

Charter Revision Commission Public Hearing minutes  
Windham Town Hall First Floor Conference Room

Monday July 11<sup>th</sup> 2016

Attendees: Christel Donahue, Dan Lein, Harry Carboni, Josh Eves

1. Call to order: Harry Carboni called the meeting to order at 6:59pm- He read the proposed change. X-7.
2. Citizens and delegations (Public Comment)- Laurie Jeffers (Willimantic)- she would like to see firm dates for example 2<sup>nd</sup> and 3<sup>rd</sup> Tuesday in June, she is not comfortable with the moveable date. She stated that it was mentioned the Town Council would not consider the suggestions if other issues were looked at- this commission is an independent – anything could be looked at. She felt that section 5-1 should be looked at in regards to the Town Council salary- they should not be allowed to set their own salary and should be made up of citizen volunteers.

Jean Chaine – questioned if the commission would entertain looking at other issues. He would like to present his case because he is not getting the traction. A lot of false comments have been made and led people in the wrong direction.

Bernie D’Auteil (Willimantic)- he stated some people haven mentioned if the date is changed then they would vote no on the proposal (Lorraine McDevitt). He would like to see a recall capability- there needs to be a way to get people out. We have a lot of clowns and should not be shut down because of a dictatorship.

MaryGallucci- See addendum a and addendum B-

James Flores (Willimantic)- He does not believe in a recall- if people really are unhappy and would like to get the clowns out then maybe those people should get out and do more for the town and run for positions. We need a standard budget- a system that it standing; such as every 30 days.

Harry Carboni responded to the public comments- we were not told to ignore everything else but decided as a committee to only look at this one issue. We would like to see everything submitted to the Town Council (minutes, papers etc.). Harry stated he did not agree with Mary’s ideas because it takes away from the people. The goal with the changes is give a bit more flexibility.

Christel Donahue- she does not see a need for the recall- these are elected officials and the council cannot just vote people out based on feelings.

Dan Lein- all items brought up are valid. All items presented will be forwarded as proposed changes. There was a time constraint this time around and all the issues need more time. Certain things need to be in place in order to make it on the ballot.

3. Citizens and Delegations (Public Comment)- none
4. Adjournment- Dan Lein made a motion to adjourn, seconded by Josh Eves: motion passed (4).  
Meeting adjourned 7:28pm

Respectfully submitted by Jessica Niles - Clerk of the Charter Revision Commission

## Addendum A

### Suggestions for Charter Revision

From Mary Gallucci, 242 North Street, Willimantic, CT 06226; 860-423-3670;  
mgallucci@sbcglobal.net

Comments on Windham's Town Charter, with special reference to budgets

Because budgets need to be passed, many towns have adapted their charters to reflect this exigency. Naturally, if a budget is passed on the first trip to the polls, there is no need to amend a budget. It is important to note in both case studies that little time is wasted between presenting a budget and revising it, if need be.

I would like the Town Council and the Charter Revision Committee to consider these examples as suggestions for provisions that Windham should adopt. These suggestions do not involve removing the Board of Finance, nor redefining taxing districts, which are other matters that the Charter Revision Committee may have considered.

In the event that a budget is rejected, two towns have established the following:

1. In Avon, after a rejection of the budget (subject to the provision 9.4.4 noted below), the Finance Board has **20 days** to present alterations, based on consultations and a public hearing conducted within that time frame. The Board must assign a date for a new budget referendum within **30 days** of the prior referendum ("which date shall be not more than 30 days after the vote on the budget rejected at the immediately prior referendum").

The next two provisions are of crucial importance in ensuring that a budget is passed in a timely and legal fashion: **9.4.3 No more than two referenda may be conducted on budgets recommended by the Board of Finance to the Town Council pursuant to Section 9.4.2(b)(iii) for the same fiscal year.**

**9.4.4 If the number of persons voting at any referendum conducted pursuant to this Chapter shall be less than nine percent (9%) of the electors of the municipality, as determined by the last completed active registry list, the budget voted upon shall be deemed approved notwithstanding that a majority of the votes cast shall be for rejection of the budget.**

2. In Mansfield, they have a system which allows a budget to be passed at a Town Meeting, but this may be challenged and a referendum will be held. If the Town Meeting budget fails, "the proposed budget will be returned to the Town Council for its reconsideration. The Council shall return the same or a revised budget to a Town Meeting called by the Council for a date no later than 10 days after the first meeting. This Town Meeting shall also approve, lower or raise the budget of any program. Should the Town Meeting fail to adopt a budget, the **budget appropriation last proposed** by the Town Council shall be in full effect."

This budget may be repealed if Electors petition to vote on another budget. A question regarding the defeat of the proposed budget is submitted to the Electors:

**D. The referendum question shall consist of one binding and two advisory questions. The binding question shall read: "Are you in favor of the budget as adopted on [here insert date of adoption]?" The two advisory questions shall read:**

**(1) "If the budget is defeated, is the Town budget portion**

**Too high?**

**Too low?"**

**(2) "If the budget is defeated, is the school budget portion**

**Too high?**

**Too low?"**

**E. If the vote to repeal succeeds, the Town Council shall, not later than 12:00 midnight on June 30, adopt a substitute budget and a substitute resolution establishing the tax rate, and file such budget and resolution with the Town Clerk.**

**(1) The budget and the resolution establishing the tax rate, or such substituted ordinance and resolution as may be adopted as provided in this section shall take effect as of the start of the ensuing fiscal year.**

**(2) The substitute budget enacted pursuant to this section shall not be subject to referendum.**

Two briefer suggestions:

1. Require that the Yes or No vote on budgets be for the entire budget, Service Districts and Education budget together (even though each budget amount will be presented clearly).
2. If budgets are maintained separately, write a provision that, if the two Service district/Taxing district budgets pass, the education budget will also be adopted.

## Addendum B

<https://www.cga.ct.gov/2014/rpt/pdf/2014-R-0019.pdf>

The Supreme Court disagreed, noting that even if voters reject the board of education's budget, the board and budgeting authority could not legally propose or adopt an education budget that fails to satisfy state educational requirements. The court held that "as long as the board of education and [budgeting authority] act in accordance with statutory requirements, town voters never will have the opportunity to accept or reject an education budget that is insufficiently funded because the board of education is barred from recommending such a budget and the joint boards are barred from adopting such a budget" (Id. at 317) (emphasis in original).

The court also disagreed with the Appellate Court's determination that the budget amendment gave voters veto power over the education budget. The court noted that the budget amendment gave voters more input in the budget process by allowing them to reject up to three proposed budgets. However, it found that even if voters were to reject all three budgets, the budgeting authority would still be required to adopt a budget that complies with state requirements without further voter input.