

TOWN OF GROTON
 CHARTER REVISION COMMISSION *Draft*
 SPECIAL MEETING MINUTES
 November 13, 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 Aument, Commissioners Kathy Chase, Jane Dauphinais, Robert Frink, Patrice Granatosky, Rosanne Kotowski, Daniel Mello, Jennifer White
 Absent: Commissioners Brandon Marley and Darcy Peruzzotti

- II. APPROVAL OF MINUTES
 - a. Commissioner Chase made a motion, seconded by Chair Hauber, to approve the minutes of the October 30, 2017 Special Meeting. **PASSES UNANIMOUSLY**
 - b. Commissioner Chase made a motion, seconded by Chair Hauber, to approve the minutes of the November 02, 2017 Special Meeting. **PASSES (7-0-2)** Dauphinais, White

- III. COMMUNICATIONS:
 - a. Chair: Chair Hauber congratulated the Commissioners on their elections; she reminded everyone that they represent the entire Town.
 - b. Secretary: Commissioner Aument stated that he received correspondence from Town Attorney Duggan regarding rescinding actions of Council.
 - c. Members: None

- IV. NEW BUSINESS:
 - a. Town Attorney Final Draft Report
 - b. Natalie Billing Correspondence

The Commissioners reviewed the Town Attorney's responses to Commissioner Frink's initial comments on the Town Attorney's Draft dated 11-11-2017.

Commissioner White clarified that based upon a previous motion of the Commission, the Town Council's term is four years.

3.3.2 *Town Council* (~~Council~~ TC).

Nine (9) members of the ~~Council~~ TC, each for a term of ~~two (2)~~ four (4) years. Minority representation shall ~~not~~ apply to the Council per ~~exception in~~ CGS 9-167a.

The Commissioners, Attorneys Carey and Duggan, and Town Clerk discussed and amended the following Sections:

Attorney Duggan noted that there is a gender neutrality clause at the end of the proposed Charter.

Sec. 8.2 Town Attorney.

8.2.1 *Appointment and Qualification.*

The Council shall **appoint a Town Attorney**, by majority vote, **who shall serve until his successor is appointed.** ~~at a meeting held not later than one- hundred twenty (120) days after the general town election, appoint a Town Attorney to serve until his/her successor shall be appointed and qualified.~~ The Town Attorney shall be an attorney-at-law admitted to the practice before all the courts of the State of Connecticut and the Federal District Court of Connecticut.

Sec. 2.6 Authority for consolidation.

2.6.1 *General enabling ordinance.*

Upon request of not less than a two-thirds majority of the governing body of any city, fire district or borough within the Town, or on petition of ten (10) percent of the qualified electors residing in such subdivision, the Council shall ~~draft and the RTM shall~~ adopt an...

4.1.6 The Town Clerk shall call the initial meeting of the interim BOF within thirty (30) days of appointment by the Town

4.1.8 Notwithstanding any other provision of the Charter, including without limitation ~~to~~ Section 3.5.2, no member of the BOF

The Commission eliminated term limits for the Board of Finance. The Commission discussed the wording for Section 3.3.1.1 clarifying one member to be elected from each district.

3.3.1 Board of Finance (BOF)

3.3.1.1 Seven (7) members of the BOF, each for a term of four (4) years. ~~No elected member of the BOF shall serve more than three (3) consecutive terms.~~ Election of the seven BOF members shall be by voting district, with one (1) member to be ~~allotted to~~ elected from each of the seven (7) voting districts.

Commissioner Dauphinais referenced Section 6.1.2. She noted that there is movement at the State level to combine maintenance of schools with Public Works of the Town; she would like to not do anything to make it harder for the consolidation effort.

6.1.2 *Powers and Duties of the Board of Education (BOE).*

The BOE shall have all powers and duties conferred by the CGS. These shall include, but not be limited to, determination of educational policy, management of the physical school facilities, determination of employment and compensation of the Superintendent of Schools, determination of the responsibilities of administrative and teaching staffs, and formulation of an annual budget in accordance with ~~Section 9-2-1-2.~~ **Section 9.** Execution of the approved education budget shall be at the discretion of the BOE in accordance with CGS. **Nothing in this Section shall preclude the Town and BOE from entering into agreements for joint services or products.**

Attorney Duggan suggested language that would not preclude the Town and Board of Education from entering into joint agreements for products or services.

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. In addition to the information required to be published per Section 9.19, the published notice of this hearing shall include a summary of ~~Notice of the public hearing(s) under article 9, shall be in accordance with Section 9.19 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.

9.9.2 The Town Manager, or his designee, shall be present at the hearing. Representatives authorized by the BOE and Subdivisions may participate in the hearing.

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. In addition to the information required to be published per Section 9.19, the published notice of this hearing shall include ~~Notice of and participation in the public hearing shall be in accordance with Section 9.19.~~ 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.

Sec. 9.19 Public Hearing

The Town Council or BOF, as the case may be, shall publish notice of each public hearing required or allowed to be held under Chapter IX of this Charter, including, without limitation, Sections 9.4.4, 9.9.1, 9.10.2, 9.15.3 and 9.16.2, in a newspaper of general circulation in the Town no fewer than five (5) days before the date of such hearing. In addition to any information that Chapter IX of this Charter, including, without limitation, Sections 9.4.4, 9.9.1, 9.10.2, 9.15.3 and 9.16.2 requires to be included in such published notices, each notice shall include the date, time, and location of and the purpose for which the hearing is to be held. In addition, no fewer than five days before the date of any such hearing, the Town Clerk shall cause a copy of the published notice to be posted on the Town's internet site and on the Town Clerk's public notice board and shall make copies of the notice available to the public in her office. Members of the general public may attend and participate in each public hearing required or allowed by the provisions of Chapter IX.

Commissioner Dauphinais questioned if there is a need to have public hearings on the Town Manager's budget for the BOF and the Town Council.

Commissioner Frink noted that the Town Council hearing would be on the Board of Finance's recommendations.

Sec. 5.4 Powers and Duties.

5.4.1 General.

~~Except as otherwise provided by this Charter~~ The Town Council shall be the legislative body of the Town and shall have all powers and duties of a municipal legislative body under Connecticut law and this Charter.

Within two (2) months of taking office, the Council shall develop, with public input, a prioritized set of goals with measurable outcomes for itself and the Manager to be achieved within its term of office. These shall include quantitative budget guidance.

Sec. 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 to that set forth in ~~as~~ Section 9.5.1 to the Town Manager. The BOE shall provide additional information as requested by the BOF.

The Commission modified language in Section 9.7.1 to match the language in Section 9.6.1.

Commissioner White noted that the Town Council can now request the format of the report for the Subdivisions.

9.9.2 The Town Manager, or his designee, shall be present at the hearing. Representatives authorized by the BOE and Subdivisions may participate in the hearing.

Section 9.12.6.6: Attorney Duggan suggested separating Interim Budget and Fixing the Tax Rate.

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.

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 Town budget, the Council shall consult with the Town Manager. 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.

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.

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.

9.12.6.4 At least five (5) days prior to additional referendum on a revised Budget, the Council shall publish only the details of the changes made to the previous Budget using the same methods listed in Section 9.12.3.

9.12.6.5 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.

9.12.6.6 Interim Budget and Fixing the Tax Rate

In case a Budget is not approved by June 30, the budget submitted by the Town Council per Section 9.10.3 shall be utilized as an interim budget until a new Budget is approved by referendum. Within three (3) business days after an interim budget ~~is approved~~ goes in to effect, the Town Council will set a mill rate that shall be sufficient, with the income from other sources, to meet the estimated expenses of the Town for the next fiscal year.

Commissioner Frink stated that the mill rate is the mill rate; it cannot be changed during the year. He stated that the interim budget would be used to pay bills. He stated that the interim budget is not cast in stone; the mill rate is.

Attorney Carey noted that the interim budget goes in to effect; it is not approved.

In response to Commissioner White, Commissioner Dauphinais stated that the Town Council's budget would be used because it reflects a year of added information.

Commissioner White noted that if the interim budget is higher than what is ultimately approved, the tax bills would be sent out that are higher. She noted that she disagrees with this philosophically. She noted that this could lead to election manipulation. She noted that there is no Ethics Commission or Code.

Chair Pro Tem Aument noted that there are Towns that use fund balance to cover the time before they receive State funds.

Attorney Carey noted that after a conversation with the Finance Director, the Town would not have enough money to get through July.

Commissioner Dauphinais noted that according to the Finance Director, there are large insurance bills due in July.

Attorneys Carey and Duggan noted that the language does not tie the Town Council to any particular budget when it sets the mill rate.

Commissioner Frink noted that not having a budget by June 30th is the absolute exception; it has happened twice in nineteen years in Stonington.

9.18.5.1 *Transfer of Funds between Departments*

Upon the request **and certification that the transfer is necessary by** the Town Manager, but only within the last three (3) months of the fiscal year, the BOF may transfer any unencumbered appropriations, balance or portion thereof from one department, commission, board or office to another **of \$10,000 or less**. Transfers of ten thousand dollars (\$10,000) or more **may only be made by the Town Council by resolution, after receiving written input from the BOF in accordance with Section 4.1.3. If the BOF fails to provide written input within 10 business days, the Town Council may act without such written input. In no instance shall appropriations for debt service or other statutory charges be transferred to other purposes.**

~~9.10.7~~ ~~9.18.7~~ *Contingency account.*

No expenditure may be charged to the contingency account, but the Council **after receiving a non-binding recommendation from the BOF in accordance with Section 4.1.3, may transfer funds in the contingency account to any other account.**

In response to Commissioner Dauphinais, Attorney Carey noted that the bonds in Section 5.8 refer to Bonding employees.

3.3.1.2 For purposes of the initial BOF, within ~~thirty (30)~~ (14) fourteen days of the effective date, as per Section 11.5, of the approval at referendum of Section 3.3.1, Chapter IV, and all other provisions of this Charter dealing with the BOF, the Town Council shall appoint seven (7) electors, with one (1) elector to be appointed from each of the seven (7) voting districts, to constitute an interim BOF. The interim BOF shall have all powers and duties of the BOF to be elected per above, and shall serve until the BOF members elected at the November 5, 2019 election take their seats on the BOF. ~~The Council shall not, however, appoint an interim BOF if such effective date occurs on or after November 1, 2018.~~

The Commissioners discussed the timeline of when the Board of Finance would become effective and when the RTM would cease to exist.

Commissioner Frink stated that the Board of Finance assists the Town Council; it does not replace the RTM. He noted that the referendum replaces the RTM.

The Attorneys urged the Commission to make it very clear as to when the Board of Finance is appointed. They noted that amendments of the Charter would be effective 60 days after approval at referendum. The Town Council would have the sixty days, plus fourteen days, to appoint the initial Board of Finance until the Board is elected at the municipal election of 2019.

Attorney Carey suggested including language that states that as of the effective date of the new Charter, the RTM will cease to exist. The language was added to Chapter XI.

V. ADJOURNMENT

Commissioner Dauphinais made a motion to adjourn, seconded by Commissioner Mello. Chair Pro Tem Aument adjourned the meeting at 8:24 p.m.