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TOWN OF NEWTOWN

CHARTER REVISION COMMISSION

Amended Minutes of the Charter Revision Commission Meeting held on Monday November 22, 2010 in the Council Chamber at the Newtown Municipal Center, 3 Primrose Street, Newtown, CT.

Charter Revision Commission Chairman William Lavery called the meeting to order at 6:30 PM.

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

ABSENT: None.

ALSO PRESENT: First Selectwoman Patricia Llodra, Town Attorney David Grogins, two members of the press.

APPROVAL OF MINUTES:

Mrs. Schierloh made a motion to approve the minutes of the November 5, 2010 meeting. Motion seconded. Mr. Paradis abstained, all other commissioners in favor. Motion carried.

NEW BUSINESS:

Mr. Lavery presented a letter to the commission from Legislative Council Members Kevin Fitzgerald, Gary Davis, and James Belden (Attachment A). Mr. Lavery asked the commission if any members would like to make a motion based on the letter. No motions were brought forth.

Town Attorney David Grogins presented language for recommended Charter revisions 6-14(a) and 6-14(b) (Attachment B).

A discussion ensued regarding 6-14(b) (specifying the Board of Finance's role in a failed budget scenario in the Charter). Mrs. Schierloh questioned if recommending the change would take away time from the Legislative Council in the process, creating a time crunch. She added that the Commission has not done enough research on the potential impact of the change. Mr. Lavery noted that the Legislative Council typically meets the day after a budget failure and they have a joint meeting with the Board of Finance. The recommended revision does not prevent the Legislative Council and Board of Finance from having joint meetings. Mr. Golden added that the intent of the recommendation was to require the Legislative Council to get input from the Board of Finance. Town Attorney David Grogins reviewed the Charter and proposed revision and stated that the recommendation still fits within current 7 day timeframe required by the Legislative Council.

Mr. Golden made a motion to adopt 6-14(b). 2nd by Mr. Spanedda. Mr. Golden, Mr. Spanedda, and Mr. Lavery in favor. Mrs. Schierloh, Mr. Paradis, Mr. Godin, and Mr. Duero against. Motion failed.

Mr. Duero made a motion to remove the proposed revision 6-14(b). Second by Mrs. Schierloh. Mrs. Schierloh, Mr. Paradis, Mr. Godin, and Mr. Duero in favor. Mr. Golden, Mr. Spanedda, and Mr. Lavery against. Motion carried.

Mr. Duero feels that the recommendation of 6-14(b) is outside the current charge to the Commission and that process of Board of Finance input is already in place on a discretionary basis. Mr. Paradis sees that it may be connected to the charge but that it is still outside. He agreed with Mrs. Schierloh's point that the Commission has not done sufficient research on the issue. Mr. Spanedda feels that is directly related to the charge. He added that it is a recommendation to the Legislative council and that if they felt it was a time crunch they could reject the recommendation. The proposal would enable the Legislative Council to formally accept the advice of the Board of Finance. Mr. Golden noted that decisions shouldn't always be made solely based on the current personalities involved. Currently there is a lot of cooperation between the two groups but that may not hold up 5 or 10 years down the line. He added that the recommendation is directly related to the budget voting process. Mr. Lavery stated that he is in favor of the recommendation.

The Commissioners discussed potential recommendations to be given to the Legislative Council for a future Charter Revision Commission to consider. The recommendations will be included in the final presentation of materials consulted and recommendations to the Legislative Council.

- Mr. Lavery recommended that 6-14(b) be considered.
- Mr. Godin recommended that the consistency in replacement of all board/commission vacancies be considered.
- Mr. Godin also added that the issue of which positions should be hired, appointed, or elected throughout the Town government should be examined.
- Mr. Spanedda asked Town Attorney Grogins if general language could be added to the Charter that every board/department would have to consider the financial impact of decisions to the overall budget. Attorney Grogins stated that there is an impact provision for the Finance Director. He added that under the current structure there is a required monthly report from the Board of Education to the Finance Director which is subject to audit. The section of the Charter that covers the question is 5-01(b)(6).
- First Selectwoman Pat Llodra stated that currently the Board of Selectmen has the right to negotiate contracts with bargaining entities however the Board of Finance and Legislative Council have the ultimate say on if transfers to the salary line can be made. The Board of Selectmen could close negotiations with a bargaining unit but the Legislative Council or Board of Finance could reject the transfer of funds to the salary line. Mr. Lavery added the the bargaining entity could potentially sue the Town in this type of scenario. Mrs. Llodra concluded that she would forward the commission recommended language to exclude negotiated contracts from transfer authority. She thanked the commission members for their service to the Town and added that they did an excellent job in considering the charge given to them.

Town Attorney Grogins discussed the language for the public notice for the Public Hearing to be held December 8, 2010 as well as the procedure for bringing commission to a close.

ADJOURNMENT:

Mr. Golden moved to adjourn the meeting. Motion seconded and unanimously carried. Having no further business, the meeting was adjourned at 7:20

Patrick M. Kelley, Clerk