

Town Charter Revision Commission

Public Hearing

June 23<sup>rd</sup> 2016 7pm

1<sup>st</sup> floor conference room, Windham Town Hall

**Attendees:** Harry Carboni, Christel Donahue, Josh Eves, Dan Lein, Jeff Smith

1. Call to order: Harry Carboni called the meeting to order at 7pm. Harry Carboni introduced the members on the commission and talked about the charge they have been given.
2. Citizens and Delegations- Jean Chaine (Scotland RD, Windham Center)- submitted 3 pages of information and asked that it be included in the minutes (see addendum A)

Dawn Niles (North Windham) – Dawn Niles submitted language change for the commission to consider (see addendum B) the simplistic change is changing of dates, when in a short session the budget should be done in May, when in a long session it should be done by the 2<sup>nd</sup> week of June. Dawn spoke in response of Jean- the Windham Taxing District was added into the charter to make it better understood. People are confused when the service district meets. The Windham taxing district is a separate entity that is recognized by the state. The Windham Taxing District contacts out for services for a certain amount.

Murphy Sewall (Windham Center)-He would hate to see a referendum in the 2<sup>nd</sup> week of June- once school is out it is very hard to get the budget to pass. The Board of Finance needs to be given some flexibility to set a date. He stated if you skipped the town meeting part then you would be able to save a week. He also would like to see the town and the education budgets combined: you cannot set a mill rate until all of the budgets are passed. In addition, people do not understand the way the education budget is set up. Murphy also brought up there are non-resident voters that are voting down the budgets: they do not want to be taxed and their property is all of their concern where as they are not as invested in the town.

Henry Crane (Willimantic)- he likes the idea to make it more open ended. We could wait the state out first in order to hopefully get our money. He stated he thinks there are very few people who vote as property owners (30 or less). We need to get this done quick.

Laurie Jeffers (Willimantic)-

- We let the college kids vote and they do not live here so why shouldn't we let property owners vote.
- She thanked the committee for serving.
- She stated there is a problem with democratic control on passing budget.
- We should ask the 3 State Legislatures (Linda Orange, Mae Flexer and Susan Johnson for a uniform fiscal year.
- There is a problem with the democratic controlled Town Council- they like to pass it on, they give irresponsible budgets: they keep raising the budgets and taking away things that people really want.

- She spoke in regards to the publishing of the Town Charter in the newspaper each time we change something. Approx. 27,000-30,000. But the chronicle gave it cheaper this last time (15,000).
- She does not want the Town Council to select the Mayor.
- She would like to see the government convert back to the old ways- 1<sup>st</sup> selectman, etc.
- The Board of Education and the Board of Finance should be reduced to 7 member boards.
- There should be no overlapping boards and all should be 2 years (she went through who sits on the boards currently)
- The chair of the Board of Education and Board of Finance should be elected- all should be ½ plus 1.
- Both taxing districts should be taken out and a provision out in.
- Positions should not be paid they should be volunteers
- Out of town employees should have to pay for their children to attend school in the district.
- Any time a budget goes down 3x it should be adopted with 10% less.

Meeting adjourned at 7:28pm

Respectfully submitted by Jessica Niles

# Addendum A

Recently, a First Taxing District meeting discussed a proposal to fund with taxes, the purchase of real estate for the expansion of one local firehouse. It would accommodate the future purchase of additional high value equipment. One of the directors asked "Who will be owner"? The response was that the "Taxing District cannot own property". With no additional comment it implied that the Fire Department as a private contractor would take title. Examining the Town Charter for clarification on that response, chapter IX-2 Taxing District Responsibilities, states in part: "Any property acquired for use by the Willimantic Taxing District shall be acquired in the name of the Town, and any such property which is paid for by a taxing district shall be made available for the exclusive use of such taxing district and the proceeds of any sale or other disposition of such property shall be applied by the Town to the cost of other property which shall be made available for the exclusive use of such taxing district."

Although references in this chapter to "a taxing district" or "such taxing district" seems to include both taxing districts for some of the responsibilities, definitive First Taxing District ownership issues are unclear or absent.

The lack of such a provision seems to be ceding to private contractors, taxpayers funded land, buildings and high value equipment without taxpayer ownership. Future "sale or other disposition" of these same items does not require private contractors to apply any value received of those assets to other property made available for the exclusive use of the First Taxing District, required by the Willimantic Taxing District.

Additional language in chapter IX-2 clearly defining First Taxing District responsibilities should reflect the unique nature of the district's First Responder service providers. They are volunteer personnel belonging to 3 separate private contractors providing adequate service to the district. The Charter provides for the district to tax itself for that service. Beyond reimbursement for actual costs to provide 24/7 first responder services, taxpayers should own the land, buildings and high value rolling stock purchased with taxpayer funds. Leasing them to the contractors for a nominal annual amount would not alter performance of day-to-day services. Clarifying the First Taxing District responsibilities would in my view, eliminate the unintended diversion of significant high value taxpayer-funded purchases to private contractor assets.

Jean Chaine

## § IX-2

### Taxing district responsibilities.

Each taxing district shall be responsible for providing or arranging for the provision of fire and police protection plus supplementary services it chooses to provide within the boundaries of its taxing district. Each taxing district shall be responsible for levying taxes on the taxable property within the boundaries of its taxing district to finance the cost of services provided by the taxing district. The authority of any police or fire department or its chiefs or officers shall not extend beyond the boundaries of their respective 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.

Each taxing district shall be responsible for paying all costs for the services provided by the taxing district, including but not limited to, salaries, wages, payroll taxes, fringe benefits, past and future pension costs, liability insurance, hazard insurance on any property made available for use by the taxing district and any other expenses directly or indirectly related to the provisions of such services. Each taxing district shall be responsible for paying the costs of operating, maintaining and repairing any real or tangible personal property which is made available for use by a taxing district. In the event the Town of Windham provides any additional or replacement real or tangible personal property for use by a taxing district, the taxing district shall pay the cost of acquiring or financing the costs of acquiring such property and shall, if necessary, include in its tax levy a sufficient amount to pay such costs. Such requirement shall not be a limitation on the power of the Town to issue its bonds or notes secured by the full faith and credit of the Town to finance the costs of acquiring such property. **Any property acquired for use by the Willimantic Taxing District shall be acquired in the name of the Town, and any such property which is paid for by a taxing district shall be made available for the exclusive use of such taxing district and the proceeds of any sale or other disposition of such property shall be applied by the Town to the cost of other property which shall be made available for the exclusive use of such taxing district.**

A taxing district may release any such property to the Town for any municipal use upon approval of the voters of the taxing district.

The members of the Town Council elected from the Willimantic Voting

District shall constitute the Board of Directors of the Willimantic Taxing District. Said Board of Directors shall adopt taxing district bylaws, elect from among themselves a president, vice president, clerk and treasurer, and shall be responsible for overseeing the provision of services in their taxing district including but not limited to, the approval of contracts, the preparation of the proposed annual budgets, the fixing of salaries (to the extent not covered by union contracts), and fixing of pensions with the aid of the Willimantic Police and Fire Pension Commission. The Town Manager shall be an ex officio member without vote on the governing body of each taxing district created by this charter.

The Town Manager shall be the Chief Executive Officer of the Willimantic Taxing District, but if the District Board of Directors determines that there is a particular issue upon which there is a conflict of interest between the Town Manager's responsibilities to the Town of Windham and to the Taxing District, the President of said Board of Directors will be empowered to act for the district in place of the Town Manager on that particular issue alone.

Proposed IX2 language addition in italic:

Any property acquired for use by the Willimantic Taxing District shall be acquired in the name of the Town, and any such property which is paid for by a taxing district shall be made available for the exclusive use of such taxing district and the proceeds of any sale or other disposition of such property shall be applied by the Town to the cost of other property which shall be made available for the exclusive use of such taxing district.

*When acquiring real or tangible property requiring ownership documentation, and purchased with taxpayer funds for exclusive use within the First Taxing District, that property shall be acquired in the name of the Town of Windham. All proceeds of any sale or other disposition of such property shall be available to the First Taxing District and applied to other property for the exclusive use of said district.*

A taxing district may release any such property to the Town for any municipal use upon approval of the voters of the taxing district.

# Addendum B

## X-4. - BUDGET RECOMMENDATIONS OF THE COUNCIL.

On or before March 15 the Town Manager shall present to the Board of Finance the proposed budget and five-year capital improvement program as amended by the Town Council.

## X-5. - DUTIES OF THE BOARD OF EDUCATION ON BUDGET.

On or before March 15, the Board of Education shall submit its proposed annual budget for the next fiscal year and a five-year capital improvement program to the Board of Finance.

## X-6. - DUTIES OF THE BOARD OF FINANCE.

The Board of Finance shall hold one (1) or more public hearings at least two (2) weeks before the date of the annual budget meeting at which the public shall have an opportunity to be heard regarding the budget proposed for the next fiscal year. At any time prior to or following any such public hearing, the Board of Finance may revise the annual sum total of estimated itemized costs in the proposed budget of the Board of Education and of each other Town department as it deems desirable and shall recommend such revised budget to the annual budget meeting of the Town. Copies of the proposed annual budget shall be available for general distribution in the office of the Town Manager and on the Town website at least five (5) days prior to the public hearing or hearings. Copies of the budget recommended by the Board of Finance following the public hearing shall likewise be available for general distribution at least five (5) days prior to the annual budget meeting.

## X-7. - ANNUAL BUDGET MEETING.

The annual budget meeting of the Town shall be held on the <sup>1st</sup> Tuesday in May for discussion of the budget recommended by the Board of Finance, and shall be adjourned to a referendum vote on the budget recommended by the Board of Finance. The referendum vote shall take place no later than ~~seven (7) days~~ <sup>and</sup> after the first ~~Tuesday~~ <sup>June</sup> in ~~May~~. The Board of Finance shall cause notice of the time, date and place of the annual budget meeting, including the recommended budget and other information required by the General Statutes, to be published by the Town Clerk in a newspaper having a substantial circulation in the Town. The notice shall specify the date, times and places of the referendum vote. The notice shall provide that separate votes shall be taken on the portion of the budget for the Board of Education and the portion of the budget for the remaining general government items. The Board of Finance may specify in the notice that separate votes will be held on any individual appropriation or group of appropriations in the general government portion of the budget as determined by the Board of Finance. The annual budget meeting may not change the budget recommended by the Board of Finance. Electors of the Town of Windham and voters entitled to vote in the annual budget referendum of the Town of Windham pursuant to Chapter I-1 of this Charter shall be entitled to discuss the budget at the annual budget meeting and shall be eligible to vote for or against the budget at the budget referendum. Should the annual budget referendum fail to approve the budget, the Board of Finance may revise the proposed budget, and submit the revised budget to a subsequent budget meeting and referendum in accordance with the provisions described in this Section for the annual budget meeting and referendum.