

WINDHAM CHARTER REVISION COMMISSION

TOWN HALL MEETING ROOM, 1ST FLOOR

THURSDAY, JULY 11, 2013 7:00 PM
Revised minutes

Respectfully submitted by Jessica Niles Clerk of Charter Revision Commission

Attendees: Barbara McGrath, Erika Haynes, Donna Nicolino, Priscilla Root, Jan-Maya Schold, Doug Lary, Dennis O'Brien (8:15pm)

1. Call to order: Erika Haynes called the meeting to order at 7:03pm
2. Citizens and Delegations (3 minutes, related to Charter, Commissioners may ask questions or seek clarification): none
3. Discussion and Possible Action to Approve Minutes for June 27, 2013: Jan-Maya Schold stated that the secretary is doing an impressive job at taking the minutes. Barbara McGrath made a motion to accept the minutes, seconded by Priscilla Root; Discussion took place regarding the town Clerk acting as treasurer. Motion passed.
4. Discussion, with Town Attorney Rich Cody (and additional guest possible: Windham First Taxing District Attorney), and possible action related to issues Town Attorney addressed in memo to Charter Revision Commission, as well as Commissioner questions. (attorney Nick Kepple from 1st Taxing District present as well): Discussion started with the memo from Rich Cody dated May 6th 2013: started with item number 1 (definition of voter) - Attorney Cody stated that sometimes he gets questions regarding joint voters mainly in regards to when a person owns part of a property (if 20 people on it then they all get a vote). The issue does not come up often but it has on several occasions. Jan-Maya Schold asked if a property is owned by a LLC doesn't there need to be a business agreement? Attorney Cody stated there doesn't have to be, and a suggestion would be to make the language read "natural person". Erika Haynes stated the previous Charter Review Commission had looked at this issue and they had discussed raising the dollar amount. Terms to be entered into the glossary are: voter and elector. The commission needs to double check the places where elector and voter are located; elector refers to a resident while a voter can vote on a budget.

Item number 2 (in regards to providing a town meeting when land is old or purchased): Attorney Cody stated this may be things that just need to be turned over to a

legislative body (Town Council) it involves: tax foreclosure, sale of land out of foreclosure, lease of office space, etc. The goal would be to make it easier to move things along. Barbara McGrath stated she felt it was a great idea and if the Town Council felt it was an issue for a public meeting then they could very well call a town meeting.

Item number 3 (majority vote) - attorney Cody stated this needs to be clarified (refer to the table in the charter), he believes the previous Charter Commission had decided that majority vote was just that majority vote. Attorney Cody stated that you would need five votes in order to ensure you don't have one affirmative vote and the rest abstentions. Barbara McGrath asked if it could be very explicit instead of defined out right. Attorney Cody will try to tighten up the language.

Item number 4 (Powers of Town Council)- Attorney Cody stated that when they changed the type of legislative body it appears they just copy and pasted (Board of Selectman to Town Council); there is a reference to Selectman having powers but the Town Council does not have powers. The section could be changed to read: the Town Council will have the powers/duties of the Board of selectman general statutes. Jan-Maya Schold stated the difference to her is the Board of Selectman was responsible for the day to day operations while the Town Manager/ Council are to set the direction. Attorney Cody stated he sees the Town Manager having the expressive piece while the Town Council has more of the day to day work.

Item number 5 (resignations) - according to the charter all resignations need to be in writing. There was an incident where a person resigned through email and then the person could not be tracked down for quite some time. Doug Lary questioned what happens when a person fails to show up for several meetings (without alternates). He wondered if you could put in the charter: if you have x amount of unexcused absences then you have a resignation. Attorney Cody responded that there would have to be notification to the person (a long process) and the person would be entitled to a hearing. Discussion was held and it was determined that some draft language allowing resignations through email would be looked at. Erika Haynes stated the pervious charter commission had actually come up with some language.

Item number 6 (Service Districts)- Attorney Cody stated that charter appears to have the intent to allow mutual aid under certain statutes but the town cannot fall into mutual aid contracts with itself. Discussion took place on the topic of mutual aid and payment. Jan-Maya Schold stated the commissioners need to read the state statutes regarding this topic. Erika Haynes asked if they are operating as mutual aid but they are not allowed to enter into contract are we then at risk of being in violation? Attorney Cody stated yes you are at risk, you expose the officer to liability, the arrest could fail (effectiveness would be in question).

Item number 7 (budgeting) - one portion of the budget will pass but not the other half and in order to set a mill rate both portions need to pass. Attorney Cody suggested that if the Board of Finance were to establish a mill rate by July then it could be a blended rate based on what has passed once the second portion goes through you can then do an increase assessment. Doug Lary stated other towns have it where there are different mill rates. Attorney Cody stated that grant money is 100% given to towns but with the usual understanding that it needs to be spent right away, he suggested putting in the charter that you do not need to appropriate or go through legislative body for grant money.

Item number 6 on Town Council charge- Attorney Kepple commended the commission for their efforts and he suggests there needs to be some clarifying language regarding the two service districts. Attorney Cody gave a brief background of the service districts; the services are paid for by the people in that geographical area. Windham people adopted a district which they called the 1st taxing district; fire, police and street lighting. Reference was made to a case from 1988: 208-ct 543. Discussion was held regarding the service districts. Erika Haynes asked what was the Town Council asking of the commission in regards to this topic, Attorney Cody responded that the charter does not have provisions over it, so maybe it was to look at the policing issue. Attorney Kepple stated that the charter does not have to be followed exactly but to be used as a guide. Jan-Maya Schold suggested the commission needs to find out what is going on: talk to the 1st taxing district and see how they would like to be represented and then talk with the Windham taxing district; there needs to be a way to bring them together. Doug Lary asked if there could potentially be more taxing districts. The answer was yes, Doug responded by suggesting to have the charter develop an understanding there could be more and how it would work.

Erika Haynes brought up the topic of water/sewer commission. If the town is

going to a single finance department: what is the authority is in regards to water/sewer. Attorney Cody responded with it will not be seamless because they exist under a different statute, water commission has special legislation. WPCA has the authority to raise money through its fees- the money is exclusive to the sewer system.

Attorney Cody has not seen any language regarding the Finance Department yet; the thought is to move away from the old treasurer system. Discussion was held regarding the Town Manager and the spending freeze, a job description for the Town Manager needs to be developed. Jan-Maya Schold stated the commission needs to define the job of Mayor, Town Manager and Town council and determine how they will interact. She believes the Mayor comes first then the Town Manager. Discussion took place regarding the difference of a strong Mayor and a weak Mayor. Dennis O'Brien stated Mansfield has a beautiful break down; the Town Manager runs the town and the Mayor runs the meetings, etc. Barbara McGrath asked if there could be a hybrid Board of Education. Attorney Cody responded by saying so far all statutes are referring to elected boards. Refer to special statues 9-167. Jan-Maya Schold asked if a mechanism could be put in the charter that allows the Board of Finance to be deleted once the Department of Finance is up and running. Attorney Cody suggested just doing what you want to do; you do not want to make it too complicated. Discussion was held regarding power of initiative: it can be used to bring about a new charter change put not used for consolidation. Discussion took place in regards to what does consolidation mean.

5. Commissioner discussion of vision and goals related to the charter, board of finance, role of mayor and town manager: Donna Nicolino made a motion to move the topic to a future meeting, seconded by Doug Lary: motion passed.
6. Future Agenda Items – mayor/town manager roles & responsibilities, Board of Finance, technical charter issues: Lynne Ide (August 22nd? BOF) Diane Rayhall (1st taxing District), Item # 5 (Mayor, Town Manager, Board of Finance, Town Council, Finance). Discussion took place regarding the August meeting. Desmond would like to try and broadcast the meetings at the High School.
7. Citizens and Delegations (3 minutes, related to Charter, Commissioners may ask questions or seek clarification): Diane Rayhall (North Windham resident, 1st taxing District President) She stated she would get the commission a copy of the new bylaws,

she looks forward to working with the commission and if there are any questions she would be more than happy to answer them. Diane Rayhall stated she is working with the State Police to have them develop a profile. The 1st taxing district meets the first Monday of every month unless a holiday falls on it meetings are normally at Windham Center Fire House at 7pm. Budgets are started in December and passed in April, every month financial reports are given from all the organizations. Diane Rayhall encourages everyone to come out to a meeting.

Peter Bruscato (Board of Directors of 1st Taxing District)- he stated he sees the 1st Taxing District staying around until the voters want to dissolve it or if it fails to provide services. He questioned what would happen if it was spelled out in the charter and then it ceased to exist (should it be identified in less specific terms). The system works very well right now and the mutual aid does not deal with contracts but policies. He feels it needs to get written down on paper in a way that the politics work together.

8. Adjournment

Doug Lary made a motion to adjourn, seconded by Barbara McGrath, motion passed.

Meeting adjourned at 9:20pm