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TOWN OF NEWTOWN

CHARTER REVISION COMMISSION

**Minutes of the Charter Revision Commission Public Hearing Meeting held on Thursday
September 15, 2010 in Meeting Room 1 at the Newtown Municipal Center, 3 Primrose
Street, Newtown, CT.**

Charter Revision Commission Chairman William Lavery called the meeting to order at 6:31 PM.

PRESENT: Robert Duero, John Godin, Joseph Golden, William Lavery, Eric Paradis, Carey Shierloh, Peter Spanedda.

ABSENT: None.

ALSO PRESENT: First Selectwoman Pat Llodra, Legislative Council Chairman Jeff Capeci, Legislative Council member Jan Andras, Legislative Council member Bob Merola, Registrar of Voters LeReine Frampton, Police Commissioner Bruce Walzack, thirteen members of the public, one member of the press.

PUBLIC PARTICIPATION:

ITEMS RELATED TO SPECIFIC CHARGES FROM LEGISLATIVE COUNCIL:

Bruce Walzack, Police Commissioner, 12 Glover Lane.

- Mr. Walzack indicated that he supports bifurcating the budget.
- Mr. Walzack also supports advisory questions, however he feels that if they are included on the ballot, they should be for both yes and no votes. Mr. Walzack explained that some voters may vote yes for a budget even though they feel it is too low, out of fear that if they vote no the budget will be reduced further. The ballot should ask voters who vote yes and no if the budget is too high or too low. He feels that by having advisory questions for yes and no votes the government will get a true aggregated idea of how all voters are thinking. He noted that the state statutes allowing advisory questions does not limit the questions to only no votes.

LeReine Frampton, Registrar of Voters, 6 Pebble Rd.

- Mrs. Frampton wanted to clarify framework set by the State legal department related to the charges:
 - (1) According to Mrs. Frampton, all advisory questions must start with “shall”, end with a “?”, and be answered with “yes” or “no”.
 - (2) With Newtown’s current single budget system, if advisory questions were added the question would have to ask if the budget was too high (yes/no).
 - (3) With a bifurcated budget, the questions would have to ask:
 - A. Is the town budget too high (yes/no)
 - B. Is the town budget too low (yes/no)
 - C. Is the board of education budget too high (yes/no)
 - D. Is the board of education budget too low (yes/no)
 - (4) If you do not bifurcate the budget, you cannot ask advisory questions on separate portions of the budget.

Bob Merola, Legislative Council member, 22 Ashford Lane

- Mr. Merola indicated that the commissioners should make sure that they clarify “local” vs. “advisory” questions as local questions dictate that action is taken on the question. He felt that usually in a bifurcated budget system, a question would require action.
- Mr. Merola also requested that the commissioners consider what the impact has been on voter participation in towns that have moved to a bifurcated budget.

Jan Andras, Legislative Council member 16 Poverty Hollow Rd.

- Mrs. Andras submitted her viewpoints on the specific charges to the Charter Revision Commissioners via email. A copy (**attachment B**) was presented at the meeting.

ADDITIONAL ITEMS FOR CONSIDERATION OUTSIDE OF SPECIFIC CHARGE:

Bruce Walzack, Police Commissioner, 12 Glover Lane

- Mr. Walzack indicated that on October 1, 2010 Freedom of Information requirements will change, no longer setting specific requirements in state statutes for how towns post agendas and minutes on town websites. Mr. Walzack requested that the commissioners consider including specific requirements in Newtown’s charter.
- Mr. Walzack provided a copy of the transcript of house discussion passing House Bill number 6712 (**attachment A**) which established the Fairfield Hills Authority. Mr. Walzack noted that text of transcript appears to reveal the intent of the Fairfield Hills Authority was to be a temporary body until the Town could form a charter revision committee (specific section highlighted).
- Mr. Walzack would like the commission to consider the replacement process for all boards and commissions when a vacancy occurs between elections as the process is currently different throughout the various Town boards.
- Mr. Walzack would like the commission to consider term limits of elected officials.

LeReine Frampton, Registrar of Voters, 6 Pebble Rd.

- Mrs. Frampton requested that the commissioners make their decisions not just based on present personalities and to not make major changes for something that may be a temporary problem.
- Mrs. Frampton indicated that the commission should consider requiring all CIP items in the annual budget vote as opposed to having multiple referendums throughout the year. She felt that this would encourage all departments to have their CIP items ready for the yearly budget referendum and that it would reduce costs to taxpayers as each referendum carries the same cost, regardless of how many questions are on the ballot. The charter could allow the legislative council to maintain authority to approve special referendums on exceptions. Mrs. Frampton indicated that Ridgefield has this process.
- Mrs. Frampton requested that the commission consider the replacement process for the Board of Education when a vacancy occurs between elections. The BOE chooses their own replacement compared to the legislative council which is selected by the first selectperson.
- Mrs. Frampton requested that the commission address elected and appointed positions in the town hall. She feels that some currently appointed positions could be changed to a "hired" position. This would take political agendas out of the equation in many departments. She feels that the Town Clerk, Tax Collector, and Tax Assessor should be "hired" employees similar to all other department heads in Town. She gave the hypothetical example that under the current system, any appointed department heads could be removed, even if they are doing an excellent job, if a new administration was voted in and chose to do so.

Jan Andras, Legislative Council member, 16 Poverty Hollow Rd.

- Mrs. Andras submitted her viewpoints on the specific charges to the Charter Revision Commissioners via email. A copy (**attachment B**) was presented at the meeting.

ADJOURNMENT:

Chairman Lavery moved to adjourn the meeting. Motion seconded and unanimously carried. Having no further business, the meeting was adjourned at 7:18 PM.

Patrick M. Kelley, Clerk

A

On Page 8, Calendar Number 299, House Bill Number 6712, AN ACT AUTHORIZING MUNICIPALITIES TO ESTABLISH MUNICIPAL DEVELOPMENT AGENCIES, Favorable Report of the Committee on Planning and Development.

SPEAKER AMANN:

Representative Wallace.

REP. WALLACE: (109th)

Good afternoon, Mr. Speaker.

SPEAKER AMANN:

Good afternoon, Sir.

REP. WALLACE: (109th)

Mr. Speaker, I move acceptance of the Committee's Favorable Report and passage of the Bill.

SPEAKER AMANN:

The question is acceptance of the Joint Committee's Favorable Report and passage of the Bill. Will you remark, Sir?

REP. WALLACE: (109th)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an Amendment. It is LCO Number 5704. Would you please ask the Clerk to call and I be allowed to summarize?

SPEAKER AMANN:

The Clerk please call LCO Number 5704, which will be designated House Amendment Schedule "A".

CLERK:

LCO Number 5704, House "A" offered by Representatives Wasserman and Godfrey.

SPEAKER AMANN:

The Member seeks leave of the Chamber to summarize this Amendment. Is there objection on summarization? Is there

objection? Hearing none, Representative Wallace, Sir, you have the floor.

REP. WALLACE: (109th)

Thank you, Mr. Speaker. Mr. Speaker, this is a strike-all amendment and I move adoption.

SPEAKER AMANN:

Thank you, Sir. The question before the Chamber is adoption of House, I'm sorry, Sir, you can proceed, Sir, with your explanation. I was, I jumped the gun on you, Sir. Sorry.

REP. WALLACE: (109th)

Thank you, Mr. Speaker. Mr. Speaker, this Amendment affects a municipality that is the site of a former State mental institution. The State is closing the mental institution and the municipality has purchased the property for future commercial, industrial, and residential use.

The property on the acreage is over 600,000 square feet and consists of more than ten buildings. The master plan of development for this property calls for multiple tenants and multiple leases.

The town charter, adopted in 1961 and revised in 2001, did not anticipate the town holding and leasing such vast properties.

This Amendment gives the municipality until December 31st of this year to establish an authority to oversee implementation of the master plan and execute leases until the municipality can establish a charter revision committee, bring the appropriate changes forward to the voters, and obtain their approval. Thank you, Mr. Speaker.

SPEAKER AMANN:

Thank you, Sir. Will you remark? Will you remark further on the Amendment before us? Will you remark? Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Thank you, Mr. Speaker. Through you to Representative Wallace, I just want to clarify something. Representative Wallace--

SPEAKER AMANN:

Representative Wallace, excuse me, Madam. Representative Wallace, please prepare yourself. Please, Madam, through the Chair.

REP. KIRKLEY-BEY: (5th)

Thank you. Many of the major cities, Hartford, New Haven, Waterbury, have instituted something called neighborhood revitalization zones, and the NRZs have individually staked out geographical areas and they are creating their own plans of development under seven different categories.

Would this override or supercede what they're doing, or is that based on the way the city wants to implement it?

SPEAKER AMANN:

Through you, yes, thank you, Marie Kirkley-Bey. Representative Wallace.

REP. WALLACE: (109th)

Thank you, Mr. Speaker. Through you, Mr. Speaker. This is enabling legislation and affects a municipality with a population between 25,000 and 30,000 persons. Through you, Mr. Speaker.

SPEAKER AMANN:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Thank you. Did you indicate that this pertains to a particular area? Through you, Mr. Speaker.

SPEAKER AMANN:

Thank you, Madam. Representative Wallace.

REP. WALLACE: (109th)

Thank you, Mr. Speaker. Through you, Mr. Speaker. The municipality that has brought this forward to the Legislature for action is Newtown, Mr. Speaker.

SPEAKER AMANN:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Thank you, Mr. Speaker. Thank you, Mr. Wallace, for your responses.

SPEAKER AMANN:

Thank you, Madam. Will you remark further? Will you remark further on the Amendment before us? If not, staff and guests please come to the Well of the House.

Will you remark further? If not, let me try your minds. All in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER AMANN:

Nay, anybody against please state Nay. Ayes have it. Amendment is passed. Will you remark further on the Amendment before us? Will you remark further? Will you remark further on the Bill as amended?

If not, will staff and guests please come to the Well of the House. Will the Members please take your seats and the machine will be open.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber, please.

SPEAKER AMANN:

Have all the Members voted? Have all the Members voted? Will the Members please check the board to make sure that your votes have been properly cast.

If all the Members have voted, the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the tally.

CLERK:

House Bill Number 6712, as amended by House Amendment Schedule "A".

Total Number Voting 142

Necessary for Passage 72

Those voting Yea 141

Those voting Nay 1

Those absent and not voting 9

SPEAKER AMANN:

The Bill as amended is passed.

B

September 13, 2010

Via E-MAIL

Judge William Lavery, Chairman
Charter Review Commission
Town of Newtown

Dear Bill and CRC members:

As a member of the Charter Review Charge subcommittee, I recommended #3 regarding a three question ballot in lieu of non-binding advisory questions. I like to refer to it as the "Goldilocks" ballot – too high, too low or just right. Here are my reasons for this suggestion.

Consider the following scenario with advisory questions:

A budget fails with more NO votes than YES votes. The budget is then increased because the majority of the NO votes indicated that it is too low. However, the number of voters answering that the budget is too low is less than the number who voted YES. In that case the majority would not prevail.

Another scenario:

A budget fails with 500 NO votes and 425 YES votes. However, 600 people answer advisory questions that the budget is too high or too low. How is that interpreted when people are approving the amount of the budget but then also indicating that it should be increased or decreased?

With a three question ballot, the majority of voters will always prevail - as to whether a budget is approved or should be increased or decreased.

The three question ballot could also be implemented with a bifurcated budget. Personally, I am against bifurcation. We are one town and should think as one town, there is already enough divisiveness. If you look at towns that do bifurcate, last year many of them passed the municipal portion of the budget on the first try and defeated the education budget. This could create a difficult situation if you were not able to adjust one side to accommodate the other side of the budget, as we did this past year in Newtown.

Thank you all for volunteering to serve on the CRC.

Sincerely,

Jan Andras
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