

TOWN OF GROTON
CHARTER REVISION COMMISSION
REGULAR MEETING MINUTES
May 8, 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 Dee Hauber, Kathy Chase, Robert Frink, Rosanne Kotowski, Daniel Mello, Darcy Peruzzotti, and Jennifer White.

Members Absent: Commissioners Scott Aument, Jane Dauphinais, Patrice Granatosky, and Brandon Marley

II. APPROVAL OF MINUTES:

- a. A motion was made by Chair Hauber, seconded by Commissioner Chase, to approve the minutes of the April 24, 2017 meeting.

Commissioner Peruzzotti noted that she researched changing the Town's budget calendar with respect to the State's budget and revenues. She noted that the Town is boxed-in to a timeframe as dictated by the Connecticut General Statutes.

Vote on the approval of the minutes: Passed unanimously

III. CITIZENS' PETITIONS:

None.

IV. COMMUNICATIONS:

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

Commissioner Frink stated that he had phone conversations on the topic of annual budget referendums with Thomas Harrison, Chair of the Board of Finance in Avon; Patricia Llodra, First Selectman of Newtown; Tom Banisch, First Selectman of Madison.

Commissioner Dauphinais arrived at 6:34 p.m.

V. NEW BUSINESS:

- a. Chapter Nine
- b. Definition of Elector
- c. Consolidation of Boards and Commissions

Commissioner Frink made a motion, seconded by Commissioner Dauphinais, to approve the proposed language of Section 9.9.1: "The Board of Finance shall hold one or more public hearings at least ten (10) days after budget submittals by the Town Manager, the Superintendent of Schools and the subdivisions, but no later than February 8, at which any elector ~~or taxpayer~~ 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 Board of Finance shall cause to be published in a newspaper having circulation in the town a notice of such public hearings."~~

In response to Commissioner Dauphinais, Commissioner Frink stated that February 8th should be changed to March 8th (9.9.1) "The Board of Finance shall hold one or more public hearings at least ten (10) days after budget submittals by the Town Manager, the Superintendent of Schools and the subdivisions, but no later than March 8 ~~February 8~~, at which any elector ~~or taxpayer~~ 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 Board of Finance shall cause to be published in a newspaper having circulation in the town a notice of such public hearings."~~

Commissioner Frink noted that there should be an administrative paragraph in the Charter to address the details of the noticing procedure for the public hearing.

The Commissioners discussed proper noticing for public hearings; questions will be forwarded to the Town Clerk by request.

The motion to approve proposed Section 9.9.1 was tabled by unanimous consent.

Commissioner Frink made a motion, seconded by Chair Hauber, to approve the proposed language in Section 9.9.2: "The Town Manager and representatives of the Board of Education and subdivisions shall be present at hearings on their respective budgets, ~~and shall be prepared to answer any inquiries concerning such estimated budgets."~~ **Passed by unanimous consent.**

Commissioner Fink made a motion, seconded by Commissioner Mello, to approve the proposed language of Section 9.9.3: "Following the aforementioned public hearing(s) the Board of Finance shall prepare its recommendations for the annual town budget and submit ~~it~~ them to the Council for consideration not later than March ~~31~~. The submittal shall include their overall opinion on the budget and its consistency with Town fiscal policies. Also a statement accepting or rejecting any manager deviations from the guidance provided in section 9.4 including actions to take to achieve guidance requirements."

In response to Commissioner Dauphinais, the Commissioners discussed changing the proposed language in Section 9.9.3 to the following: "Following the aforementioned public hearing(s) the Board of Finance shall prepare its recommendations for the annual town budget and submit ~~it~~ them to the Council for consideration not later than March ~~31~~. The submittal shall include their overall opinion on the budget and its consistency with Town fiscal policies. Also a statement accepting or rejecting any manager deviations from Town Council ~~the~~ guidance. provided in section 9.4 including actions to take to achieve guidance requirements."

Vote on approval of proposed language of Section 9.9.3 as modified by consensus: Passed unanimously

Commissioner Frink clarified that the Board of Finance makes recommendations; it does not adjust the budget. This is the Town Council's budget with recommendations from the Board of Finance.

Commissioner Peruzzotti noted that the Town Council can accept or reject the recommendations.

Commissioner Frink made a motion, seconded by Commissioner Kotowski, to approve the proposed language in Section 9.10.1

"9.10 Duties of the Council on the proposed budget.

9.10.1 "On receipt of the budget recommended by the Board of Finance, the Council shall prepare the annual town budget. The Council's proposed Budget need not be limited in total or in any particular by the recommendations of the Town Manager, the Board of Finance, the Superintendent of Schools, nor any political subdivision within the Town."

In response to Commissioner White, Commissioner Frink noted that it is the Town Council's budget, so the word "prepare" is appropriate.

Chair Pro Tem Aument arrived at 6:45 p.m.

Vote on the motion to approve proposed language 9.10.1: PASSED

9.10.1 "On receipt of the budget recommended by the Board of Finance, the Council shall prepare the annual town budget. The Council's proposed Budget need not be limited in total or in any particular by the recommendations of the Town Manager, the Board of Finance, the Superintendent of Schools, nor any political subdivision within the Town."

In favor 8: (Hauber, Chase, Dauphinais, Frink, Kotowski, Mello, Peruzzotti, White)

Opposed 0:

Abstained 1: (Aument)

Commissioner Frink made a motion, seconded by Commissioner Kotowski, to approve the proposed language of Section 9.10.2: "The Council shall, upon its completion of the town budget, but not later than April 15, ~~March 25~~, 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 Board of Finance, 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; ~~and shall cause to be published in a newspaper having circulation in the Town, a notice of such public hearing and a summary of said proposed budget estimates and also showing the amount proposed to be raised by taxation.~~

Commissioner Mello noted that in Haddam the Board of Finance is responsible for what happens in this Section as well as publicizing and holding the public hearing on the budget; it is a responsibility the Board of Finance can handle, and it does not interfere with control of the budget.

Commissioner Frink stated that Haddam does not have a Town Council.

Commissioner Peruzzotti noted that the Town Council is in charge of the budget; suggestions are made by the Board of Finance.

Commissioner Dauphinais stated that in practice paid Town staff will copy the budget and make it available to the public.

Commissioner White noted that the Board of Finance works on the budget; once the Town Council gets the budget, it is a final product.

Vote on the motion to approve the proposed language of Section 9.10.2: PASSED

"The Council shall, upon its completion of the town budget, but not later than April 15, ~~March 25~~, 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 Board of Finance, 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, ~~and shall cause to be published in a newspaper having circulation in the Town, a notice of such public hearing and a summary of said proposed budget estimates and also showing the amount proposed to be raised by taxation.~~

In favor 8: (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, Peruzzotti, White)

Opposed 0

Abstention 1: (Mello)

Commissioner Frink made a motion, seconded by Commission Mello, to approve the proposed language of Section 9.10.3: "After the Council has considered the recommendations of the public hearing, the Council shall adopt an annual town budget as described in Section 9.2 for the ensuing fiscal year. Such budget shall be adopted no later than April 30. ~~March 28.~~"

Commissioner Frink noted that this is the recommended Town budget because the budget needs to go to referendum, and the language in this Section needs to reflect that: "After the Council has considered the recommendations of the public hearing, the Council shall adopt an recommended annual town budget as described in Section 9.2 for the ensuing fiscal year. Such budget shall be adopted no later than April 30. ~~March 28.~~" The Commission unanimously agreed to include the word "recommended" in Section 9.10.3.

Vote on the proposed language for Section 9.10.3: Passed unanimously.

Section 9.10.3: "After the Council has considered the recommendations of the public hearing, the Council shall adopt an recommended annual town budget as described in Section 9.2 for the ensuing fiscal year. Such budget shall be adopted no later than April 30. ~~March 28.~~"

Commissioner Frink referenced and reviewed proposed Section 9.11.

The Commissioners discussed and questioned absentee ballot requirements for referendum; questions will be forwarded to the Town Clerk.

Commissioner Frink reviewed proposed Section 9.11: Annual Budget Referendum (see proposed Section 9.11 attached).

In response to Commissioner Peruzzotti, Commissioner Frink noted that the budget could be downloaded from the internet.

Commissioner Peruzzotti stated that the Board of Finance could create a synopsis of the budget.

Commissioner Kotowski noted that the budget is published in the newspaper.

Chair Pro Tem Aument noted that a spreadsheet summarizing line item changes in the budget may be sufficient.

Commissioner Peruzzotti noted that the cost of producing copies of the budget must be taken into consideration.

The Commissioners discussed the expense of providing paper copies of the budget versus making it available online. The Commissioners changed the proposed language in Section 9.11.3 to the following: "At least ten (10) days prior to the annual budget referendum, the Council shall cause ~~sufficient copies of the~~ a budget summary estimates to be made available upon request ~~for general distribution~~ in the office of the Town Clerk; shall cause a copy of said budget ~~estimates~~ 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 ~~estimates~~ and also showing the amount proposed to be raised by taxation. [Groton Section9.3.1]."

Commissioner White noted that the budget should be available in multiple locations and online.

The Commissioners discussed giving the Board of Finance the responsibility of creating the budget summary.

Commissioner Frink noted that there will be a Section in the Charter on the duties of the Board of Finance.

Commissioner Dauphinais stated that she is opposed to a budget referendum, so she will be voting against this.

Commissioner Kotowski stated that Preston has three votes on the day of the referendum: Town operations, Board of Education, Capital improvements. She noted that the Board of Education's Capital improvement projects bogs down the Town's budget every year. She noted that the CIPs for the Board of Education could be in the Board of Education's budget and not in the Town's budget; it may lead to the Board of Education being more frugal with its requests.

Commissioner Dauphinais noted that she thought the Board of Education question would include its CIPs; the Town's budget question would include its CIPs.

Chair Pro Tem Aument noted that he agrees with a separate line-item vote for Capital improvement projects.

Commissioner Frink stated that the process starts with budget workshops with input at the very beginning, and there is Town Council guidance. He stated that at this point in the process, the budget has been vetted.

Commissioner Dauphinais stated that she does not believe a budget referendum is appropriate for a town this size or complexity; it needs representative government. The people elected have the whole Town in mind; a budget referendum offers individual voters the opportunity to negate that.

Commissioner Kotowski noted that representatives from the City on the RTM did not consider the whole Town. She stated that residents will get used to the referendum process; it is not complicated. She noted that the public is not stupid; the referendum process works.

Commissioner Mello stated that there needs to be a lot of education and advertising with the referendum.

Commissioner Frink stated that in his conversation with the First Selectman of Newtown, she noted that an annual referendum is good; it focused the budget process and provided citizens with an explanation for the way money is spent. He stated that people vote in a positive way; it is an affirmation, or a vote of confidence, in the elected body. He reviewed various towns and the number of times it took for a budget referendum to pass. He noted that the referendum gives citizens the opportunity to vote on the budget and have a say in where they want money spent.

Commissioner Kotowski noted that Ledyard's referendum passes every year with an approximately two-percent increase; people support the community. She stated that what is happening in Groton is not working because of the tax increases; a budget referendum allows voter participation to control how much a budget increases.

Chair Pro Tem Aument noted that there will be growing pains. He stated that people need a voice; they will listen and vote. He noted that the Town Council has given the Commission direction to look into the budget process and referendum. He stated that this may be the point where the Commission should obtain legal advice on the suggestions it has thus far.

Chair Hauber referenced proposed Section 9.11.4

The Commissioners discussed referendum questions that provide feedback on the budget; they are better than not having guidance at all. The Commissioners determined that "adopted" should be changed to "recommended."

The Commissioners discussed including CIPs as a separate question on the ballot.

Commissioner Dauphinais stated that she believes better decisions will be made if the Board of Education, Town Council, and Town staff have to set priorities themselves within a total allocation for CIPs. She noted that not nearly enough money has been spent on the schools in the CIP budget; the Board of Education, the Council, and the staff should decide that. She noted that the CIPs for the schools should be in the school question and the CIPs for the Town should be in the Town question.

Commissioner Peruzzotti stated that the Capital improvement information should be in the budget summary.

Commissioner Frink noted that Capital projects should be publicized. Commissioner Frink reviewed how he arrived at the numbers in proposed Section 9.11.5.

Commissioner Kotowski questioned if Commissioner Mello was okay with the fifteen-percent voter turnout requirement, as he wanted an unfettered referendum.

Commissioner Dauphinais noted that there is a lot of public input in the front of the budget process, workshops, guidance, and the public's ability to measure the performance of officials against goals. She noted that a lot of valuable input has been added to the process-even without a referendum.

In response to Commissioner Mello, Commissioner Kotowski clarified that the Commission's motion on the referendum did not include the word "unfettered." She noted that it was discussed, but the motion on the referendum was to approve an annual budget referendum for the Town of Groton.

Commissioner Dauphinais noted that fifteen-percent voter turnout is achievable.

Commissioner Kotowski noted that she wanted an unfettered budget referendum, but if this is the way to get other Commissioners to support it, then she may go for it.

Commissioner Dauphinais noted that she supported a twenty-five percent voter turnout requirement.

Commissioner Mello noted that he would like a referendum that is unfettered; he does not think the Town will obtain the voter percentage requirement that is being discussed, so there is no need to include it.

Commissioner Frink stated that if the budget referendum is purely unfettered, there is a high risk that it will not get approved.

Commissioner Kotowski stated that she wants an unfettered referendum, but she believes that without the voter turnout requirement, it will not get through the Town Council and/or RTM.

Commissioner Chase stated that there should not be a minimum voter turnout requirement. She noted that even if only one hundred citizens vote on the budget, then that is one hundred more than what happens currently. She stated that if there is a budget summary from the Board of Finance, and if people read it, then people will vote.

In response to Commissioner Chase, Commissioner Dauphinais noted that the Town Council's budget would stand if the minimum voter turnout requirement for the referendum is not met.

Chair Pro Tem Aument noted that based on historical voter turnout information, it will be easy to get fifteen-percent voter turnout; he supports it.

Commissioner Kotowski noted that her neighbors want to vote on the budget; the people who want the status-quo will be resistant.

In response to Commissioner Mello, Commissioner Dauphinais stated that a lot of people do not want a totally open referendum. She noted that there are groups in Groton that mobilize the vote, such as the City of Groton. She stated that if you want a referendum to pass, then there needs to be safeguards, and a fifteen-percent voter turnout requirement is reachable.

Commissioner Kotowski noted that the current process is broken; budgets increase too much every year.

Commissioner Kotowski stated that she would not have agreed to eliminate the RTM if there is no budget referendum.

In response to Commissioner Chase, Commissioner Frink stated that the referendums would be two weeks apart; changes to the budget would be communicated. In response to Commissioner Peruzzotti, he noted that there is no requirement to reduce the budget by a certain percentage if a referendum fails.

Commissioner Kotowski stated that she hopes this will encourage the Town to reflect realistic spending.

Commissioner Frink stated that according to the First Selectman of Newtown, the referendum makes the Town explain/justify the numbers; it drives the budget thinking from day one.

Commissioner Dauphinais questioned if the Town staff would be able to send out tax bills with a referendum on June 12th.

Commissioner Kotowski referenced Ledyard's Charter; referendum details are by ordinance.

The Commissioners discussed the cost of referendum.

Commissioner Mello noted that in Cromwell, the budget referendum is held the first Tuesday in May, and if additional referendums are needed, then they are held every other week.

Commissioner Dauphinais noted that in Manchester, the budget referendum is bifurcated and is used as a way to receive, and communicate, information on the budget.

The Commissioners discussed having one versus two referendums; Commissioner Frink noted that the consensus seems to be having two referendums.

The Commissioners discussed proceeding with the remainder of Chapter Nine, starting on page 16, Section 9.3.2 (Tax Rate), at the next meeting.

Chair Pro Tem Aument stated that there will be an official vote at the next meeting on what was covered, but not voted on, at this evening's meeting.

Commissioner Chase noted that she wanted to vote on each Section separately.

Commissioner Kotowski made a motion, seconded by Commissioner Frink, to accept, with the changes noted, proposed Section 9.11.

Commissioner Chase stated that she does not agree with Section 9.11.5.

Chair Pro Tem Aument stated that the Commission should go through Section 9.11 section-by-section. He noted that he is not ready to vote on it.

Commissioners White and Dauphinais noted that they have questions about voting on this material if they do not agree with a budget referendum.

Chair Hauber requested the Town Clerk ask the Town Attorney how to proceed with voting.

Chair Pro Tem Aument noted that he recommends waiting until the next meeting to vote on this material.

Commissioner Kotowski withdrew the motion; Commissioner Frink withdrew the second.

VI. ADJOURMENT

Commissioner Mello made a motion to adjourn, seconded by Chair Pro Tem Aument. Chair Hauber adjourned the meeting at 8:27 p.m.

Attest:

Scott Aument, Secretary

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9.11 Annual Budget Referendum

9.11 Annual Budget Referendum

[General]

9.11.1 The Annual Budget Referendum shall be held on the third Tuesday in May for voting by voting machine by those eligible by law and this Charter to cast ballots for that purpose. [Note: The shortest time interval from TC budget approval (Apr 30) to ABR #1 is 10 working days and occurs when April 30 falls on a Monday].

9.11.2 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 by posting in such public place or places as the Council shall by ordinance prescribe. {Farmington CT}

9.11.3 At least ten (10) days prior to the annual budget referendum, the Council shall cause ~~sufficient copies of the~~ a budget summary ~~estimates~~ to be made available upon request ~~for general distribution~~ in the office of the Town Clerk; shall cause a copy of said budget ~~estimates~~ 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 ~~estimates~~ and also showing the amount proposed to be raised by taxation. [Groton Section9.3.1].

9.11.4 The text of the Annual Budget Referendum shall provide for separate approval/disapproval of the Town Government Budget and the Board of Education budget as follows:

1. In favor of the proposed Town Government Budget of the Town of Groton for the fiscal year July 1, _____ to June 30, _____ in the amount of \$ _____.

Yes.

No; the ~~adopted~~ recommended budget is too high.

No; the ~~adopted~~ recommended budget is too low.

2. In favor of the proposed Board of Education Budget of the Town of Groton for the fiscal year July 1, _____ to June 30, _____ in the amount of \$ _____.

Yes.

No; the ~~adopted~~ recommended budget is too high.

No; the ~~adopted~~ recommended budget is too low.

[1st Annual Budget Referendum (ABR)]

May 8, 2017 CRC Meeting

9.11.5 If a majority [1222] of the votes cast in the referendum for each question are "Yes," or if the total number of votes cast in the referendum is less than 15% [2443 of 16,285] of the number of electors of the Town as determined from the latest official lists of the Registrars of Voters, the adopted budgets, Town and Board of Education, shall be deemed to be adopted and together shall constitute the approved Town Council budget for the ensuing fiscal year.
[Manchester 3-13+]

[2nd Annual Budget Referendum]

9.11.6 Provided that the total number of votes cast in the Annual Budget Referendum is 15% or more of the number of electors of the Town, a combined "No" vote by a majority of the electors voting shall reject the recommended Town or Board of Education budget. If either the Town or Board of Education budget is approved in accordance with Section 9.11.5 that budget will be deemed approved. The Council in consultation with the Board of Finance shall, within seven days after a failed referendum, adopt 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. A second referendum on the revised budget or budgets shall then be held on the second Tuesday following the preceding referendum and shall be conducted in accordance with Sections 9.11.4 and 9.11.5.

9.11.7 At least 10 days prior to a second referendum the date will be warned by the Town Clerk in accordance with Section 9.11.2.

9.11.8 At least five (5) days prior to the second referendum on a revised budget, the Council shall publish only the details of the changes made to the previous budget in accordance with section 9.11.3.

9.11.9 If the conditions of section 9.11.5 are met in the second referendum the budget or budgets shall be deemed to be approved.

[3rd Annual Budget Referendum]

9.12.10 If a budget is rejected in the second referendum, the procedure outlined in sections 9.11.6 through 9.11.9 will be followed for a third referendum.

9.12.11 If a budget is rejected in the third referendum, the Town Council shall set and approve a budget which must be less or greater than the failed budget, as the Council shall deem appropriate based on the results of the referendum. [Note: the latest a 3rd referendum would occur is Tuesday June 18 and happens when April 30 falls on a Tuesday]