

2016 CHARTER REVISION COMMISSION
FINAL REPORT August 3, 2016



**MEMBERS OF THE 2016
WINCHESTER CHARTER REVISION COMMISSION**

Candace Bouchard, Chair and Secretary

Dale Denning

Anita Garnett

Norman Kelly

Rose P. Molinelli

Raymond R. Robitaille

Jay Trevorrow

A. Introduction and Summary of Proposed Changes

The Winchester Charter Revision Commission (“the Commission”) was impaneled by Resolution of the Winchester Board of Selectmen on May 16, 2016, and was charged with the responsibility of reviewing the Winchester Town Charter (“the Charter”) in accordance with Charter Section 1706. In addition, the Board of Selectmen requested that the Commission review the specific issues outlined in a memorandum dated May 26, 2016, attached hereto as Exhibit A, which contained the Board of Selectmen’s Charge to the Commission. As will be seen below, issues were raised beyond that charge and, the Commission made recommendations and/or comments where they felt it was appropriate.

The Commission adopted the approach that any recommendations from the Commission to the Board of Selectmen would be made on the basis of a majority of Commissioners on a given issue. The Commission also feels strongly that each change suggested should be voted separately by the electors at Referendum. Based on comment and testimony received at Commission meetings, public hearings, and the deliberations of the Commission members, the Commission has drafted proposed revisions to the Town Charter. The Revised Town Charter recommends the following changes:

1. Modify the financial levels in the Charter that have not kept up with inflation:
 - a. Change the dollar threshold amount to a percentage (0.09%) of total expenditures, in the latest approved town budget in any fiscal year for Section 305C and 305D, Town Meetings on Referendums, Ordinances and Resolutions;
 - b. Change Section 911 Competitive Bidding minimum dollar threshold amount to a percentage (0.03%) of total expenditures in latest approved town budget;

A. Introduction and Summary of Proposed Changes (cont.)

2. Setting the Annual Town Budget meeting date, in Section 1102A Annual Town Budget to be held on the second Monday in May and shortening the time to set the referendum date to within 14-21 days in sections 1102C Annual Town Budget and 1108A Adoption of Budget;
3. The addition of a confidential ballot option in Section 1102B Town Budget Meetings.

B. Public Hearings Held by the Commission

The Commission conducted public hearings on June 14, 2016 and August 3, 2016. Comments from the public were also received by members of the Commission on June 12, 2016.

C. Commission Meetings

The Commission held meetings on the following dates:

May 26, May 31, June 7, June 14, June 22, June 28, July 5 July 12, July 20 July 28 and Aug 3, 2016.

D. Local Agencies Interviewed

The Commission interviewed the following Winchester Boards, Commissions and Agencies and Town Staff: Town Manager, Finance Director, Collector of Revenue, Registrar, Civil Service Commission, Civil Service Examiner, Chief of Police, Director of Public Works, Connecticut Conference of Municipalities (CCM), and Northwest Hills Council of Governments(NHCOG).

E. Commission Discussion and Findings

1. Financial levels in the charter have not kept up with inflation.

The last time the charter was revised to update the financial levels, in Sections 305 Town Meetings on Referendums, Ordinances and Resolutions, was 29 years ago — 1987. The Commission chose to investigate how these levels could be modified to reflect current cost of living going forward. Robert Geiger, Town Manager, spoke to the Commission and Bruce Stratford, Director of Finance, responded to questions prepared by the Commission.

1. Financial levels in the charter have not kept up with inflation.(cont.)

FINDING: The Commission recommended, by unanimous vote, to change the dollar threshold amount to a percentage of total expenditures, in the latest approved town budget in any fiscal year regarding Town Meetings on Referendums, Ordinances and Resolutions. The recommended percentage is nine one hundredths of one percent (0.09%). By tying the amount to total expenditures in the town budget, this will automatically inflate the amount without the need to make future Charter changes.

ARTICLE III BOARD OF SELECTMEN
 Section 305. TOWN MEETINGS ON REFERENDUMS, ORDINANCES AND RESOLUTIONS

Proposed Change	Benefit
<p>C. When it is proposed to undertake any public work or improvement, purchase any implement or machinery, construct any building or buildings or appurtenances thereof, or additions thereto, or any ordinance or resolution proposing a special appropriation, which action involves the expenditures of any amount exceeding fifteen thousand dollars (\$15,000.00) nine one hundredths of one percent (0.09%) of "Total Expenditures" in the latest approved town budget in any fiscal year and which exceeds the amount provided for in the budget or for which an appropriation has not been included in the budget, such expenditure shall not be made or undertaken until the same as been submitted to the electors of the Town at Special Town Meeting for purposes of calling a referendum. Said referendum shall be held on a date within one (1) week of said Special Town Meeting. Such expenditure shall not be made or undertaken until the same shall have been approved by the electors of the Town by vote at said referendum.</p>	<p>This new level is in line with the inflation rate over the period since the \$15,000 threshold was set.</p> <p>By tying the amount to total expenditures in the town budget, this will automatically inflate the amount without the need to make future Charter changes.</p> <p>EXAMPLE 305C/305D: Using 2016/17 Town Budget total expenditures of \$33,101,174 x 0.09% = \$29,791.00</p>
<p>D. The following ordinances and resolutions are specifically exempted from electoral challenge as set forth in this Section: a resolution fixing the tax rate; making an appointment or removal; a resolution an appointment or removal; an ordinance making a special appropriation of less than fifteen thousand dollars (\$15,000.00) nine one hundredths of one percent (0.09%) of "Total Expenditures" in the latest approved town budget in any fiscal year; any emergency ordinance as defined in this Charter.</p>	<p>This new level is in line with the inflation rate over the period since the original \$15,000 was set and reflects the same change to Section: 305C.</p> <p>By tying the amount to total expenditures in the town budget, this will automatically inflate the amount without the need to make future Charter changes.</p>

1. Financial levels in the charter have not kept up with inflation.(cont.)

- b. The last time the charter was revised to update the financial levels, in Sections 911 Competitive Bidding, was 29 years ago — 1987. The Commission chose to investigate how these levels could be modified to reflect current cost of living going forward. Robert Geiger, Town Manager, spoke to the Commission and Bruce Stratford, Director of Finance, responded to questions of the Commission.

FINDING: The Commission recommended, by unanimous vote, Change the Competitive Bidding minimum dollar threshold amount to a percentage of total expenditures in the latest approved town budget. The recommended percentage is three one hundredths of one percent (0.03%). By tying the amount to total expenditures in the town budget, this will automatically inflate the amount without the need to make future Charter changes.

Note: Should the electors agree to pass this Charter change, Ordinance Section 147 TOWN PROCUREMENT (Sections 147.11, 147.12 and 147.13) would also require modification to reflect said change.

**ARTICLE IX DEPARTMENT OF FINANCE APPROPRIATION
 Section 911. COMPETITIVE BIDDING**

Proposed Change	Benefit
<p>If any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity over a period of time, involves the expenditure of Three Thousand Dollars (\$3,000.00) three one hundredths of one percent (0.03%) or more of "Total Expenditures" in the latest approved town budget, the Purchasing Agent, unless it shall be determined by the Board of Selectmen to be against the best interest of the town, shall invite sealed bids or proposals giving ten (10) days public notice thereof by publication at least once in a newspaper having substantial circulation in the town. All such sealed bids or proposals shall be opened publicly. The Purchasing Agent may in his sole discretion waive any informalities, divide the award, accept any bonafide bid seemed in the best interest of the town, regardless of cost, or reject all bids.</p>	<p>This new level is consistent with levels in towns similar to ours. It is also in line with the inflation rate over the period since the \$3,000 threshold was set.</p> <p>By tying the amount to total expenditures in the town budget, this will automatically inflate the amount without the need to make future Charter changes.</p> <p>EXAMPLE: Using 2016/17 Town Budget total expenditures of \$33,101,174 x 0.03% = \$9,930.00</p>

2. Budget Timelines with regards to state budget decisions

Robert Geiger, Town Manager: spoke to the Commission on the impact of changing budget meeting dates and Arlene M. Boutin, Collector of Revenue provided written responses to the Commission’s questions. Additionally, the Connecticut Conference of Municipalities (CCM) was contacted in regard to tracking towns considering changing their charters based on the State’s budgeting timeline.

FINDING: The Commission recommended, by unanimous vote, to defer the Town Budget Meeting date by a week to obtain state aid details, solidify the budget and to shorten the period between the annual town budget meeting and referendum date by one week.

ARTICLE XI ANNUAL TOWN BUDGET
 Section 1102. ANNUAL BUDGET MEETING

Proposed Change	Benefit
A. The Annual Town Budget Meeting shall be held on the first second Monday in May at 7 p.m., which shall be adjourned from time to time until the annual budget is adopted.	Allows the town one more week to obtain state aid details and solidify budget.
C. The Annual Town Budget Meeting shall be adjourned to an 8 a.m. to 8 p.m. referendum to be held on a date not less than twenty-one fourteen (14) days and not more than twenty-eight twenty-one (21) days following the Annual Town Budget Meeting.	<ul style="list-style-type: none"> • Shortens the period between the annual town budget meeting and referendum date by seven (7) days. • Referendum range date remains the same and does not alter issuance of tax bills. • Should the budget not pass, this change will shorten the cycle time for subsequent referendum dates (see Section: 1108 Adoption of Budget).

2. Budget Timelines with regard to state budget decisions (cont.)

EXAMPLE:

CURRENT May 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Current:

- Section 1102A: Annual Town Budget Meeting the first Monday in May.
- Section 1102C: Referendum date is established 21-28 days following Annual Town Budget Meeting.

PROPOSED May 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Proposed:

- Section 1102A: Annual Town Budget Meeting the **second** Monday in May.
- This change gives the town one more week to obtain state aid details and solidify budget.
- Section 1102C: Referendum date established 14-21 days following Annual Town Budget Meeting, reduces timeframe by one week
- Referendum date range remains the same.

ARTICLE XI ANNUAL TOWN BUDGET
Section 1108. ADOPTION OF BUDGET

Proposed Change	Benefit
<p>A. The budget shall become effective when approved at the referendum by machine vote, following the Annual Town Budget Meeting as provided in Section 1102, and an official copy shall be filed with the Town Clerk. If the budget is not adopted at the referendum, the Annual Town Budget Meeting shall be rescheduled to a date, no less than 21 fourteen (14) days nor more than 28 twenty-one (21) days from the date of the referendum. At the resumption of the meeting, the Board of Selectmen shall submit an annual budget as set forth in this Article. This process shall be repeated until a budget is adopted.</p>	<p>Reducing the time-frame by one week and matching Annual Town Budget, Section 1102C for establishing subsequent referendum dates as needed.</p>

3. Town Meeting for budget — needing to use a machine.

The Town Registrars responded to questions regarding the sole use of a machine for Town Budget voting.

FINDING: The Commission recommended, by unanimous vote, to add voting by confidential ballot, as an alternative, to the existing machine vote at Town Budget Meetings.

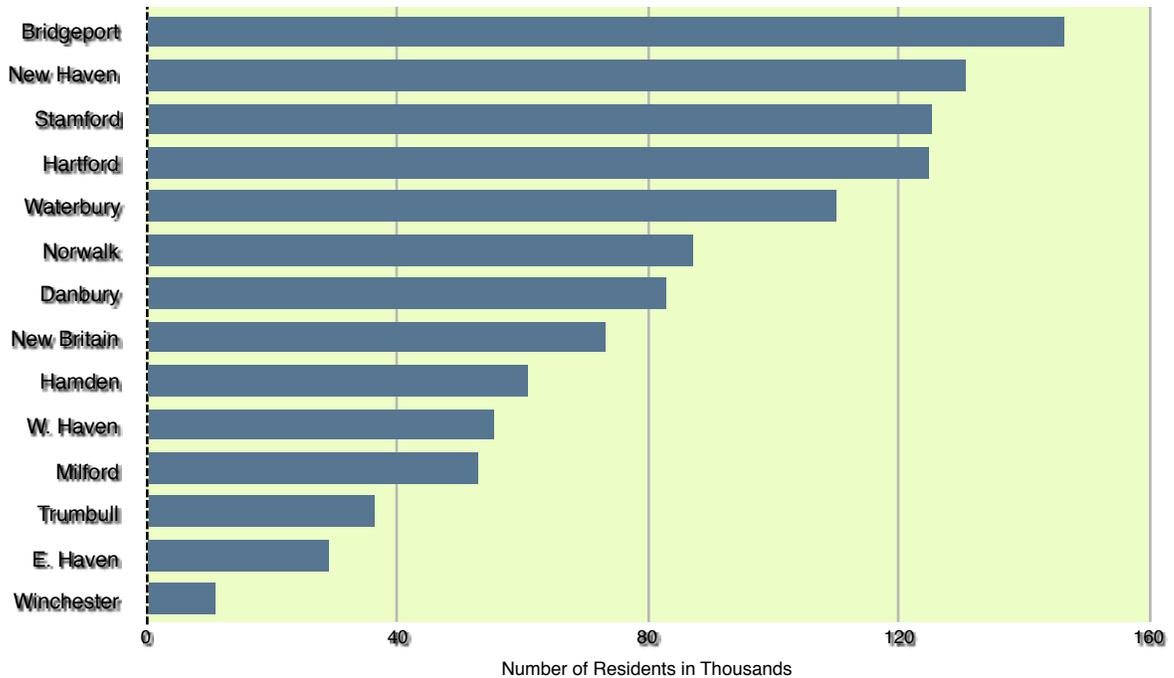
ARTICLE XI ANNUAL TOWN BUDGET
Section 1102. ANNUAL TOWN BUDGET

Proposed Change	Benefit
B. Prior to adjournment to budget referendum, the electors at the a Annual t Town b Budget m Meeting shall review the budget as presented by the Board of Selectmen and the electors shall have the power to amend, but not increase, any line item of the budget. Voting on line items shall be by machine or confidential ballot.	Allows for an alternative voting method at Town Budget Meetings, in the event the machine(s) not be operational, while maintaining elector confidentiality.

4. **Civil Service Commission:**

The Town Manager Robert Geiger, Chief of Police William T. Fitzgerald, Jr., Public Works Director Jim Rollins, Civil Service Examiner Wayne Dove, Civil Service Commission Members Fran Delaney, Skip Marsh and Joe Nichols were interviewed and also provided written responses to the Commission's questions. A survey regarding hiring procedure comparisons was sent out to the 21 member towns of the Northwest Hills Council of Governments(NHCOG).

CT Cities/Towns with Civil Service Commissions (2016)



In December 1996, the Board of Selectmen adopted Ordinance 172 which created the Civil Service Board (Civil Service Commission), consisting of three members who are appointed by the Town Manager.

Winchester is one of the 14 remaining Civil Service Commissions in the state of Connecticut out of 169 towns. East Haven, with the second smallest population, has 2.63 times more residents than Winchester.

FINDING: The Commission unanimously voted to uphold the Civil Service Commission. The Commission believes it is unwise and impractical to dissolve Civil Service until such time as a viable alternative is presented. Improvements can be made to the Civil Service process based upon testimony given.

5. **Suggestion by Jack Bourque to consider establishing a quorum requirement for Town Budget Referendum**

FINDING: The Commission voted against establishing a quorum requirement for Town Budget Referendums by unanimous vote. The suggestion was if the budget referendum does not meet a certain threshold of registered voters (15%, for instance), that the Board of Selectmen's budget would then automatically be enacted. The Commission was concerned that in some circumstances this approach could negate the ballots of those citizens who actually showed up to vote. For example, what if a "no" vote prevailed in a budget referendum, but the total vote was only 14%? The Board of Selectmen budget would essentially then "pass" anyway, in spite of the "no" ballots. This possibility was a genuine concern for the Commission.

6. **Peter Minton suggested adding line item increases option to the budget at the Town Budget Meeting and adding choices when voting at Budget Referendum i.e. Yes - approved budget as presented, No - Budget presented too high and No - Budget presented too low.**

FINDING: The Commission voted against increasing line items at Town Budget Meeting and adding choices when voting at Budget Referendum by unanimous vote due. Additionally, the Board of Selectmen may currently choose to include advisory questions on the ballot.

7. **Peter Minton suggested that all Charter changes adopted by the Board of Selectmen should be voted on individually at referendum and not lumped together.**

FINDING: The Commission recommended, by unanimous vote, that the Commission's proposed Charter changes, once accepted by the Board of Selectmen, be voted on separately at referendum.

F. Proposed Revised Town Charter

Based on the testimony received at its public hearings and meetings, the comments of its invited guests, the documents it reviewed and its deliberations, the Winchester Charter Revision Commission recommends the attached proposed revisions to the Winchester Town Charter.

G. Acknowledgements

The Commission would like to thank the members of the public who attended and testified at Commission meetings, the invited guests that appeared before the Commission and Town Staff who participated in the Commission's deliberations and in the generation of the Final Report and the proposed revisions to the Winchester Town Charter.

Respectfully submitted by the Winchester Charter Revision Commission this 3rd day of August, 2016.

Candace Bouchard - Chairman and Secretary

Received by the Winchester Town Clerk on August ____, 2016.

Sheila Sedlack, Town Clerk

Transmitted to the Board of Selectmen on August ____, 2016.

Sheila Sedlack, Town Clerk