

September 19, 2017

Town of East Windsor
Special Town Meeting
September 19, 2017

A Special Town Meeting of the Town of East Windsor was held at the Broad Brook Elementary School, 14 Rye Street, Broad Brook, CT on September 19, 2017. The meeting was called to order by First Selectmen, Robert Maynard at 7:30 P.M. Motion was made by John Matthews and seconded by William Loos to nominate Robert Maynard to preside as Moderator. Motion was made by Jason Bowsza and seconded by Nichole DeSousa, to nominate Richard Leborious to preside as Moderator. A hand vote was taken and Robert Maynard won. A voter challenged this vote and then withdrew the motion. Richard Leborious conceded to the vote. The Town Clerk read the Town Meeting Public Notice. Keith Yagaloff was invited to sit next to the Moderator to advise the Town Meeting about Roberts Rules. He is a town resident and an Attorney. Point of Order by Robert Quesnell. He wondered when the legal notice was published. Robert Maynard said it was in the newspaper on last Thursday. Robert Maynard, Moderator, read the eligibility to vote. The Moderator stated that anyone who wanted to speak at tonight's meeting would need to sign up on the pad on the front table. Anyone making any motions or amendments would need to have them in writing.

Keith Yagaloff made the following motion, 2nd by Nichole DeSousa:

To consider and approve the Ordinance Regarding Town of East Windsor Casino Special Revenue Fund.

**“ORDINANCE REGARDING TOWN OF EAST WINDSOR CASINO IMPACT
MITIGATION FUND”**

1. The purpose of this ordinance is to create a Casino Impact Mitigation Fund to guide Town officials, elected and appointed, and Town employees in the Town's utilization of the \$3,000,000.00 up-front payment and subsequent annual impact funds received from MMCT Venture, LLC as part of the development of the Town of East Windsor's casino gaming facility in order to ensure that the proceeds of the fund are used to ensure that the public safety, public service and education expenditures that are a result of the Town hosting a casino are spent for those purposes.

2. Pursuant to the Connecticut General Statutes, as amended, there shall be established a Casino Impact Mitigation Fund (“Mitigation Fund”). Such Mitigation Fund shall be a non-lapsing, revolving fund of the Town outside of the General Fund.

3. The one time up-front payment and each year, not more than thirty (30) calendar days after receipt of impact mitigation money from MMCT, or any subsequent corporate entity with a controlling interest in any casino gaming facility in the Town of East Windsor, the Town shall deposit 100% of any impact mitigation funding in the Mitigation Fund.

4. A Casino Impact Mitigation Project Manager (“Project Manager”) shall be appointed by the Board of Selectmen to administer the Mitigation Fund. The Project Manager shall be appointed for a one year term that is renewable every year thereafter at the discretion of the Board of Selectmen. The Project Manager may be terminated or reappointed subject to approval by the Board of Selectmen. If the Project Manager is other than a Town official or employee, then it shall be a paid position with the funding for the position coming out of the Mitigation Fund. The Board of Selectmen shall approve a job description and scope of duties for the Project Manager position. The Project Manager shall be one of the following:

A. A contracted, external position of one person or a firm that has the necessary expertise in municipal services and project management.

Or

September 19, 2017

B. A Town employee that has the necessary expertise in municipal services and project management.

Or

C. A committee made up of three (3) Town officials and/or employees, who have the necessary expertise in municipal services and project management.

5. Expenses paid out of the Mitigation Fund shall be limited directly to either the administration of the funding of, or to mitigating, any public service impact associated with a casino gaming facility within the Town of East Windsor.

6. Project Manager shall prepare an annual budget listing Mitigation Fund expenditures for the current and succeeding fiscal years on or before April 1 of each year. The Town's Department heads and the Superintendent of Schools shall, no later than February 1, submit to the Project Manager a list of proposed casino impact expenditures for the prior and succeeding fiscal years.

7. The Mitigation Fund's annual expenditures shall be limited to public safety, public service and education expenses that the Project Manager determines is needed to cover the costs resulting from the casino's impact on the Town and Schools.

8. Any impact payments not expended at the end of each fiscal year shall be transferred to a surplus account within the Mitigation Fund. Moneys in the surplus account may be used for capital or mitigation purposes relating to the casino's impact on the Town in future years.

9. The Mitigation Fund may be subject to an audit by the Town's auditor at the request of the Board of Selectmen or Board of Finance.

The foregoing shall become effective fifteen (15) days after the publication thereof in a media having circulation in East Windsor.

There was discussion by several speakers.

Paul Anderson made a motion to amend the original ordinance (see attachment #1).

Point of order by Cynthia Herms. She had questions about the amended motion on the floor, etc. Keith Yagaloff stated that the motion doesn't constitute Mr. Anderson's three minutes for debate. He is allowed to make an amendment. He then gets three minutes to talk after the motion, if it's seconded.

Amendments are allowed on motions as long as they're germane to the underlying motion.

Kathleen Bilodeau seconded Paul Anderson's motion. There was discussion about this motion.

Cynthia Herms asked if the amendment has been vetted by an Attorney. Robert Maynard said no.

Marie DeSousa called the question. Seconded by Robert Lyke. The Moderator said that we need to have a 2/3 vote to end the debate. The Moderator called for a vote. **Motion to end the debate passed.**

The Moderator called for a vote on the amendment. **The amendment #1 failed by a hand vote.**

Jason Bowsza made a motion to amend the original ordinance (see attachment #2). Seconded by Nichole DeSousa. There was discussion about this amendment.

Point of Order by Richard Leborious. Keith Yagaloff was one of the speakers and Richard Leborious wanted to know if this was Mr. Yagaloff's personal opinion or was it a legal opinion. Keith Yagaloff stated that this was his personal opinion as a voter in town.

Richard Leborious made a friendly amendment to the amendment that Jason Bowsza made (see attachment #3). Jason Bowsza agreed to the friendly amendment. John Matthews called the question. Seconded by Fred Stucklen. There was a 2/3 vote to stop debate and vote. The amendment with the friendly amendment was voted on and failed by a hand vote.

September 19, 2017

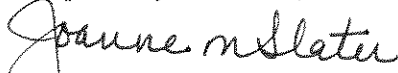
Kathleen Bilodeau made a motion to amend the original ordinance (see attachment #4). Seconded by Sarah Muska. Discussion followed. **This amendment was voted on and failed by a hand vote.** Discussion on the original ordinance continued.

There was a 2/3 vote to end debate. The original ordinance was put to a vote.

The room was divided with the yes votes on one side of the room and the no votes on the other side of the room. The motion was defeated 175 no votes to 97 yes votes.

William Loos made a motion to adjourn. Seconded by Rand Stanley. The meeting adjourned at 9:37 P.M.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Joanne M. Slater". The signature is written in black ink and is positioned above the printed name and title.

Joanne M. Slater
Town Clerk

Amendment to Proposed Ordinance
September 19, 2017
by Paul Anderson
89 Main Street
Broad Brook CT 06016

#1 Amendment

Change Title from

**"ORDINANCE REGARDING TOWN OF EAST WINDSOR CASINO
IMPACT MITIGATION FUND"**

to:

"ODNINANCE REGARDING TOWN OF EAST WINDSOR CASINO DEVELOPMENT IMPACT FUND"

Change the content to:

1. The purpose of this ordinance is to create a Casino Development Impact Fund to guide Town officials, elected and appointed, and Town employees in the Town's utilization of the \$3,000,000.00 up-front payment and subsequent annual impact funds received from MMCT Venture, LLC as part of the development of the Town of East Windsor's casino gaming facility in order to ensure that the proceeds of the fund are used to ensure that the public safety, public service and education expenditures that are a result of the Town hosting a casino are spent for those purposes
2. Pursuant to the Connecticut General Statutes, as amended, there shall be established a Casino Development Impact Fund ("CDI Fund"). Such CDI Fund shall be a non-lapsing, revolving fund of the Town outside of the General Fund.
3. The one time up-front payment and each year, not more than thirty (30) calendar days after receipt of development impact money from MMCT, or any subsequent corporate entity with a controlling interest in any casino gaming facility in the Town of East Windsor, the Town shall deposit 100% of any development impact funding in the CDI Fund.
4. The disbursement of these funds shall be a committee consisting five (5) members. The members of the committee will consist of one member from each of the following: Police Dept, Public Schools, Public Works, Ambulance Association and a Town Fire Department. Members shall be appointed and provided by each respective department.
5. Expenses paid out of the CDI Fund shall be limited directly to either the administration of the funding of any public service impact associated with a casino gaming facility within the Town of East Windsor.
6. The CDI Fund's annual expenditures shall be limited to public safety, public service and education expenses that the committee determines is needed to cover the costs resulting from the casino's impact on the Town and Schools.
7. Any funds not expended at the end of each fiscal year shall be transferred to a surplus account within the CDI Fund. Moneys in the surplus account may be used solely the costs resulting from the casino's impact on the Town and Schools in future years.
8. Funding for ongoing expenses, such as Police Officers, shall be paid from the CDI Fund in future and not from the Town Budget.
9. The CDI Fund may be subject to an audit by the Town's auditor at the request of the Board of Selectmen or Board of Finance.

The foregoing shall become effective fifteen (15) days after the publication thereof in a media having circulation in East Windsor.

Dated at East Windsor, Connecticut this 19th day of September 2017.

Draft East Windsor Casino Impact Mitigation Fund Ordinance

Town of East Windsor

The following ordinance was adopted at a Special Town Meeting duly warned and held on _____, 2017.

"ORDINANCE REGARDING TOWN OF EAST WINDSOR CASINO IMPACT MITIGATION FUND"

1. The purpose of this ordinance is to create a Casino Impact Mitigation Fund to guide Town officials, elected and appointed, and Town employees in the Town's utilization of the \$3,000,000.00 up-front lump sum payment and any subsequent annual impact funds received from MMCT Venture, LLC as part of the development of the Town of East Windsor's casino gaming facility in order to ensure that the proceeds of the fund are used to ensure that the public safety, public service and education expenditures that are a result of the Town hosting a casino are spent for those purposes.

Commented [JB1]: Suggested by Maynard, 9/5/17. Same in section 3

2. Pursuant to the Connecticut General Statutes, as amended, there shall be established a Casino Impact Mitigation Fund ("~~Mitigation~~ Impact Fund"). Such ~~Mitigation~~ Impact Fund shall be a non-lapsing, revolving fund of the Town outside of the General Fund.

Commented [JB2]: Suggested by Maynard, 9/5/17 and throughout

3. Each year, not more than thirty (30) calendar days after receipt of impact mitigation money from MMCT, or any subsequent corporate entity with a controlling interest in any casino gaming facility in the Town of East Windsor, the Town shall deposit 100% of any up-front lump sum payments and any subsequent impact mitigation funding in the ~~Mitigation~~ Impact Fund.

4. A Casino Impact Mitigation Project Manager ("Project Manager") shall be appointed by the Board of Selectmen to administer the ~~Mitigation~~ Impact Fund. The Project Manager shall be appointed for a one year term that is renewable every year thereafter at the discretion of the Board of Selectmen. The Project Manager may be terminated or reappointed subject to approval by the Board of Selectmen. If the Project Manager is other than a Town official or employee, then it shall be a paid position with the funding for the position coming out of the ~~Mitigation~~ Impact Fund. The Board of Selectmen shall approve a job description and scope of duties for the Project Manager position. The Project Manager shall be one of the following:

A. A contracted, external position of one person or a firm that has the necessary expertise in municipal services and project management.

Or

B. A Town employee (e.g. Town Treasurer) that has the necessary expertise in municipal services and project management.

Or

C. A committee made up of ~~three (3)~~ five (5) people, not more than three (3) of whom shall be Town officials and/or employees, who have the necessary expertise in municipal services and project management.

Commented [JB3]: Bowsza amendment

5. Expenses paid out of the ~~Mitigation-Impact~~ Fund shall be limited directly to either the administration of the funding of, or to mitigating, any ~~direct public service~~ impact associated with a casino gaming facility within the Town of East Windsor.

Commented [JB4]: Clarifies intent

6. Project Manager shall prepare an annual budget listing ~~Mitigation-Impact~~ Fund expenditures for the current and ~~succeeding next~~ fiscal years on or before April 1 of each year. The Town's Department heads and the Superintendent of Schools shall, no later than February 1, submit to the Project Manager a list of proposed casino impact expenditures for the prior and succeeding fiscal years. The Project Manager shall submit the proposed budget to the Board of Selectmen for approval. Recommendations by the Project Manager to the Board of Selectmen may not be amended, but must be either approved or rejected by the Board of Selectmen.

Commented [JB5]: Bowsza amendment – ensures democratic participation

6.7. The ~~Mitigation-Impact~~ Fund's annual expenditures shall be limited to public safety, public service and education expenses that the Project Manager determines is needed to cover the costs resulting from the casino's impact on the Town and Schools.

8. Any impact payments not expended at the end of each fiscal year shall be transferred to a surplus account within the ~~Mitigation-Impact~~ Fund. Moneys in the surplus account may be used for capital or mitigation purposes relating to the casino's impact on the Town in future years. The surplus account shall not exceed \$5 million. Any unexpended surplus above \$5 million will revert back to the General Fund

Commented [JB6]: Suggested by Maynard, 9/5/17

7.9. The ~~Mitigation-Impact~~ Fund ~~may~~ shall be subject to an audit by the Town's auditor at the request of the Board of Selectmen or Board of Finance.

Commented [JB7]: Bowsza amendment

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**"ORDINANCE REGARDING TOWN OF EAST WINDSOR CASINO
IMPACT MITIGATION FUND"**

1. The purpose of this ordinance is to create a Casino Impact Mitigation Fund to guide Town officials, elected and appointed, and Town employees in the Town's utilization of the \$3,000,000.00 up-front payment and subsequent annual impact funds received from MMCT Venture, LLC as part of the development of the Town of East Windsor's casino gaming facility in order to ensure that the proceeds of the fund are used to ensure that the public safety, public service and education expenditures that are a result of the Town hosting a casino are spent for those purposes.
2. Pursuant to the Connecticut General Statutes, as amended, there shall be established a Casino Impact Mitigation Fund ("Mitigation Fund"). Such Mitigation Fund shall be a non-lapsing, revolving fund of the Town outside of the General Fund.
3. The one time up-front payment and each year, not more than thirty (30) calendar days after receipt of impact mitigation money from MMCT, or any subsequent corporate entity with a controlling interest in any casino gaming facility in the Town of East Windsor, the Town shall deposit 100% of any impact mitigation funding in the Mitigation Fund.
4. A Casino Impact Mitigation Project Manager ("Project Manager") shall be appointed by the Board of Selectmen to administer the Mitigation Fund. The Project Manager shall be appointed for a one year term that is renewable every year thereafter at the discretion of the Board of Selectmen. The Project Manager may be terminated or reappointed subject to approval by the Board of Selectmen. If the Project Manager is other than a Town official or employee, then it shall be a paid position with the funding for the position coming out of the Mitigation Fund. The Board of Selectmen shall approve a job description and scope of duties for the Project Manager position. The Project Manager shall be one of the following:

A. ~~A contracted, external position of one person or a firm that has the necessary expertise in municipal services and project management.~~

Or

B. ~~A Town employee that has the necessary expertise in municipal services and project management.~~

Or

*Deleted
by
Town
Amendment*

Amended

- C. A committee made up of three (3) Town officials and/or employees, who have the necessary expertise in municipal services and project management.
5. Expenses paid out of the Mitigation Fund shall be limited directly to either the administration of the funding of, or to mitigating, any public service impact associated with a casino gaming facility within the Town of East Windsor.
 6. Project Manager shall prepare an annual budget listing Mitigation Fund expenditures for the current and succeeding fiscal years on or before April 1 of each year. The Town's Department heads and the Superintendent of Schools shall, no later than February 1, submit to the Project Manager a list of proposed casino impact expenditures for the prior and succeeding fiscal years.
 7. The Mitigation Fund's annual expenditures shall be limited to public safety, public service and education expenses that the Project Manager determines is needed to cover the costs resulting from the casino's impact on the Town and Schools.
 8. Any impact payments not expended at the end of each fiscal year shall be transferred to a surplus account within the Mitigation Fund. Moneys in the surplus account may be used for capital or mitigation purposes relating to the casino's impact on the Town in future years.
 9. The Mitigation Fund may be subject to an audit by the Town's auditor at the request of the Board of Selectmen or Board of Finance.

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Draft East Windsor Casino Impact Mitigation Fund Ordinance

Town of East Windsor

The following ordinance was adopted at a Special Town Meeting duly warned and held on _____, 2017.

"ORDINANCE REGARDING TOWN OF EAST WINDSOR CASINO IMPACT MITIGATION FUND"

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2. Pursuant to the Connecticut General Statutes, as amended, there shall be established a Casino Impact Mitigation Fund ("Impact Fund"). Such Impact Fund shall be a non-lapsing, revolving fund of the Town outside of the General Fund.

3. Each year, not more than thirty (30) calendar days after receipt of impact mitigation money from MMCT, or any subsequent corporate entity with a controlling interest in any casino gaming facility in the Town of East Windsor, the Town shall deposit 100% of any up-front lump sum payments and any subsequent impact mitigation funding in the Impact Fund.

4. A Casino Impact Mitigation Project Manager ("Project Manager") shall be appointed by the Board of Selectmen to administer the Impact Fund. The Project Manager shall be appointed for a one year term that is renewable every year thereafter at the discretion of the Board of Selectmen. The Project Manager may be terminated or reappointed subject to approval by the Board of Selectmen. If the Project Manager is other than a Town official or employee, then it shall be a paid position with the funding for the position coming out of the Impact Fund. The Board of Selectmen shall approve a job description and scope of duties for the Project Manager position. The Project Manager shall be one of the following:

A. ~~A contracted, external position of one person or a firm that has the necessary expertise in municipal services and project management.~~

or

B. A Town employee (e.g. Town Treasurer) that has the necessary expertise in municipal services and project management.

~~or~~

C. A committee made up of five (5) people, consisting of the Superintendent of Schools or his/her designee, the Chief of Police or his/her designee, the Director of Public Works or his/her designee and two members of the community, who have the necessary expertise in municipal services and project management.

5. Expenses paid out of the Impact Fund shall be limited directly to either the administration of the funding of, or to mitigating, any direct public service impact associated with a casino gaming facility within the Town of East Windsor.

6. Project Manager shall prepare an annual budget listing Impact Fund expenditures for the current and next fiscal year on or before April 1 of each year. The Town's Department heads and the Superintendent of Schools shall, no later than February 1, submit to the Project Manager a list of proposed casino impact expenditures for the prior and next fiscal year. The Project Manager shall submit the proposed budget to the Board of Selectmen for approval. Recommendations by the Project Manager to the Board of Selectmen may not be amended, but must be either approved or rejected by the Board of Selectmen. *delete succeeding replace with next*

7. The Impact Fund's annual expenditures shall be limited to public safety, public service and education expenses that the Project Manager determines is needed to cover the costs resulting from the casino's impact on the Town and Schools.

8. Any impact payments not expended at the end of each fiscal year shall be transferred to a surplus account within the Impact Fund. Moneys in the surplus account may be used for capital or mitigation purposes relating to the casino's impact on the Town in future years. The surplus account shall not exceed \$5 million. Any unexpended surplus above \$5 million will revert back to the General Fund

9. The Impact Fund shall be subject to an audit by the Town's auditor annually.

The foregoing shall become effective fifteen (15) days after the publication thereof in a media having circulation in East Windsor.

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