

TOWN OF GROTON  
CHARTER REVISION COMMISSION  
MEETING MINUTES  
July 24, 2017  
TOWN HALL ANNEX – COMMUNITY ROOM 2

Chair Hauber called the meeting to order at 6:31 p.m.

- I. ROLL CALL:  
Members Present: Chair Hauber, Commissioners Kathy Chase, Jane Dauphinais, Robert Frink, Patrice Granatosky, Rosanne Kotowski, Daniel Mello, and Jennifer White.  
Members Absent: Commissioners Scott Aument, Brandon Marley, Darcy Peruzzotti.
  
- II. Approval of Minutes
  - a. A motion was made by Commissioner Granatosky, seconded by Commissioner Chase, to approve the minutes of the July 10, 2017 meeting.  
**Vote: PASSES**  
**In favor: 7 (Hauber, Chase, Frink Granatosky, Kotowski, Mello, White)**  
**Opposed: 0**  
**Abstained: 1 (Dauphinais)**
  
- III. CITIZENS' PETITIONS
  - 1: Peggy Adams, 30 Circle Avenue, Groton, commended the Commissioners on their commitment to the Town, attention to detail, perseverance, willingness to compromise, and civility. She stated that she is baffled by the decision to not allow non-resident taxpayers to vote in budget referendums because it was in the Charter previously. She noted that the legal opinion referenced various State Statues and questioned why there are towns that allow non-resident taxpayers to vote. She stated that she plans to continue to pursue the issue; not allowing non-resident taxpayers to vote in budget referendums is taxation without representation.
  
- IV. COMMUNICATIONS:
  - a. Chair: None
  - b. Secretary: None
  - c. Members:  
Commissioner Frink noted that he met with Finance Director Cindy Landry; he reviewed Chapter Nine briefly with her. He stated that the Director of Finance suggested starting everything two weeks earlier. He stated that the Finance Department can comment on the draft report.
  
- V. NEW BUSINESS:
  - a. Chapter Nine
  - b. Charter Revision Commission Recommendations and Suggestions
  - c. Charter Revision Commission Completion Schedule
  - d. Consolidation of Boards and Commissions

a. Chapter Nine:

Commissioner Granatosky made a motion, seconded by Commissioner Frink, to remove amended Section 9.19.6 from the table.

**Vote on the motion to remove from the table: PASSES Unanimously**

9.19.6 Supplemental Appropriations

~~Additional appropriations over and above the total Budget may be made from time to time by the Council, except as otherwise provided in this Charter, upon recommendation of the Town Manager and certification from the Director of Finance or his/her agent as approved by the Town Manager that there is available an unappropriated and unencumbered surplus in general fund to meet such appropriations.~~

9.19.6.1 A "Supplemental Appropriation" is any appropriation of funds made during a fiscal year that is additional to an adopted Town Budget, Board of Education Budget or capital project.

9.19.6.2 A request for a Supplemental Appropriation may be initiated by the Manager or by the Council. The request shall include an estimate of the funds required, the reasons therefore, a proposed method of financing, a recommendation of the Board of Finance and certification by the Director of Finance or his/her agent as approved by the Town Manager that there is available an unappropriated and unencumbered surplus in general fund to meet the request. If these conditions are met the Council may approve the Supplemental Appropriation by resolution.

9.19.6.3 If funding for the Supplemental Appropriation requires issuing notes or bonds of the Town the procedure outlined in Section 5.5.5.1 [revised – No RTM] shall be followed.

~~9.19.6.4 If funding for a Supplemental Appropriation requires the laying of a special tax on the Grand List last completed and will result in a tax of \$100.00 or more to be levied on the assessed value of the median home as determined by the tax assessor then the funding requirement shall be submitted to a referendum vote at any regular town, state, or special election or a referendum called for that purpose.~~

~~9.19.6.5 In either case of 9.19.6.3 or 9.19.6.4 the Council shall hold at least one Public Hearing and the Finance Director shall prepare a Financial Impact Statement prior to approval.~~

Commissioner Frink made a second amendment to the motion, seconded by Commissioner Kotowski, to include Sections 9.19.6.4 and 9.19.6.5.

Commissioner Frink noted that the result of the \$100 supplemental tax bill of the median-assessed home would be a 3.4 million dollar increase in appropriations from taxes.

In response to Commissioner Kotowski, Commissioner Frink stated that the median household price is \$190,000, and the one-hundred dollars is based off the median home price.

In response to Commissioner White, Commissioner Frink stated that if citizens are taxed again, then there should be a trigger at which they weigh-in on the budget. He noted that a supplemental appropriation could be for anything-not just a revenue shortfall.

Commissioner Kotowski stated that this is important to keep in the new Charter; it would give the voters the opportunity to make the choice to spend the money or not.

Commissioner White questioned why something would be forgotten if it takes approximately six months to create a budget. She stated that a new project could be added to the next year's budget for review instead of a supplemental appropriation.

In response to Commissioner Chase, Commissioner Dauphinais stated that she does not recall when there was the need for a supplemental appropriation.

Commissioner Granatosky stated that she does not recall a supplemental appropriation for millions of dollars; that speaks to the competency of the Town Manager and Finance Department.

Commissioner Frink stated that this is a necessary tool to respond to significant State revenue shortfalls after the budget is approved.

Commissioner Mello stated that we may not be in the same economic condition in ten years.

**Vote on the second amended motion: FAILS**

**In favor: 4 (Hauber, Chase, Frink, Kotowski)**

**Opposed: (Dauphinais, Granatosky, Mello, White)**

**Abstained: 0**

Commissioner Frink made a motion, seconded by Commissioner Kotowski, to approve proposed Sections 9.19.6.1, 9.19.6.2, 9.19.6.3:

~~“Additional appropriations over and above the total Budget may be made from time to time by the Council, except as otherwise provided in this Charter, upon recommendation of the Town Manager and certification from the Director of Finance or his/her agent as approved by the Town Manager that there is available an unappropriated and unencumbered surplus in general fund to meet such appropriations.~~

9.19.6.1 A "Supplemental Appropriation" is any appropriation of funds made during a fiscal year that is additional to an adopted Town Budget, Board of Education Budget or capital project.

9.19.6.2 A request for a Supplemental Appropriation may be initiated by the Manager or by the Council. The request shall include an estimate of the funds required, the reasons therefore, a proposed method of financing, a recommendation of the Board of Finance and certification by the Director of Finance or his/her agent as approved by the Town Manager that there is available an unappropriated and unencumbered surplus in general fund to meet the request. If these conditions are met the Council may approve the Supplemental Appropriation by resolution.

9.19.6.3 If funding for the Supplemental Appropriation requires issuing notes or bonds of the Town the procedure outlined in Section 5.5.5.1 shall be followed.”

**Vote on the motion: PASSES**

**In favor 7 (Hauber, Chase, Dauphinais, Frink, Kotowski, Mello, White)**

**Opposed: 1 (Granatosky)**

**Abstained: 0**

Commissioner Frink made a motion, seconded by Commission Granatosky, to remove Section 9.19.7 Contingency Account from the table.

**Vote on motion to remove Section 9.19.7 from table: PASSES**

**In favor: 7 (Hauber, Chase, Dauphinais, Frink, Kotowski, Mello, White)**

**Opposed: 1 (Granatosky)**

**Abstained: 0**

Commissioner Granatosky noted that she opposed the motion because she is opposed to a Board of Finance.

Section 9.19.7 Contingency Account:

“No expenditure may be charged to the contingency account, but the Council, after receiving a recommendation from the Board of Finance, may transfer funds in the contingency account to any other account. ~~Transfers of ten thousand dollars (\$10,000) or more shall become effective only after they have been adopted by the RTM by the vote of the majority of those present and entitled to vote at such meeting.~~”

Commissioner Frink reviewed the definition of recommendation per Proposed Recommendations for CRC Review & Approval

In response to Commissioner Granatosky, Commissioner Frink stated that this is not a directive; it is a recommendation.

Commissioner White questioned if the Board of Finance should have power beyond making recommendations.

Commissioner Frink stated that the Board of Finance can grow on its own over time; this is a new Board.

Commissioner Mello stated that the Board of Finance should have more power.

Commissioner Granatosky noted that the term “recommendation” will leave a lot of questions as to if a favorable recommendation is required.

**Vote on the motion: PASSES**

**In favor: 6 (Chase, Dauphinais, Frink, Kotowski, Mello, White)**

**Opposed: 2 (Hauber, Granatosky)**

**Abstained: 0**

Commissioner Frink made a motion, seconded by Commissioner Chase, to approve proposed Section 9.19.8: Penalties for Violations:

“Every payment made in violation of the provision of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof shall be jointly and severally liable to the Town for the full amount so paid or received. If any officer or employee of the Town or Board of Education shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of the Charter or take any part therein, such action shall be cause for his/her removal.”

**Vote on the motion: PASSES unanimously.**

Commissioner Frink made a motion, seconded by Commissioner Dauphinais, to approve proposed Section 9.20: Contributions:

“The annual Budget may include contributions to organizations or private corporations which perform a public function that benefits the Town and/or its residents. Such organizations or private corporations shall properly account for the proposed spending of funds provided by the Town.”

In response to Commissioner White, Commissioner Granatosky noted that the amount of money given out has been decreased dramatically. She stated the Town used to be much more generous funding community organizations.

Commissioner Dauphinais noted that revenues decreased.

**Vote on the motion: PASSES unanimously**

Commissioner Frink made a motion, seconded by Commissioner Kotowski, to approve proposed Section 9.21: Annual Audit:

~~“The Council shall require an annual audit of all accounts of record and all town funds appropriated, non-appropriated and held in trust in accordance with the CGS. (GRO)~~

The Council, with recommendation from the Board of Finance, shall annually designate an independent, certified public accountant or firm to audit the books and accounts of the Town as required by the General Statutes. Said annual audit shall be accepted by the Council with the recommendation of the Board of Finance.”

**Vote on the motion: PASSES**

**In favor: 7 (Hauber, Chase, Dauphinais, Frink, Kotowski, Mello, White)**

**Opposed: 1 (Granatosky)**

**Abstained: 0**

Commissioner Frink made a motion, seconded by Commissioner Dauphinais, to approve proposed Section 9.23 Borrowing:

“The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the Connecticut General Statutes subject to the limitations thereof and the provisions of this Section.

The issuance of bonds and notes shall be authorized by ordinance and if any such bond issue or issuance of notes, except notes in anticipation of taxes to be paid or other revenue to be received within the fiscal year in which issued, shall exceed when authorized the sum of seven hundred fifty thousand dollars (\$750,000) or which shall, when added to all other bond issues or issuance of notes previously authorized in the same fiscal year bring the total of such bond issues or issuance of notes authorized for that fiscal year to a sum in excess of seven hundred fifty thousand dollars (\$750,000), said bond issue or issuance of notes shall be approved by a referendum vote at any regular town, state or special election or at a referendum called for that purpose.”

The Commissioners confirmed that the motion from July 10, 2017 to change the amount to one-million dollars failed.

**Vote on the motion: Passes unanimously**

Commissioner Frink made a motion, seconded by Commissioner Kotowski, to approve proposed Section 9.24: Lapse of Appropriations

“Noncapital appropriations shall lapse at the end of the fiscal year for which they were made, and any balance shall be credited to the general fund. An appropriation for a capital outlay shall not lapse until the object for which the appropriation was made has been accomplished or no expenditure from or encumbrance of the appropriation has been made for three (3) consecutive fiscal years.”

In response to Commissioner Granatosky, Commissioner Frink stated that Capital projects are a five-year plan; the spending part of it is three years.

Commissioner Granatosky stated that she thought that the time allotted before the funds lapse is five years.

Commissioner Kotowski stated that the time allotted before the funds lapse should be three years. She stated that if Town Council, the Board of Finance, and the voters approve it, and if in three years the project has not started, then either we don’t need it or there is something else happening as to why it has not been started.

In response to Commissioner White, Commissioner Dauphinais stated that if money has been appropriated as a part of the budget, and if it is not spent, then it goes to the surplus general fund. In response to Commissioner Kotowski, she stated that there are many reasons a project could be held up for three years: permitting issues, funding partner issues. She stated that it is common for three years to go by with no fault of the Town; the money should not go away.

Commissioner Granatosky stated that the current time frame is five years. She cited the Thames Street rehabilitation project as an example.

Commissioner Dauphinais questioned if this needs to be included in the Charter.

Commissioner Granatosky noted that this is the Debt Policy and Management Fiscal Practices of the Town.

In response to Commissioner White, Commissioner Granatosky referenced the Capital Improvement Plan as an example of what information is available about Capital Improvement projects.

Commissioner Frink amended the motion, seconded by Commissioner Kotowski, to the following language: “Noncapital appropriations shall lapse at the end of the fiscal year for which they were made, and any balance shall be credited to the general fund. An appropriation for a capital outlay shall not lapse until the object for which the appropriation was made has been accomplished or no expenditure from or encumbrance of the appropriation has been made for ~~three (3)~~ five (5) consecutive fiscal years.”

Commissioner Granatosky made a second amendment, seconded by Commissioner Mello, to strike this Section and not include it in the Charter.

**Vote on the second amended motion: PASSES**

**In favor: 6 (Hauber, Chase, Dauphinais, Granatosky, Mello, White)**

**Opposed: 2 (Frink, Kotowski)**

**Abstained: 0**

b. Charter Revision Commission Recommendations and Suggestions

Commissioner Frink referenced List #3 of Proposed Recommendations for CRC Review & Approval

Commissioner Frink made a motion, seconded by Commissioner Mello, to approve the following Proposed Sections:

“9.1 The fiscal year

The fiscal year shall begin on the first day of July and shall end on the thirtieth day of June.

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 Connecticut General Statutes 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.

9.2.2 As part of the proposed 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 Connecticut General Statutes, listing municipal improvements and proposed capital projects for the ensuing fiscal year and for the five (5) fiscal years thereafter.”

Commissioner Frink noted that when the Commission discussed these Sections, the Commission was not voting. He noted that this is for housekeeping purposes; it separates definitions from actions.

Commissioner Granatosky noted that there are dates in the current Charter.

**Vote on the motion: Passes unanimously.**

Commissioner Frink made motion, seconded by Commissioner Kotowski, to approve the following change to Section 3.6 Vacancies in Elective Office.

3.6.1 General

“Any vacancy in any elective town office, except that of ~~RTM member~~ or a member of the Board of Education, from whatever cause arising, shall be filled by appointment by the Council for the unexpired portion of the term or until the next biennial election, whichever shall be sooner. If there shall be a biennial election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person for the unexpired portion of the term; provided, when the person vacating the office has been elected as a member of a political party, such vacancy shall be filled by the appointment or election of a member of the same political party. If such vacancy is not so filled by the Council within forty-five (45) days from the time of its happening, the ~~RTM~~ Board of Finance shall fill the same.”

**Vote on the motion: PASSES**

**In favor: 7 (Hauber, Chase, Dauphinais, Frink , Kotowski, Mello, White)**

**Opposed: 1 ( Granatosky)**

**Abstained: 0**

Commissioner Frink made a motion, seconded by Commissioner Kotowski, to approve the following recommendation:

“(9.19.9.7/under Town Council)That where this Charter requires that the BOF provide a recommendation to the Town Council the following shall apply;

a. The Town Council shall give the Board of Finance 10 business days’ notice to provide such recommendation. If no recommendation is received in 10 business days the Town Council shall proceed as if the recommendation had been received.

b. In time sensitive situations the 10 day period may be reduced by mutual consent and a majority vote of the Board of Finance. “

Commissioner Chase questioned if “recommendation” could be changed to “directive.”

Commissioner Frink stated that over the past several months, the Board of Finance was created with the power to recommend. He stated that as time goes on, the Board of Finance could draft an ordinance to the Town Council that would propose giving the Board more power.

The Commissioners discussed giving the Board of Finance more power. Town Clerk Moukawsher cautioned the Commissioners on assuming that an ordinance could supersede the Charter.

Commissioner Frink stated that this addresses what would happen if the Board of Finance does not give a recommendation to the Town Council.

Commissioner Dauphinais stated that she likes it as a recommendation; the Board of Finance and the Town Council may not always agree. She stated that Town Councilors will be aware that they are accountable to voters.

**Vote on the motion: PASSES**

**In favor: 5 (Hauber, Dauphinais, Frink, Kotowski, White)**

**Opposed 3 (Chase, Granatosky, Mello)**

**Abstained: 0**

Commissioner Frink made a motion, seconded by Commissioner Mello, to leave Section 5.2 of the current Charter unchanged; it fully meets the needs and intention of Motion 36.

Commissioner Chase noted that the language in the fourth paragraph of Section 5.2 is awkward.

Commissioner Chase amended the motion, seconded by Commissioner Mello, to change the fourth paragraph of Section 5.2 to the following language: “The Mayor’s terms of office shall be identical to that of the Council which chooses the Mayor, except that, by a vote of at least six (6) ~~of the (8) other~~ members of the Council, the Mayor may be removed as Chairman of the Council and another member chosen to assume the duties and responsibilities of the Chairman.”

**Vote on the amended motion: PASSES unanimously**

Commissioner Frink made a motion, seconded by Commissioner Mello, that the Town Clerk shall be the clerk of the Board of Finance and shall keep a record of all meetings of the Board of Finance.



The Commissioners and Town Clerk discussed the technicality of the minutes of the Board of Finance. The Commissioners discussed which Town office would be responsible for staffing the Board of Finance. Town Clerk Moukawsher noted that the Finance Department takes minutes for the Town Council's budget meetings. She noted that minutes must be filed in the Town Clerk's office.

Commissioner Granatosky noted that the Committee Chair takes minutes for each RTM Committee.

Commissioner Kotowski stated that keeping the Finance Department's staff with the Board of Finance is consistent with the structure of government we currently have.

Commissioner Frink questioned if this should be in the Charter; the Board of Finance can figure it out. He withdrew the motion, and Commissioner Mello withdrew the second.

Commissioner Frink made a motion, seconded by Commissioner Kotowski, to approve the following recommendation: "That the Board of Finance and its members shall not give orders to any subordinates of the Town Manager or of the Board of Education either publicly or privately. However, the Board of Finance may interface directly with the Finance Directors of the Town and Board of Education, or their designees, in accomplishing their duties."

Commissioner Dauphinais questioned if the Town Manager should be added to the motion.

Commissioner Frink amended the motion, seconded by Commissioner Kotowski, to include the Town Manager: "That the Board of Finance and its members shall not give orders to any subordinates of the Town Manager or of the Board of Education either publicly or privately. However, the Board of Finance may interface directly with the Town Manager, Finance Directors of the Town and Board of Education, or their designees, in accomplishing their duties."

**Vote on the amended motion: PASSES**

**In favor: 7 (Hauber, Chase, Dauphinais, Frink, Kotowski, Mello, White)**

**Opposed: 1 (Granatosky)**

**Abstained: 0**

Commissioner Frink referenced the proposed additions to the Preamble of the Charter; it is important to set the tone for who we are, what we stand for, and what we believe in.

Commissioner Frink made a motion, seconded by Commissioner Mello, that the following words be added to the Preamble of the Charter:

That the following words be added to the Preamble of the Charter:

"In the spirit in which the founders of Groton joined themselves into one community and pledged their individual abilities to the service of their common needs, this charter establishes a town government that enables each generation's needs to be identified and met. Among the needs requiring commitment are:

Fiscal responsibility and the informed participation of its citizenry

The education of the children of the town

Preservation and protection of our forests, farms and waters

Orderly growth to benefit the town economically while maintaining its traditional character

The health, safety and security of the townspeople."

Commissioner Granatosky stated that she is opposed to this because the Charter should not include fluff.

Commissioner Dauphinais stated that setting the tone is great; she supports it.

The Commissioners discussed the proposed additions to the Preamble and the order of the needs requiring commitment.

Commissioner Chase amended the motion, seconded by Commissioner Mello, to end the paragraph after "met."

Commissioner Frink made a second amended motion, seconded by Commissioner Dauphinais, to leave the language as is, but to leave the items listed in paragraph form.

**Vote on the second amended motion: FAILS**

**In favor: (Dauphinais, Frink)**

**Opposed: 6 (Hauber, Chase, Granatosky, Kotowski, Mello, White)**

**Abstained: 0**

**Vote on the amended motion: PASSES**

That the following words be added to the Preamble of the Charter:

"In the spirit in which the founders of Groton joined themselves into one community and pledged their individual abilities to the service of their common needs, this charter establishes a town government that enables each generation's needs to be identified and met. ~~Among the needs requiring commitment are:~~

~~Fiscal responsibility and the informed participation of its citizenry~~

~~The education of the children of the town~~

~~Preservation and protection of our forests, farms and waters~~

~~Orderly growth to benefit the town economically while maintaining its traditional character~~

~~The health, safety and security of the townspeople."~~

**In favor: 6 (Hauber, Chase, Dauphinais, Frink, Kotowski, Mello)**

**Opposed: 2 (Granatosky, White)**

**Abstained: 0**

c. Charter Revision Commission Completion Schedule

The Commissioners discussed the formation and timeline of the draft report. They discussed attending the Town Council Committee of the Whole meeting on July 25, 2017.

VI. ADJOURNMENT

Commissioner Mello mad a motion to adjourn, seconded by Commissioner Chase. Chair Hauber adjourned the meeting at 8:16 p.m.