referendum the Town Clerk shall publish the date of the referendum in a newspaper having circulation in the Town and shall post copies of such notice in public place or places as prescribed by the Council. [M28]

9.12.3 At least ten (10) days prior to the annual budget referendum, the Council shall cause a budget summary to be made available in the office of the Town Clerk; shall cause a copy of said budget to be made available for download via the internet; and shall cause to be published in a newspaper having circulation in the Town, a summary of said proposed budget and the amount proposed to be raised by taxation. [M29]

9.12.4: No changes were made.

9.12.5 If a majority of the votes cast in the referendum for each question are "Yes", the adopted budgets, Town and BOE, shall be deemed to be adopted and together shall constitute the approved Budget for the ensuing fiscal year. [M31]

9.12.6 Should either budget fail to be approved by a majority of those voting thereon, the Council shall, within seven days after a failed referendum, recommend a revised budget for each rejected budget, which may be less or greater than the failed budget, as the Council shall deem appropriate based on the results of the referendum. [M61]

In response to Commissioner Mello, Commissioner Frink noted that there is no end to the referendums: the Town Council should listen to the feedback of the voters and adjust the budget(s) accordingly.

In response to Commissioner Mello, Attorney Carey clarified if either budget fails at referendum, the outcome of the advisory questions is not binding.

9.12.6.1 When adjusting appropriations in the Town or BOE budgets the Council may consult with anyone about either or both budgets. When adjusting appropriations in the BOE budget the Council shall confer with the BOE. In either case the Council shall request financial recommendations from the BOF. [M61]

9.12.6.2 When adjusting appropriations, the Council shall not alter estimates of revenue except for omissions, clerical errors, or revisions of revenue to be received from the State of Connecticut. [M61]

9.12.6.3 The Council shall automatically submit the revised budget(s) to referendum to be held 14 days following the date the initial budget referendum was defeated. [M61]

9.12.6.4: No changes were made.

Commissioner Frink noted that there would not be a need for public hearings between referendums; Section 9.12.6.5 was deleted.

9.12.6.6 Additional referenda, as required, will be held every other week on Tuesday thereafter until a Budget is approved. Notice for subsequent referenda shall be advertised in a daily newspaper having a general circulation within the Town at least five (5) days prior to each such referendum. The notice shall contain a financial summary of proposed changes made from the most recently rejected budget. [M61]

In response to Commission White, Commissioner Frink noted that reductions in the budget in summary form would need to be published.

Commissioner White noted that she would like to see changes in the budget in dollar amount and percentage change.

The Commission discussed Section 9.12.6.7: **In case a budget is not approved by June 30, the previous year's budget shall be adopted until a new budget is approved [M61].**

Attorney Carey noted that the mill rate needs to be set so the tax bills can be sent out on July first.

Commissioner Kotowski noted that there are Towns that do not send their tax bills out on July first; they would be sent when both budgets pass.

Commissioner Granatosky stated that her understanding was that if one budget passed and the other did not, the tax bills would be based off the passed portion of the budget in conjunction with the prior year's budget for the portion that did not pass.

Commissioner Frink noted that there will be continued referendum until the budget(s) that fail pass. The tax bills would be based off of the previous year's budget until the referendum(s) pass.

Commissioner Chase stated that this year there were Towns that did not send their Tax bills on July first; the Towns had to adjust to the change.

Commissioner Dauphinais noted that according to Cindy Landry, insurance bills are due at the beginning of the fiscal year. She noted that tax bills would go out based upon the previous year's budget for the portion has not passed, and it may require adjusting tax bills in December.

Commissioner Chase stated that the Town could revert to the previous year's budget until the budget is approved at referendum; tax bills could go out when the budgets are approved.

Commissioner Dauphinais noted that there would be no cash flow.

Attorney Carey noted that the language needs to be clear.

Commissioner Mello stated that he thought the Town Council's budget would be used until the bifurcated budget passes at referendum.

Commissioner Dauphinais noted that she would rather use the Town Council's budget instead of the previous year's budget; it reflects budget deliberations and input for the current year.

Commissioner White noted that tax bills can be sent out when the budgets are approved. She stated that there could be an initial adjustment of funds at the beginning of the fiscal year that would be used until the budgets are approved.

Commissioner Frink suggested tabling this item until the next time; research on other Towns is needed.

The Commission tabled Section 9.12.6.7.

No changes were made to Section 9.13. Fixing the Tax Rate because Section 9.12.6.7 was tabled.

Sec. 9.14 Effect of Adoption of the Budget

The Budget adopted in accordance with the provisions of Section 9.12, shall be deemed to constitute the appropriation for each item listed separately on the Budget of each department, office, board, commission, committee, subdivision and agency and be the sum appropriated in the Budget to be expended by each such body, respectively, for such item. Following the adoption of a new Budget in accordance with the provisions of Section 9.12 the Council shall cause to be prepared and published the Town Budget. [M64]

The Commission discussed Sections 9.15.1, 9.15.1.1, 9.15.1.2. The Attorneys discussed the possibility of not needing this language.

Attorneys Carey and Duggan noted that it may be possible to put something in the Charter regarding a budget timeline that allows sufficient time to put a sound budget in place with information on the State budget.

Commissioner Dauphinais noted that in the above scenario in a Town with no referendum, the month of June could be used for the legislative body to adjust the budget based upon information from the State; a referendum deprives the Town of this option.

Commissioner Granatosky noted that the timeline takes us right to the end of the fiscal year.

The Commissioners scheduled a Special Meeting for November 02, 2017.

V. ADJOURMENT

A motion to adjourn was made by Commissioner Chase, seconded by Commissioner Dauphinais. Chair Pro Tem Aument adjourned the meeting at 9:31 p.m.

Attest:

Scott Aument, Secretary