

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION  
COMMISSION

The Charter Revision Commission held a meeting on Thursday, February 26, 2015 in the lower level conference room at Town Hall South. 3 Main Street, Newtown, CT. Chairman Jeff Capeci called the meeting to order at 7:30PM

**Present:** Jeff Capeci, Dan Wiedemann, Kevin Burns, Jim Ritchie, Eric Paradis, George Guidera, Deborra Zukowski and Bob Hall (8:14)

**Absent:** Tom Long

**VOTER COMMENT- NONE**

**MINUTES:** Regular meeting of February 17, 2015- Tabled

**COMMUNICATIONS-NONE**

**Unfinished Business**

The Commission started with the proposed reorganization of the Table of Contents and continued on populating Chapter Two as in the previous meeting. The wording is not final. Commission ended with 2-15 at last meeting

**2-25 Voting**

Changes made- It shall be the duty of every member present at a Legislative Council, Board or Commission meeting to vote affirmatively or negatively on each question raised. Should a member have a conflict or interest, said member shall refrain from discussion and voting. The reason for the conflict of interest need not be stated nor made part of the record.

**2-30 Vacancies on the Legislative Council, Town Boards and Commissions**

a) The word council was added between affected and Board (see attachment)  
d) The word resident added between unaffiliated and elector. removed the word and  
e) changes made and reads as follows: All vacancies in elective office shall be filled at the next election except where prohibited by the General Statutes. The person appointed to fill a vacancy in an elective office shall serve only until a successor is elected to fill the vacancy and has qualified.

**2-31 Procedure for filling vacancies in elected Boards and Commissions**

A) change the wording eligible residents to eligible electors and vacated member becomes former member

**2-32 Procedures for filling vacancies in Appointive Boards and Commissions**

- a) changed to read: Vacancies in offices originally appointed by the First Selectman shall be filled as follows
- B) Changes made- see attachment
- C) Remove: with approval from the Board of Selectman
- E) removed

## **2-35 Removal of Cause**

## **2-40 Compensation**

- a) add sentence: The Town Clerks Salary shall be set from time to time by the Legislative Council
- b) (add in) The Registrars of voters shall receive a salary as set from time to time by the Board of Selectmen
- b becomes c) Change Selectman to Selectman's  
remove the words 2 Year wherever it appears
- c becomes d) Remove shall serve without compensation. Between words Commissions and Shall- add except the First Selectman. Add period after the word compensation.  
Removed except that and Necessary now starts new sentence

## **2-45 Administrative Clerks**

**Meeting adjourned at 10:14 (Capeci (M)) and Hall (2nd)**

### **Attachments**

Respectfully Submitted,  
Lynn Kovack, Clerk Pro-Tem

**Proposed Reorganized  
NEWTOWN CHARTER  
TABLE OF CONTENTS**

**CHAPTER ONE – INTRODUCTION (PROPOSED)**

1-01	Incorporation
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1-20	Definitions

**CHAPTER TWO – MEMBERSHIP, RULES, AND DUTIES FOR NEWTOWN OFFICES  
(PRELIMINARY)**

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2-05	Eligibility
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2-40	Compensation
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- 3-01 Town Elections
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- 3-10 Electing Boards and Commissions
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**CHAPTER FOUR - ADMINISTRATIVE OFFICERS AND BOARDS (PROPOSED)**

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- 7-01 General Financial Process
- 7-05 Role of the Financial Director
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DRAFT FOR DISCUSSION

**CHAPTER TWO – MEMBERSHIP, RULES, AND DUTIES FOR NEWTOWN OFFICES  
(PRELIMINARY)**

**2-01 General**

(a) The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern in all cases to which they are applicable and in which they are not inconsistent with this Charter any and special rules of order that may be adopted.

(b) All elected and appointive boards and commissions may make rules for the conduct of their meetings and the manner for accomplishing their duties. Such rules shall be filed with the Town Clerk. Formerly portions of 4-30(b), 3-20(c), 4-50(d), 4-60(c), 4-60(i), 2-70(b), 2-110(b)(1) – language merged.

(c) The First Selectman shall be an ex officio member of all boards and commissions and of the Legislative Council, but without vote and not counted for the purpose of having a quorum except as a member of the Board of Selectmen. The First Selectman shall be given reasonable notice of all meetings of boards and commissions by their Chairmen or Secretaries, and may in writing appoint another member of the Board of Selectmen to represent him or her at any meeting of such boards or commissions. Formerly 3-10(e).

(d) All elective and appointive officers, before they enter on their duties, shall take the oath or affirmation prescribed by Article XI, Section 1 of the Constitution of the State of Connecticut, as follows: "You do solemnly swear (or affirm, as the case may be) that you will support the Constitution of the United States and the Constitution of the State of Connecticut, as long as you continue to be a citizen thereof, and that you will faithfully discharge, according to law, the duties of the office of \_\_\_\_\_ to the best of your abilities. So help you God." No other oath or affirmation shall be required. Formerly 3-40.

**(a) 2-05 Eligibility**

Unless otherwise specified, only resident electors of the Town shall be eligible for election to any Town office or appointment to any appointive board. Any person ceasing to be a resident elector of the Town shall thereupon cease to hold elective or appointive office in the Town and the office shall be deemed vacant. Formerly a portion of 2-20(a) and 4-01(b), merged.

(b) No person shall hold more than one elective office of the Town at the same time. Formerly a portion of 2-20(a).

(c) Any resident elector of the Town, regardless of whether they have party affiliation, may run for public office. Specifics regarding procedures for securing a position on the election ballot are available by contacting the Elections Division of the Secretary of the State's Office, the Town Clerk's Office or the Registrar of Voters' Office. Formerly 2-20(b).

Comment [JC1]: Consider striking paragraph

(d) Specific rules regarding eligibility for certain offices, boards or commissions are contained in the following subsections discussing such board or commissions:

(1) **Board of Selectmen:** No member of the Board of Selectmen, while in office, hold or be appointed to any other office or employment in the government of the Town of Newtown. The First Selectman shall have no other full time employment nor hold any paid civil office under the government of the United States, the State of Connecticut, or any subdivision thereof, except that of Notary Public and Justice of the Peace. Formerly 3-01(c), 3-01(b), merged.

(2) **Legislative Council:** No member of the Legislative Council shall hold or be appointed to any other office, board or commission of the Town, Except as provided for in section 2-15(a), members of the Legislative Council shall reside in the district from which they were elected. Formerly a portion of 7-10, 2-15(a) is a reference to a portion of former 2-40(a).

Comment [JC2]: Ad Hoc committees should be accommodated

Comment [JC3]: Section #????

(3) **Police Commission:** No member of the Board of Police Commissioners shall be a member or officer of the Police Department, the Chief of Police, a special constable, or a member of any other Board or Commission. Formerly a portion of 2-110(a).

Comment [JC4]: Still required?

(4) **Fire Commission:** Eligibility to serve on the FC is described in section 2-205(b). 2-205(b) is a reference to former 4-50(a).

(5) **Building Appeals Board:** Members shall be qualified by training and experience on matters pertaining to building construction. [C4] Formerly a portion of 4-80.

(6) **Public Building and Site Commission:** Members shall include those who are qualified by training and experience on matters pertaining to building design, construction or contractual instruments. [C5] Formerly a portion of 4-90(a)(1).

2-10 Minority Representation

(a) Except as specifically provided in this section, the maximum number of members of any board or commission, whether elected or appointed, who are members of the same political party shall be determined in accordance with the provisions of Section 9-167a of the General Statutes, as amended. In addition, the maximum number of alternate members for any given board or commission shall also conform to the provisions of 9-167a To Wit: Formerly 2-30(e), and portions of 4-20, 2-30(c), 2-90(b), 2-100(b), and 2-130. And for alternates: Formerly portions of 2-90(c), 2-100(c)

Total Membership	Maximum for One Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
more than 9	2/3rds of total membership

(b) Exceptions are as follows:

(1) **Legislative Council:** The number of members of any one political party who may serve on the Legislative Council shall not exceed 3 of the 4 members elected from each district. Formerly 2-30(a).

(2) **Board of Education:** 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. [C7] Formerly a portion of 2-30(c).

(3) **Police Commission:** The number of members of any one political party who may be elected to serve on the Police Commission shall not exceed a bare majority of the whole membership of the Commission. Formerly 2-30(d).

(4) **Board of Managers of the Edmond Town Hall:** At each regular Town Election, 2 members of the Board of Managers of the Edmond Town Hall shall be elected, neither of whom may be members of the same political party. Formerly a portion of 2-80(a).

- (5) **Board of Fire Commissioners:** Provided members are appointed as set forth in this Charter, the Board of Fire Commissioners shall be exempt from the provisions for minority representation.  
Derived from former 4-50(a).
- (6) **Board of Ethics:** At no time shall more than 3 regular members and one alternate member of the Board of Ethics be of the same political party. Formerly a portion of 4-60(a).
- (7) **Public Building and Site Commission:** The Public Building and Site Commission shall have no more than 4 members and one alternate member from one political party. Formerly a portion of 4-90(a).
- (8) **Justices of the Peace:** The political affiliation of justices of the Peace shall be determined as provided in the General Statutes (see section 9-183a, et seq.). Formerly unspecified in Charter.

2-15 Terms and Term Limits

- (a) The term of office and term limits, if any, for every elected official, elected or appointed members of boards or commissions are set forth in sections establishing said office, board or commission.
- (b) The terms of office of all elected officials shall commence on the December 1st following their election unless otherwise provided by a specific provision of this Charter or the General Statutes. Each elected official shall hold office until a successor is elected and has qualified. Formerly 2-01(b)
- (c) The terms of office of members of all appointive boards and commissions shall commence on January 7th except for the Trustees of the Cyrenius H. Booth Library whose terms shall commence on July 1st, or as otherwise required by law. The terms shall be established to expire, as nearly as is possible, at regularly staggered intervals, unless otherwise provided by this Charter or by the General Statutes. Formerly 4-10(b), portions of 4-10(a), 4-110(c), merged.

2-20 Officers of the Legislative Council, Boards, Commissions, and Committees

- (a) The First Selectman shall be the Chairman and preside over meetings of the Board of Selectmen. At the first meeting following the Town Election, the Board of Selectmen shall choose a member of the Board who shall preside, as Acting First Selectman, during the absence or disability of the First Selectman. Such person shall perform all duties of an absent or disabled First Selectman. Formerly 3-10(b).
- (b) The First Selectman shall not hold office on the Legislative Council or any other Town Board or Commission.
- (c) All other Boards, Commissions, and Committees [C15] shall elect from their number a Chair during the first meeting.<sup>1</sup> Formerly portions of 4-30(b), 7-20, 2-70(b), 2-80(b).
- (d) The members of the Legislative Council shall also elect from their number a Vice Chairman during the first meeting. Formerly a portion of 7-20.
- (e) All other elected and appointive boards, commissions, and committees may choose a Vice Chairman and a Secretary.<sup>2</sup> [C16] Formerly portions of 4-30(b), and 2-70(b).

- Comment [JC5]: Should we break this off into a separate section.
- Comment [JC6]: Standard to be decided.
- Comment [JC7]: Better language
- Comment [JC8]: Move this to 1-50 "as the Board may designate by resolution or regulation"
- Comment [JC9]: This may belong elsewhere.

2-25 Voting

<sup>1</sup> NEW TEXT: Election of a Chair has been extended to all boards/commissions.  
<sup>2</sup> NEW TEXT: Election of a Vice-Chair has been permissively extended to all boards/commissions.



It shall be the duty of every member present at a Legislative Council, Board or Commission meeting to vote affirmatively or negatively on each question raised. Should a member have a conflict of interest, said member shall refrain from discussion and voting. The reason for the conflict of interest need not be stated nor made part of the record. Formerly 1-60.

### 2-30 Vacancies on the Legislative Council, Town Boards and Commissions

(a) A vacancy shall be created in the event that any one of the following occur: the death of a member; the resignation submitted by a member and filed with the Town Clerk, who shall immediately notify the Chair of the affected council, board or commission; a member ceases to meet the eligibility requirements as described in section 2-05; or for appointive boards, a member is removed for cause. The vacancy shall take effect on the date of such event.<sup>3</sup> Formerly portions of 2-20(a) and 2-40(a).

(b) Should a member of the Legislative Council move from one district to another, such a move shall not constitute the creation of a vacancy provided that the said member otherwise remains eligible for Town office. Should the member's seat become vacated subsequent to such move, the vacancy shall be filled by a member appointed from the district from which the member was originally elected. Formerly a portion of 2-40(a).

(c) If a person vacating an elective board or commission shall have been elected as a member of a political party, the vacancy shall be filled by a member of the same political party. Formerly 2-30(f).

(d) If a person vacating an appointive board was appointed as a member of a political party, the vacancy shall be filled by a member of the same political party or by an unaffiliated resident elector. If the newly appointed member is an unaffiliated elector and must vacate his appointment, the person appointed to fill such a vacancy must be either an unaffiliated elector or a member of the same political party as the person initially appointed. Formerly 4-20.

(e) All vacancies in elective office shall be filled at the next Town election except where prohibited by the General Statutes. The person appointed to fill a vacancy in an elective office shall serve only until a successor is elected to fill the vacancy and has qualified. Formerly 2-40(f).

### 2-31 Procedures for Filling Vacancies in Elected Boards and Commissions [C12]

(a) **Legislative Council:** A vacancy or vacancies on the Legislative Council shall be filled for the remainder of the term from among eligible electors in the district of the former member as follows:

- (1) Within 30 days of vacancy, by majority vote of the Legislative Council members of the same political party of the former member;
- (2) After 30 days, by majority vote of the remaining members of the Legislative Council regardless of party affiliation.
- (3) Should all seats on the Council be simultaneously vacant, then a special election shall be called to fill all seats.

Formerly a portion of 2-40(a).

(b) **Board of Selectmen:** A vacancy or vacancies on the Board of Selectmen shall be filled in the manner prescribed by the General Statutes Section 9-222 [C13]. Formerly 2-40(b).

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<sup>3</sup> NEW TEXT: In current charter, definition of vacancy supplied only for Legislative Council. Here, that definition – broadened to include removal for cause for appointive boards – has been extended to all boards/commissions.

(c) **Board of Education, Board of Managers of Edmond Town Hall:** A vacancy or vacancies on the Board of Education or the Board of Managers of the Edmond Town Hall shall be filled as follows:

- (1) Within 30 days of vacancy, by a vote of a majority of the authorized membership of the Board;
- (2) From 31 to 60 days of vacancy, by appointment of the First Selectman with the approval of the Board of Selectmen;
- (3) Should the number of vacancies leave less than a majority of the authorized membership, the First Selectman with the approval of the Board of Selectmen, within 30 days, shall fill all existing vacancies.

Comment [JC10]: Consider changing this as part of the charge item # 8.

Formerly 2-40(c), 2-40(d).

(d) ~~Subject to the limitations of subsections (a), (b), (c) and (d) of this section. For all other elected boards and commissions,~~ the First Selectman, with the approval of the Board of Selectmen, shall fill by appointment a vacancy in any other elective Town office within 60 days from the time that the office becomes vacant. Formerly 2-40(e).

Comment [JC11]: Consider changing as part as charge item #8

### 2-32 Procedures for Filling Vacancies in Appointive Boards and Commissions

(a) Vacancies in offices originally appointed by the First Selectman shall be filled as follows:

- (1) within 45 days by the First Selectman, with the approval of the Board of Selectmen, or
- (2) after 45 days by the remaining members of such board or commission subject to the provisions of Sections 2-05 and 2-10 of this Charter.

Formerly 4-10(c) and portions of 4-01(a) and 4-110(d).

(b) 2. A First Selectman whose position as First Selectman will end as a result of not being re-elected the office shall not make appointments from the date of the Town Election to the end of his/her term. The period from the Town Election to the beginning of the next term shall not be counted in the 45 days referred to above. Formerly a portion of 4-01(a).

Comment [JC12]: Add cross reference 2-32

(c) All vacancies in the Cyrenius H. Booth Library Board of Trustees other than those filled seats originally appointed by the First Selectman shall be filled in accordance with the by-laws of the Library Board of Trustees. Formerly 4-110d

(d) Vacancies in the Board of Fire Commissioners shall be filled in accordance with Section 2-205 of this Charter. Formerly a portion of 4-50(a)

Comment [JC13]: XREF

### 2-35 Removal for Cause

- (a) A member of an appointive board or the Town Assessor or Tax Collector may be removed for cause by the First Selectman with the approval of the Board of Selectmen. Formerly 4-40(a).
- (b) The First Selectman, with the approval of the Board of Selectmen, shall adopt a personnel policy establishing procedures, consistent with due process, for removal for cause. Formerly 4-40(b).
- (c) Within 30 days from such removal, any person so removed may, in writing, request a hearing before the Legislative Council. Such hearing shall be held within 15 days from the date such request is made and such person may appear at the hearing with counsel. After such hearing, the decision of the Board of Selectmen may be reversed, modified or upheld by said Legislative Council, provided said Legislative Council acts no later than 30 days after the conclusion of such hearing. Formerly 4-40(c).

- (a) The Town Clerk shall receive a salary in lieu of all fees and other compensation formerly 2-120(b). The Town Clerk's salary shall be set from time to time by the Legislative council.
- (b) The Registrars of Voters shall receive a salary as set from time to time by the Board of Selectmen.
- (c) The salary for the First Selectman's term shall be set by the Legislative Council during the budget making process of each odd numbered year. The salary may be fixed at different rates for each year of the term. The salary shall not be changed during the term of office. Formerly 3-10(c).
- (d) The members of elected and appointed boards and commissions, except the First Selectman, shall serve without compensation. Necessary expenses incurred in the performance of their duties may be paid from an appropriation authorized for the purpose. Formerly 4-30(c) and a portion of 7-10, merged.

Comment [JC14]: Per Town Council. We may want to suggest an ordinance is written to define the process per CGS Sec. 7-34b.

Comment [JC15]: Sec. 9-55a. Compensation of registrars, clerks and other personnel. For the performance of the duties imposed by sections 9-55 and 9-57, each registrar, deputy registrar and other personnel appointed as provided in section 9-57 actually engaged in such duties and each municipal clerk shall receive such reasonable compensation from the municipality as is approved by the selectmen of the town, the warden and burgesses of the borough or the common council of the city or the consolidated town and city, as the case may be; and all necessary expenses incurred by registrars and municipal clerks under the provisions of said sections shall be paid by the municipality.

2-45 Administrative Clerks

- (a) All Boards, Commissions, and Committees that are required to submit minutes, shall have a Clerk provided by the Town. The clerk shall not be a member of such Town Body or Committee. Such clerks, as authorized by this Charter, shall keep minutes of meetings, record all motions, votes and actions of their assigned Town Body, prepare the agenda and notices of all regular and special meetings or cancellation of said body at the direction of its Chairman and perform such other duties as such Chairman, from time to time, shall direct. <sup>4</sup> Formerly 3-40, 7-30, 2-30(b).

2.-100	Elected Boards, Commissions, and Officers
2-105	Legislative Council
2-110	Board of Selectmen
2-115	Board of Education
2-120	Board of Finance
2-125	Planning and Zoning Commission
2-130	Town Clerk
2-135	Registrars
2-140	Board of Assessment Appeals
2-145	Board of Managers of Edmund Town Hall
2-150	Zoning Board of Appeals
2-155	Board of Police Commissioners
2-200	Appointive Boards and Commissions
2-201	General Provisions

- (d) The terms of appointment to any appointive board, except the Building Appeals Board, shall not exceed 4 years. The terms of members seated on such boards and shall be established to expire, as nearly as possible, at regularly staggered annual intervals, unless otherwise provided by this Charter or by the General Statutes. Formerly 4-10(a)

2-205	Board of Fire Commissioners
2-210	Parks and Recreation Commission
2-215	Building Appeals Board
2-220	Public Building Site Commission
2-225	Conservation Commission
2-230	Trustees of the Cyrenius H. Booth Library
2-235	Cultural Arts Commission

<sup>4</sup> NEW TEXT: Assignment of Clerk has been extended to all boards/commissions.

DRAFT FOR DISCUSSION

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## TOWN OF NEWTOWN

**From:** "Grogins, David L." <DGrogins@cohenandwolf.com>  
**To:** Jeffrey Capeci <jeff@thecapecis.com>  
**Sent:** Tuesday, February 3, 2015 2:38 PM  
**Subject:** RE: CRC Questions

Jeff, Sorry for the delay. The charter provides that the Town Clerk gets a salary in lieu of other fees and revenues per section 2 -120 (b) of the charter. Per the cited section ( 7-34b CGS ) the salary gets fixed by the Legislative body of the town (should be the Legislative council). Since the Legislative council and the Town Meeting are the town legislative bodies, the charter should be amended to clarify this issue. I would just add a sentence to 2-120(b) "The town clerks salary shall be set form time to time by the Legislative council". I agree with your proposal regarding the Registrars. Finally, There is no longer an "Annual Town Meeting". That means that the Charter provision should be revised to provide for the term of office.