

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION COMMISSION

The Charter Revision Commission held a meeting on Tuesday, August 12, 2014 in the Council Chambers at the Municipal Center, 3 Primrose Street, Newtown, CT. Chairman Jeff Capeci called the meeting to order at 7:30pm.

**Present:** George Guidera, Dan Wiedemann, Kevin Burns, Jeffery Capeci, Robert Hall, Tom Long, Eric Paradis, James Ritchie, Deborra Zukowski

**Also Present:** First Selectman Pat Llodra, Mary Ann Jacob, Bob Merola, Michelle Embree Ku, Keith Alexander, Paul Lundquist, Director of Finance Robert Tait, two members of the public and one member of the press

**VOTER COMMENTS:** Mike Solaris, 11 Country Squire Lane– At the last meeting he said that bifurcation is not a good idea for Newtown. When the 2012 charter revision commission presented its findings to the Legislative Council, they came back with a host of findings. In the 9 town study, in 85 votes, only one time was a budget too high. There are only 28 towns in CT of 169 towns that bifurcate their budget. One of the findings was that one of the most important factors for the success of a budget is collaboration, but that binding vote is detrimental to collaboration because this pits the sides against one another. Bifurcating the budget does not decrease the number of referendums, bifurcating the budget does not improve voter turnout and most people that were interviewed said that the advisory questions didn't work or didn't tell you much. The findings were that it is healthy for the town to view the budget as one budget rather than two. They shouldn't have to worry about education. 2/3 of the budget is tied up in education. Education budgets fail more often than municipal budgets. It was indicated that our education spending is in line with other towns studied. However, Newtown is ranked on the bottom of our DRG-B when it comes to instructional spending. Mr. Solaris handed out a document with information available from the state and shows trending (Attachment A). It was reckless to make that budget binding and to take any funds off the table before the budget has been passed.

**MINUTES:** Mr. Burns moved to approve the minutes of the regular meeting of 7/28/14 , Mr. Hall seconded. Motion unanimously approved. Minutes of the 7/28/14 Public Hearing has been tabled.

**COMMUNICATIONS** – Town Clerk, Debbie Halstead has contacted Mr. Capeci to say that she has tools that will allow her to do searching of charters across various towns so she can be used as a resource.

**NEW BUSINESS**

*Discussion of Charge* – Mary Ann Jacob, Chair of the Legislative Council, gave a general overview of the charge and how they arrived at it. The council established a committee to form the charge. They went to all the boards and commissions, elected and appointed, and got their feedback as to what they thought needed to be changed. The committee's position was not to address bifurcation. They have only had that charter change for a year. They want to look at the formation of the questions that seem to be causing confusion, but they did not want to

disrupt the flow of the bifurcated budget at this time. Mr. Hall asked if anyone considered giving the Board of Finance power over the budget to the effect that if they recommended a budget of a particular amount to the LC, the amount they recommended could be reduced but not increased. Ms. Jacob replied that the consensus for the current charge was to clean up errors and omissions and not pick a contentious issues that might divide the vote in the end.

Since they were charged by the Legislative Council, they will send a draft report to the Legislative Council. They can either accept it as whole or request changes. If there are changes, it would come back to this commission and then they consider the Legislative Council changes. A final report is given to the Legislative Council. At that point, this commission would dissolve. The Legislative Council can do whatever they want to do with the report. Ultimately it will go to referendum for a vote.

There are several large items that the Board of Selectmen are recommending. One talks about the role of a town meeting and other is the way the town charges the Board of Selectman and other agencies to deal with the disposition of town owned land.

Mr. Hall asked Mrs. Llodra how she feels about making the Board of Finance a statutory board where they can establish a budget and pass it on to the Legislative Council which would have the ability to adopt it or reduce it but not raise it. Mrs. Llodra responded that the BOF and the LC have different rolls in establishing the budget plan. The BOF is a fiscal body looking at the economics of a proposal. The LC is a political body. The LC will talk about the affordability of the package, but they also have the political layer and need to find out what are the other considerations that would influence how they fill the public needs to be served by that budget. They come at it from different directions but complement each other.

Mr. Merola, member of the LC, expressed concern over the advisory question. When it first came to the LC, he did not like the questions. The questions are counter intuitive. His suggestion is to change it from too low to too high. Many constituents have told him that the questions were confusing.

Paul Lundquist, member of the LC, commented on section 6-14B. It has to do with the idea if the budget fails, should the BOF take on a more formal role and recommend, in its advisory capacity, an amended budget prior to the LC taking up the budget itself. He would like to know what the BOF's intent was for this recommendation.

Keith Alexander, Chairman of the Board of Education, provided the BOE's opinion on suggested changes (Attachment B). As far as the advisory questions, the BOE message is that they felt there is much confusion about the wording of the question.

## **UNFINISHED BUSINESS**

*Future Meetings* – The October 7<sup>th</sup> meeting will be held at the Multi Purpose Building (Senior Center), 14 Riverside Road, Sandy Hook.

VOTER COMMENT - none

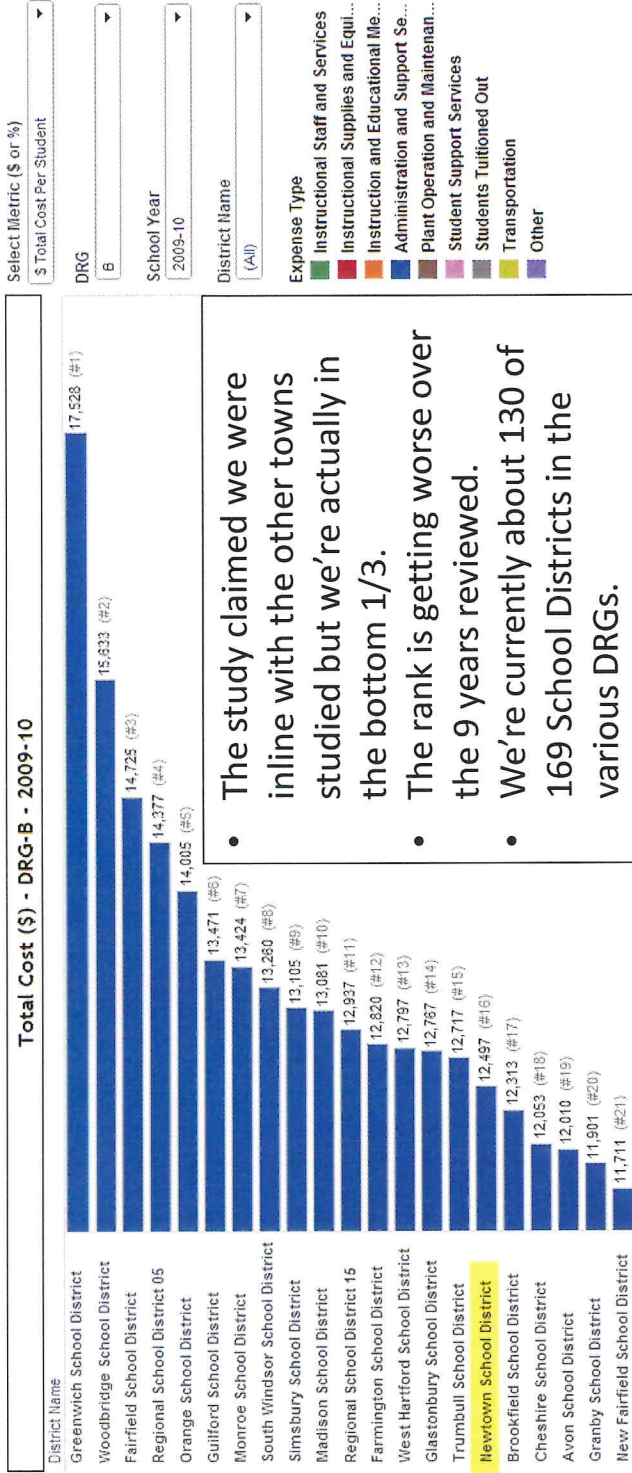
ANNOUNCEMENTS – Al Roznicki submitted charter change suggestions to be considered (Attachment C).

Having no further business, the meeting was adjourned at 8:58pm

Respectfully Submitted,  
Arlene Miles, Clerk

# Attachment A

## Total Cost Per Student Total Cost (\$)



- The study claimed we were in line with the other towns studied but we're actually in the bottom 1/3.
- The rank is getting worse over the 9 years reviewed.
- We're currently about 130 of 169 School Districts in the various DRGs.

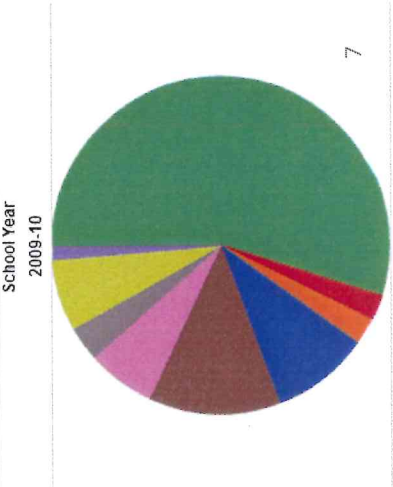
### Average Total Cost (\$) - By DRG

DRG	2009-10	Newtown School District	Total Newtown Rank (#)	DRG-B Rank (#)	State Rank (#)
A	100.0		12,497	16	131
B	100.0		12,085	16	132
C	100.0		11,497	15	103
D	100.0		10,853	15	135
E	100.0		10,181	16	133
F	100.0		9,768	15	128
G	100.0		9,341	15	129
H	100.0		8,966	14	129
I	100.0		8,470	14	131
NA	100.0				

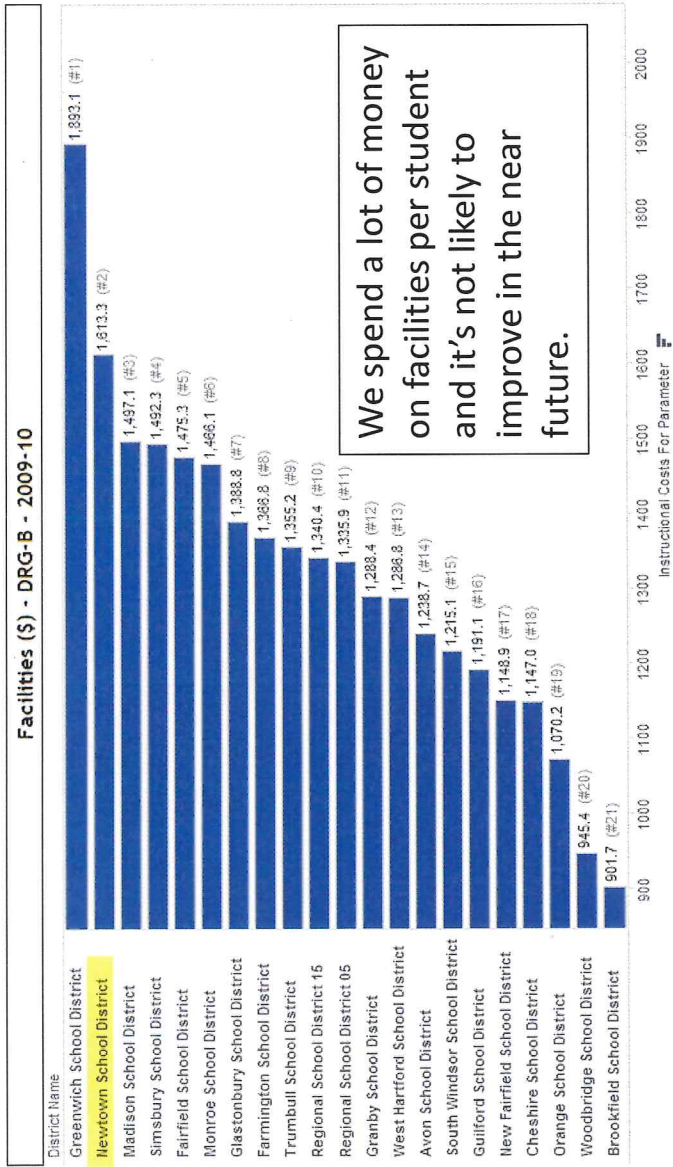
### Newtown - Total Cost (\$)

Year	Total Newtown Rank (#)	DRG-B Rank (#)	State Rank (#)
2009-10	12,497	16	131
2008-09	12,085	16	132
2007-08	11,497	15	103
2006-07	10,853	15	135
2005-06	10,181	16	133
2004-05	9,768	15	128
2003-04	9,341	15	129
2002-03	8,966	14	129
2001-02	8,470	14	131

### Newtown - Cost per Student Distribution



# Total Cost Per Student Facilities (\$)



We spend a lot of money on facilities per student and it's not likely to improve in the near future.

Select Metric (\$ or %)   
 \$ Per Student - Facilities

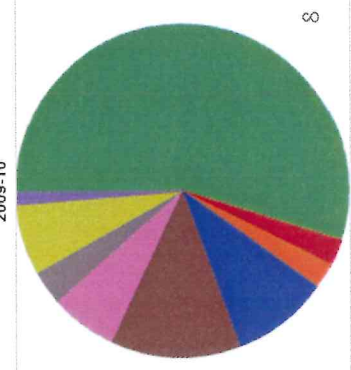
DRG   
 B

School Year   
 2009-10

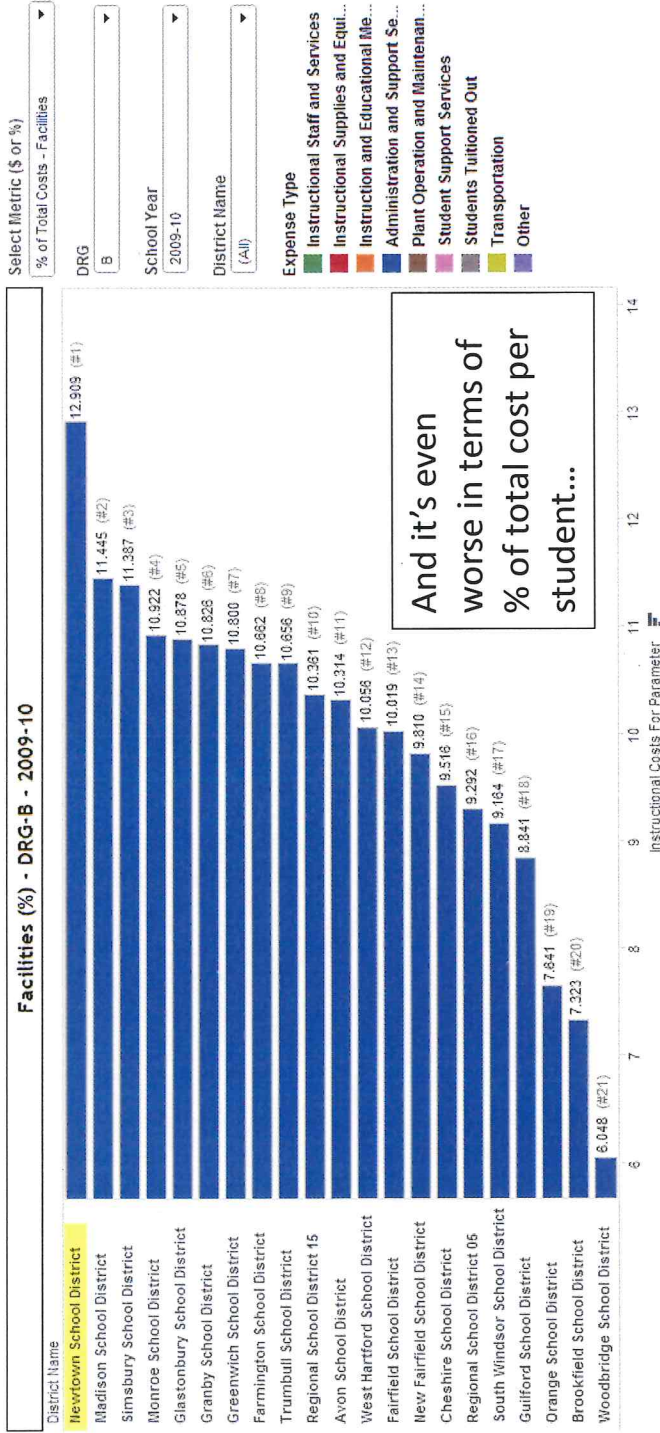
District Name   
 (-All)

- Expense Type
- Instructional Staff and Services
  - Instructional Supplies and Equi...
  - Instruction and Educational Me...
  - Administration and Support Se...
  - Plant Operation and Maintenan...
  - Student Support Services
  - Students Tuitioned Out
  - Transportation
  - Other

Average Facilities (\$) - By DRG		Newtown - Facilities (\$)		State		Newtown - Cost per Student Distribution	
DRG	2009-10	Total Newtown	DRG-B Rank (#)	Rank (#)	State	2009-10	Rank (#)
A	1,737.4	1,813	2	37			
B	1,317.0	1,655	2	39			
C	1,377.0	1,542	4	32			
D	1,328.3	1,461	3	36			
E	1,472.7	1,263	3	55			
F	1,489.8	1,266	3	37			
G	1,461.6	1,147	3	37			
H	1,352.9	1,108	4	34			
I	1,478.3	1,073	4	30			
NA	1,257.0						



# Total Cost Per Student Facilities (%)

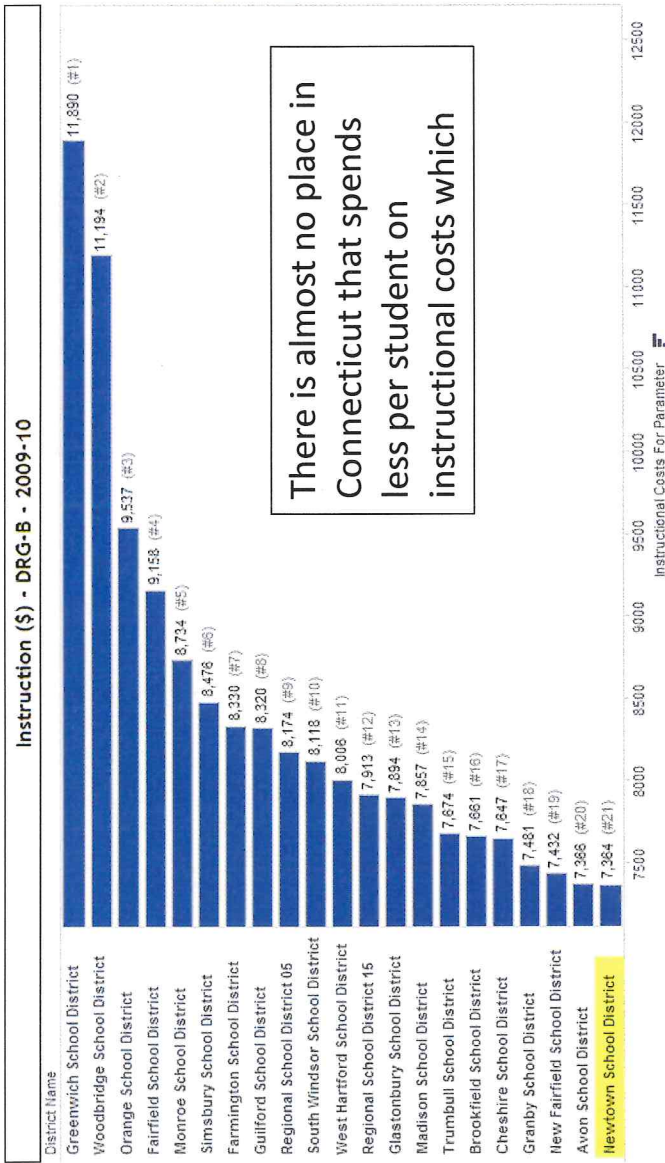


DRG	2009-10	Total Newtown	DRG-B Rank (#)	State Rank (#)	State
A	10.622	12.91	1	7	
B	9.908	13.69	1	12	
C	9.929	13.41	1	7	
D	10.027	13.46	2	12	
E	9.592	12.41	1	17	
F	10.410	12.96	2	12	
G	10.068	12.28	1	11	
H	9.717	12.36	1	10	
I	9.762	12.67	1	6	
NA	10.183				

School Year   
 2009-10

# Total Cost Per Student Instruction (\$)

Select Metric (\$ or %)   
 \$ Per Student - Instruction   
 DRG   
 B   
 School Year   
 2009-10   
 District Name   
 (All)

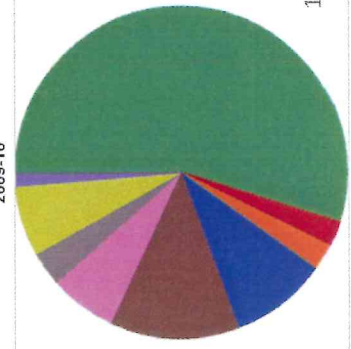


There is almost no place in Connecticut that spends less per student on instructional costs which

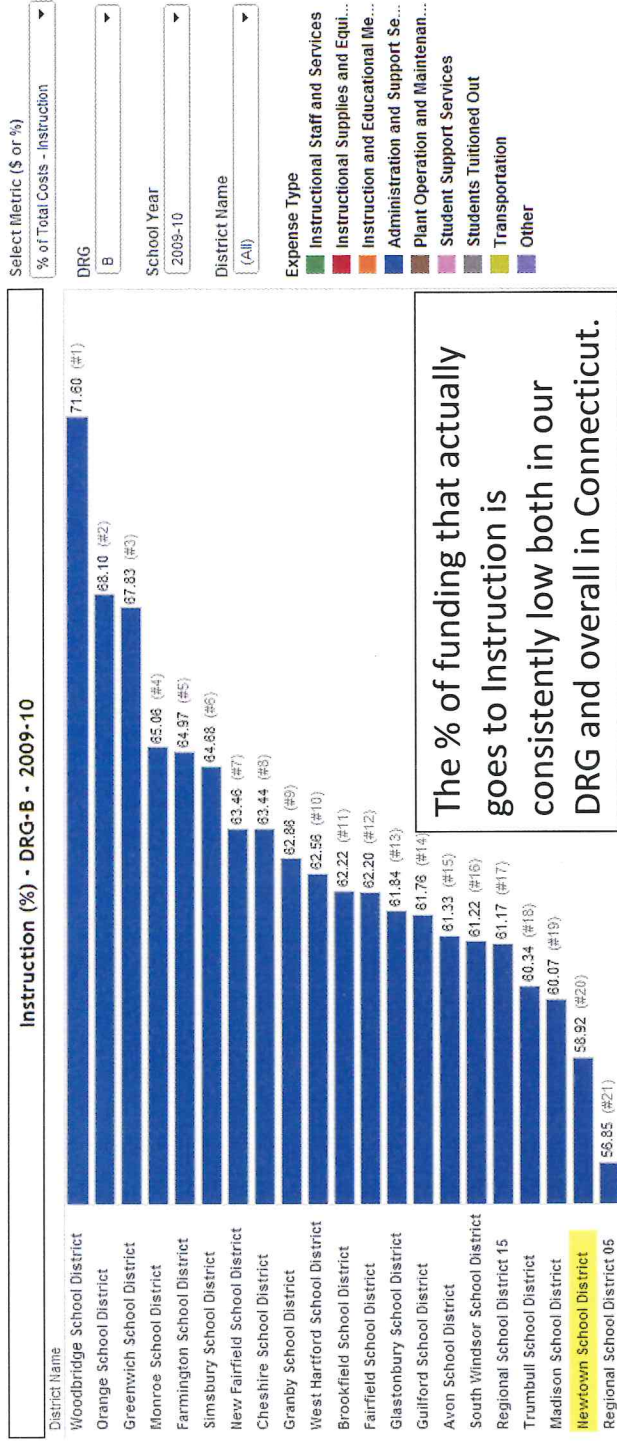
- Expense Type
- Instructional Staff and Services
  - Instructional Supplies and Equi...
  - Instruction and Educational Me...
  - Administration and Support Se...
  - Plant Operation and Maintenan...
  - Student Support Services
  - Students Tuitioned Out
  - Transportation
  - Other

## Average Instruction (\$) - By DRG

DRG	2009-10	Total Newtown	DRG-B Rank (#)	Rank (#)	State
A	10,682	7,364	21	151	
B	8,392	7,113	19	142	
C	8,520	6,803	18	112	
D	8,295	6,387	20	151	
E	9,322	6,111	20	147	
F	8,445	5,798	20	144	
G	8,651	5,562	20	147	
H	8,534	5,316	21	145	
I	9,321	5,041	21	150	
NA	6,526				



# Total Cost Per Student Instruction (%)



**Average Instruction (%) - By DRG**

DRG	2009-10	Total Newtown	DRG-B Rank (#)	State Rank (#)
A	65.31	58.92	20	122
B	63.13	58.86	18	110
C	61.43	59.18	18	93
D	62.63	58.85	20	123
E	60.72	60.03	19	117
F	59.01	59.36	20	128
G	59.59	59.55	20	134
H	61.29	59.30	20	132
I	61.55	59.52	20	138
NA	52.87			

**Newtown - Cost per Student Distribution**

School Year **2009-10**



**Political Balance of the Board of Education**

Town Charter Section 2-30(c) reads:

“The number of members of any one political party who may be elected to serve on the Board of Education shall not exceed the maximum of the whole membership of the Board as prescribed by the provisions of Section 9-167(a) of the Connecticut General Statutes, as amended. At each Town Election the number of candidates of any one political party elected to serve on the Board of Education shall not exceed a bare majority of the number of candidates to be seated.”

Reasons to review:

- 1) The need for more clear direction from the Charter was confirmed by the most recent elections for the Board of Education which was fraught with questions about minority representation.
- 2) This section also does not address how minority representation is affected by the filling of a vacancy during a general election.

Recommendation:

This section of the charter should specifically define minority representation on the Board of Education and should be reviewed for consistency with 2-70a of the Town Charter, and sections 9-204 and 9-167a of the Connecticut General Statutes.

FOR CONSIDERATION

## Filling vacancies on the Board of Education

Town Charter Section 2-40 reads:

“A vacancy or vacancies occurring in the Board of Education shall be filled by a vote of a majority of the authorized membership of said Board. If said vacancy or vacancies are not filled within 30 days from the date they occur the First Selectman, with the approval of the Board of Selectmen, shall, within 30 additional days, fill the vacancy or vacancies by appointment. If, at any time, the number of vacancies on any such Board shall leave less than a majority of the authorized membership, all existing vacancies shall be filled by the First Selectman with the approval of the Board of Selectmen, within 30 days.”

### Reason for Review

The description for filling of vacancies is not consistent from board to board.

### Recommendation

Review this section for consistency.

FOR CONSIDERATION

**Outdated/no longer relevant**

Town Charter Section 2-70(a) reads:

“The Board of Education shall be composed of 7 members serving 4 year terms. At each regular Town Election, the members of said Board shall be elected in accordance with the provisions of subsection (c) of Section 2-30 of this Charter. In compliance with Connecticut General Statute 9-206(a), the change to a seven member Board of Education shall cause the Town, at the next regular Town Election following the effective date of approval of the seven member Board, to elect four members for a term of four years. At each Town Election thereafter, the Town shall elect members of the Board in place of the members whose term expire, each for a term of four years from the date of election. Within thirty days of the effective date of approval of a seven member Board of Education a seventh member shall be appointed in accordance with section 2-40 (c) of this Charter to serve whose term will expire at the next regular Town Election.”

Reasons to Review:

The references to “the change to a seven member Board of Education” and “within thirty days of approval of a seven member Board of Education” are no longer applicable.

Recommendation:

This section should be reworked to reflect the current practice of electing three or four BOE members every two years.

FOR CONSIDERATION

**Legislative Council Action on Reductions and Additions to BOE Budget**

Town Charter 6-13 (b) reads:

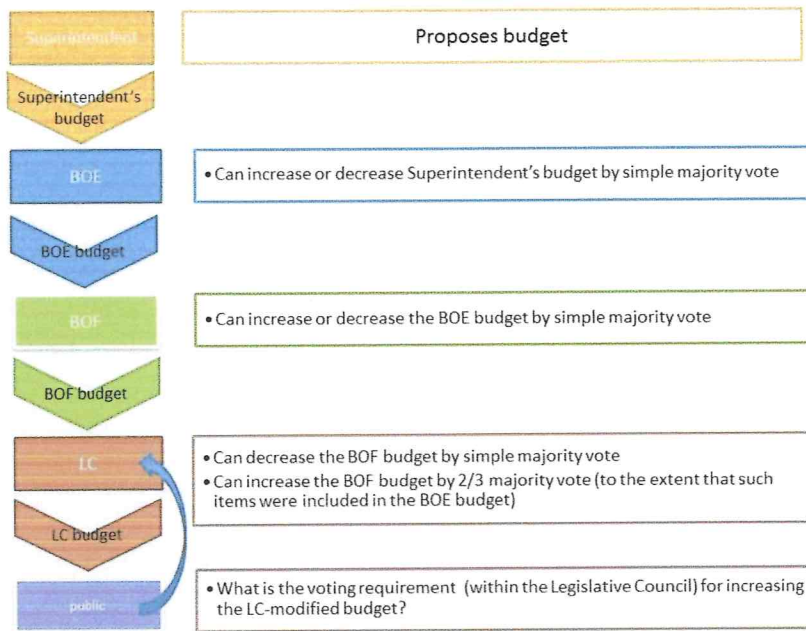
“The legislative council shall have the following powers with respect to any item in **the budget recommended by the board of Finance:**

“(1) it shall have the power to reduce any item in the budget recommended by the board of Finance by a majority vote of the legislative council of at least six (6) affirmative votes; and

“(2) it may increase any item in **said budget** or add items to **said budget** only on a two-thirds affirmative vote of the entire membership of the legislative council provided, however, that items may be added by the legislative council only to the extent that such items were included in the budgets proposed by the board of selectmen and the board of education and provided further that any increase in said budget shall not be in excess of the amount for said item in the budgets proposed by the board of selectmen and the board of education.”

Reason for Review #1:

This appears to require further clarification, as it does not address what would happen in the event that the Legislative Council reduced the BOF budget, and then, later, considered returning money to this LC-modified budget. Given the addition of the advisory question to the referendum in 2013, this possibility should be addressed.



Recommendation:

It appears that the intent of the charter was only to require a higher standard for putting forth a budget that exceeds that recommended by the Board of Finance. The expectation for the proceedings in the Legislative Council, under the circumstances of a failed, LC-reduced budget, should be clarified.

**Date for Referendum**

Town Charter 6-14(a) reads:

“The proposed town budget shall be submitted for adoption at the Annual budget referendum to be held on the fourth Tuesday of April between the hours of 6:00 a.m. and 8:00 p.m.”

Reason for Review:

It has been suggested by many that changing the date of the referendum could increase voter turnout.

Recommendation:

A review of the possibility of changing the day to a Saturday and/or to a week that does not coincide with the school’s April vacation should be investigated.

FOR CONSIDERATION

**Advisory Questions on Budget Referenda**

Town Charter 6-14(a) reads, in part:

“The Annual Town Budget Referendum ballots shall include two advisory questions as follows:

Do you deem the proposed sum of \$ \_\_\_\_\_ to be appropriated for the Board of Selectmen as “too low”?

Yes \_\_\_\_\_

No \_\_\_\_\_

Do you deem the proposed sum of \$ \_\_\_\_\_ to be appropriated for the Board of Education as “too low”?

Yes \_\_\_\_\_

No \_\_\_\_\_”

Reason for Review:

There has been confusion about the wording of this question.

Recommendation:

Review for more user-friendly wording of the advisory question.

FOR CONSIDERATION

## **Bifurcation of the Budget**

### Town Charter 6-14(a) reads, in part:

“In the event one budget fails and one is approved, the budget which passes shall be considered adopted. Any failed budget or budgets shall be resubmitted to those voters who are lawfully entitled to vote at successive referenda until passed by a majority of those voting in accordance with the provisions of paragraph 6-14(b) below. The questions on the Annual Town Budget Referendum ballot shall be as follows:

Shall the sum of \$ \_\_\_\_\_ be appropriated as the budget for the Board of Selectmen for the fiscal year?

Shall the sum of \$ \_\_\_\_\_ be appropriated for the budget for the Board of Education for the fiscal year?”

### Reason for Review:

Anecdotal evidence indicates that a bifurcated budget can create an atmosphere in which collaboration between the town and the Board of Education might be discouraged. Additionally, it has been suggested that bifurcation of the budget is detrimental to passing the school budget.

### Recommendation:

Review the effects of bifurcating the budget.

## Definition of Department

### Town Charter Section 8-02 reads:

“The term “department” shall include the offices of Tax Collector, Town Clerk, Assessor, Registrar of Voters, Judge of Probate, or the Legislative Council, or each board or commission to which funds are appropriated in the Annual Budget, or the Public Works Department which shall be considered a separate department from the remainder of the functions for which appropriations are expended by the Board of Selectmen and any other body or group which is designated a department by the Legislative Council on or before the October 1st in the year prior to the adoption of the Town Budget.”

### Reason to review:

The definition of “department” should be clarified and the Charter should consistently use this terminology. If the Board of Education or any other board or commission is indeed considered one of the departments, then the general use of “department” needs to be reviewed with respect to all commissions and boards.

“Department” is mentioned in the following sections of the Charter:

1-10

3-10

3-20(a) and (b)

3-30(a)(3)

5-01(b) and (c)

5-40(a)

5-80(a)

5-100(c)

6-11(a)

6-30(b)

6-70(a) and (b)

6-90(b),(c),(e) and (g)

6-100(a) and (c)

7-51

7-70(a)

8-10



**Subject:** Fw: Charter Revision Suggestions  
**From:** Jeffrey Capeci (jeff@thecapecis.com)  
**To:** Jeff@theCapecis.com;  
**Date:** Tuesday, August 12, 2014 5:52 PM

On Tuesday, July 29, 2014 6:01 PM, A.P.  
Roznicki <aroznicki@sbcglobal.net> wrote:

Dear  
Jeff:

The attached  
"Charter Revision" topics are for your review. In  
thinking about each of the issues I would be pleased if your  
commission would consider them for discussion.

The following is a brief  
summary of the attached recommendations:

A five member Board of  
Selectman is recommended for considered by the Charter  
Revision Commission and if approved by the commission voted  
on by the citizens of Newtown.

A Strategic/Long Range Plan should be developed  
and a planning group appointed by the Legislative Council.  
People say that the Plan Of Conservation and Development is  
our "Long Range  
Plan", however, after reading it one realizes it is  
nothing more than a guideline for incorporation into a  
Strategic/Long Range Plan.

Elimination of the Town Meeting as an office  
decision making body. I think you will agree that it is no  
longer appropriate in this day and age.

Cross Endorsing. While it is nice to have  
people in various parties endorse our candidates, it should  
not be used as a political ploy.

Term Limitations. I think we are at a point in our history that our ' term of office ' requires a revision. Needless to say many of our elected official terms are too short and I think you commission should consider revising them.

Appointing a  
Charter Revision Commission.

These are thoughts that have been crossing my mind for some time. While I know that the commission doesn't need additional work, I am hoping that you will find some of these appropriate and consider discussing them.

Thanks and  
best  
regards,  
Al

P.S. I am not sending this to anyone else, because I wanted your opinion first. Then, if they are appropriate, you can do with them as you see fit.