

**WINDHAM CHARTER REVISION COMMISSION  
SPECIAL MEETING  
WINDHAM TOWN HALL  
979 Main Street, Willimantic, CT  
THURSDAY, AUGUST 7, 2014 7:00 PM**

**Respectfully submitted by Janet Laukaitis, Clerk of the Charter Revision Commission**

**Attendees:** Chairman Dennis O'Brien, Vice-Chairman Doug Lary, Victor Rayhall, Chuck Pennewill, Priscilla Root, Jan-Maya Schold, and Pamela Shorey. Other attendees: Mary Lou DeVivo, Richard Bloomer, Joe Marsalisi, Henry Crane, and Town Councilor James Flores.

1. Call to order by the commission chairman at approximately 7:00 p.m.
2. Citizens and Delegations (3 minutes, related to Charter. Commissioners may ask questions or seek clarification): Joe Marsalisi expressed his concerns about the proposed change of the Willimantic Service District to a Willimantic Taxing District, citing Chapter 106 of the General Statutes. He also discussed his understanding of mutual aid. Mary Lou DeVivo and Henry Crane each thanked the commissioners for their work on the Charter.
3. Chairman's Report: Chairman O'Brien reminded the commissioners that this would be their final meeting. He also noted that they had to finish all their work tonight because the commission would be dissolved by operation of law once he and Vice-Chairman Lary filed the Commission's Final Report, mostly in the form of the proposed Charter, with the Office of the Town Clerk on Friday, August 8, 2014, before the Town Hall closes at noon. The chairman thanked the commissioners for their hard work, perseverance and willingness to compromise with one and other to arrive at a final product in the relatively short time he has served as chair. The chair especially thanked the vice chairman for his hard work, leadership, and the information technology contributions he made to ensure that the commission duly completed its work.
4. Chapter VII (pg. 15)  
This section, regarding appointment of constables, was discussed. The clerk of the commission arrived late at around 7:25 p.m. as expected due to her other responsibilities elsewhere, and seated herself in the audience rather than with the commissioners as usual. It was moved by Commission Pennewill, and seconded by Commissioner Lary to change this section to provide that the Nominating Committee of the Town Council will appoint constables. After more discussion, the motion carried.
5. Chapter IX (pg. 18)  
This chapter may be interpreted to provide that the authority of the City Service District police and fire departments shall not extend past city limits. Previously, as the result of a meeting with the Town Council, on July 7, 2014, Town Councilor Tom DeVivo and the Council proposed in Town Council Recommendation "TC#1," that the commission amend the proposed Charter "to allow the Willimantic Police Department to provide police services outside the boundaries of the former City of Willimantic, subject to the approval of the Willimantic Service District." Among other things, that matter was

discussed by commissioners and councilors during the statutorily required conference held during the Town Council meeting on August 5, 2014.

In response to the DeVivo proposal and the legally mandated August 5, 2014 conference with the Town Council, at this meeting Chairman O'Brien distributed a slightly revised Charter document to the commissioners for their consideration, adding underscored language to the very end of the first paragraph of Chapter IX-2, as follows:

'The authority of any police or fire department or its chiefs or officers may not extend beyond the boundaries of their respective ~~Service~~ taxing districts, except as otherwise required by mutual aid agreement or State Statutes dealing with "hot pursuit," or in the case of any police department, if and when its services are retained by one or the other of the taxing districts by way of a written agreement duly approved by the proper authorities of each taxing district.'

A long discussion ensued. Among other things, Commissioner Schold, supported by another commissioner, suggested that the language inserted by Chairman O'Brien be modified so that voters of the entire town may vote on the possible extension of the Willimantic Police Department to the Windham villages. This notion was opposed by Chairman O'Brien, who said that it was contrary to the commission's previously stated principle that except for matters clearly left by the Charter and State law to Town government, each taxing district should autonomously determine its own issues in its own way as determined by its own residents. The chairman emphasized that the language he had added at the request of others would merely allow the two taxing districts to make a written agreement for the extension of local police services, but only if each taxing district using its own legal procedures established by itself, agreed to make any such agreement. There would be no forcing the First Taxing District to do anything its own people did not want to do and officially vote to do. The new language merely addressed concerns by Councilor DeVivo and others that Charter chapter IX-2 as written could be interpreted to absolutely ban any agreement between the two taxing districts for the distribution of local police services, something the First Taxing District is apparently now in the process of examining and maybe considering. After this explanation by the chairman, commissioners who reside in the Windham villages appeared to agree that this provision he had proposed could not be harmful to First Taxing District residents, and was merely a harmless clarification of the first paragraph of Chapter IX-2 of the Charter or anyone. After some brief continued discussion, it was moved by Commissioner Schold and seconded by Commissioner Pennewill to have this section of the Charter remain as written. The motion carried by a 5 to 2 vote, with Commissioners Lary and O'Brien opposed.

(Editor's Note by ex-Chairman Dennis O'Brien:

Contrary to what is stated in the preceding paragraph, I firmly believe I **voted for and not against** the foregoing motion addressed to proposed Charter Chapter IX-2 language regarding police services that I myself drafted only at the behest of others, inserted in writing into the draft Charter, and presented to the commissioners at this meeting. Much more important, it has been recently brought to my attention that one or more ex-commissioners may believe that the foregoing 5 to 2 vote was merely to confirm the first paragraph of Chapter IX-2 **as it now reads prior to Charter revision**, which does **not** include the above stated Chapter IX-2 underscored language I drafted in response to the suggestion of Councilor Tom DeVivo and commissioner and councilor discussion during the Town Council-Commission conference at the August 5, 2014 Council

meeting, and that I submitted to the commissioners before they voted to approve it at this meeting. If so, I respectfully disagree with any such former commissioner(s). A former commissioner or more may have misunderstood, but the aforementioned 5 to 2 vote “to have this section of the Charter remain as written,” did in fact approve a motion to leave the newly inserted language regarding police services “remain as written” in the draft Charter. I have conferred with former Charter Revision Commission Vice-Chairman Doug Lary who concurs with my recall of these facts based on his own recollection of this meeting and notes he took while the meeting was in progress.)

6. Chapter IX-2, paragraph 2, page 19. Chairman O’Brien suggested by way of a simple written amendment to this Chapter set forth in the revised Charter document he distributed at this meeting that this Chapter be changed to say that any property acquired by the Willimantic Taxing District shall be acquired in the name of the Town, leaving the First Taxing District property out as had been suggested by Town Councilor Charles Krich in July of 2014. After discussion, it was moved by Commissioner Shorey and seconded by Commissioner Pennewill that the language proposed by the Chairman “remain as written” in the draft Charter distributed by the chair at this meeting. The motion carried.

7. Commissioners discussed service districts versus taxing districts. After looking at Chapter 106 of the General Statutes, delivered to the commission by Town Councilor James Flores, the chairman responded to Mr. Marsalisi’s concerns expressed during the first public comment session. Finally, after much discussion, it was determined that it is best to let the voters decide this question, presumably this November.

8. Proposed questions for the ballot, previously developed and submitted in draft form to the Town Council, were presented and reviewed. The first question was amended by agreement of commissioners, to state:

“Shall the Charter of the Town of Windham be revised to confirm a Department of Finance as *established by the Town Council and Board of Education*, responsible for implementing budgets for general government, education, the Water Department and the Water Pollution Control Authority?”

The remaining four questions, including the somewhat controversial number 4 regarding changes in the election of members of the Board of Education and minority party representation, were confirmed.

9. Citizens and Delegations (3 minutes, related to Charter, Commissioners may ask questions or seek clarification)

James Flores stated that the Draft Charter was a good document. Joseph Marsalisi spoke about mutual aid. Henry Crane stated he is happy with taxing districts as opposed to service districts and thanked commission members for their hard work. Commissioner Root spoke of her appreciation of the process.

10. Chairman O’Brien thanked all commissioners and the clerk of the commission for their dedication and hard work.

11. It was moved by Commissioner Shorey and seconded by Commissioner Pennewill to adjourn the meeting. The motion carried and the meeting was adjourned at 8:45 p.m.

