

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION COMMISSION

The Charter Revision Commission held a meeting on Monday, March 16, 2015 in the Court Room at Edmond Town Hall, 45 Main Street, Newtown, CT. Chairman Jeff Capeci called the meeting to order at 7:36pm.

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

Absent: Bob Hall

Also Present: Kevin Cragin

VOTER COMMENTS: NONE

MINUTES: Eric Paradis moved to accept the minutes from the 2/26/15 special meeting and the 3/2/15 regular meeting. Dan Wiedemann seconded, motion unanimously approved.

COMMUNICATIONS – A letter was received from Bob Hall concerned that they may be violated FOI by communicating via e-mail (Attachment A).

UNFINISHED BUSINESS

Charter Chapters 2,3 and 4 Elections and Elective Offices; Board of Selectman; Appointive Boards – Changes proposed by the Reorganization and the Board Composition Working Groups affecting sections chapters 1-3 will be considered by the full Commission – Working document (Attachment B) will be put on the Charter Revision Commission page on the Town's website. The format among all boards of commissions is set similarly. They have summary, terms and services, and duties. Duties are in the charter when they are not anywhere else.

Mr. Cragin is a civilian member of the Board of Fire Commission. Civilian members represent the town, is a tax payer and not a fire department member. He has been on the board for over 30 years. One recommendation Mr. Cragin suggested to be considered is to have all the terms end at different years. If a new fire department is established, an additional civilian member is required to ensure an odd amount of members.

There is apparatus that is owned by the town however, there is more privately owned equipment than town owned. They are responsible to make sure that the private and town owned vehicles are road worthy. The town provides the labor for general maintenance for privately owned vehicles and each department pays for the parts. Their monthly meetings change location to rotate between fire departments. At their meetings, they inspect the vehicles at that location. The commission meets once a month so they rely on the departments to inform them of equipment issues.

Ms. Zukowski asked what would happen if the charter changes so if the fire commission was responsible for the supervision and care of town apparatus used by the fire department. Mr. Cragin replied that if the company uses their own funds to purchase a truck, they can do that but it has to fulfill the safety standards set by the commission.

Mr. Cragin explained that as a tax payer, nothing is more frustrating when a decision has been made before the meeting. It isn't fair for the average citizen to have so much business being conducted

outside a meeting via e-mail. Mr. Capeci explained that they are not conducting business on e-mail however Commission members are encouraged to talk to one another both in a public meeting and amongst each other.

The Board of Fire has bi-laws and each individual fire company has their individual bi-laws.

The only thing prohibited is that company members who are not town residents cannot be members of the Board of Fire.

If a volunteer company fails to appoint a member, the board appoints a civilian member to fill the vacancy within 30 days.

Charter Writing Style Standards – Not discussed

VOTER COMMENT - NONE

ANNOUNCEMENTS – NONE

Having no further business, the meeting was adjourned at 10:08pm

Respectfully Submitted, Arlene Miles, Clerk

Subject: Re: Charter Reorganization Agenda 03 05 2015

From: roberthall01@earthlink.net (roberthall01@earthlink.net)

To: deborraz@gmail.com; kevin@kbbattorney.com; westonlawfirm@aol.com; jamesritchie37@gmail.com; jcapzz@yahoo.com; tlong24@sbcglobal.net; dgw0315@yahoo.com; eric@paradistribe.net;

Cc: Patllodra@aol.com;

Date: Tuesday, March 3, 2015 10:10 PM

Dear Commission Members:

I have read with interest Debbie's e-mails, as well as the e-mail exchanges between Debbie and Jeff and Bob Tait. I have used the first of the DZ e-mails as the vehicle to reply with my thoughts and questions.

I also prepared an outline. With some explanation I thought it could be used as a basis for debate on just what it was we wanted in the budget section. It is nothing fancy but I refrained from circulating it because of FOI. Jeff and Kevin, if you can, please let me and everyone else on the CRC know your understanding of just how much information may be communicated among members outside a meeting warned for the purpose. Is what Debbie circulated permissible? More to the point, are the exchanges among members which are going on permissible? I do not think so, because it is like having a meeting on the internet.

Frankly, these exchanges are a perfect example of why they should not be allowed outside of a meeting. I have not been part of any discussion of the back and forth in the e-mails nor part of any exchanges between commission members and Bob Tait. I do not believe I am well informed on what is being referred to in these exchanges. If subcommittee members are going to make meaningful decisions they all need the same opportunity to receive the same information at the same time. If we need Bob Tait's input we should ask him to attend a meeting.

So, how much is permissible to circulate? I always thought dates, times and location of meetings, subjects of discussion, minutes with attachments and useful background documents could be circulated. I did not believe that on-line discussions leading to an on-line understanding among some members on any issue would be permissible. Was the budget "flow chart" requested? It is an interesting document, but without spending some time reviewing it I cannot evaluate its accuracy. Vis-a-vis FOI it has the same status qualitatively as the outline of proposed content and sequence I prepared but did not believe I should circulate.

If I wanted to I could spend a day and re-write the entire budget section on my own, just as I wanted it. It would not, however, be what the subcommittee as a group wanted. Drafting should always be upon request or with the authorization of the committee in question. I would like to keep it that way.

So please establish some guidelines so we do not again get into a situation of competing drafts, a horrific waste of time and worse.

Sincerely,

Bob Hall

-----Original Message-----

From: Deborra Zukowski

Sent: Mar 3, 2015 11:00 AM

To: Kevin Burns , Bob Hall , George Guidera , Jim Ritchie , Jeff Capecci , Tom Long , Dan Wiedemann , Eric Paradis

Subject: Re: Charter Reorganization Agenda 03 05 2015

I've spent some time trying to formalize what the current budget process is. Some of the current language is very confusing. Based on conversations with several people involved in the budget process, I've created a flow chart to map out the activities/duties. There's still a bit of work left, to ensure that the chart is accurate, but I think it is very close given the feedback I've received. See attached file, Budget_v5.pdf, for the chart.

In addition, when talking with Pat and Bob Tait, it was pointed out the paragraph 6-11(a) was inaccurate. They have offered a more appropriate alternative for the paragraph, see attached file, Proposed language changed to Charter 6.

On Tue, Mar 3, 2015 at 10:43 AM, Kevin Burns wrote:

> Attached is the Agenda for the CRC reorganization group meeting planned
> for March 5, 2015, at 2 pm in Meeting Room 3 of the Municipal Center.
> Town Clerk please post.

>
> Kevin L. Burns

>
> Attorney at Law
> 261 South Main Street, #294
> Newtown, CT, 06470
> 203- 794-2321
> www.klbattorney.com

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NEWTOWN CHARTER
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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 8-40.**

(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).**

(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 [JC1]: Consider striking paragraph

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).**
- (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).**

Comment [JC4]: Still required?

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)**

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

(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.¹ **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.² **[C16] Formerly portions of 4-30(b), and 2-70(b).**

2-25 Voting

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

- 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.

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.³ **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).**

³ 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).**

2-40 Compensation

- (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. ⁴ **Formerly 3-40, 7-30, 2-80(b)**.

2.-100 Elected Boards, Commissions, and Officers

There shall be the following elected boards, commissions, and officers.

2-105 Legislative Council

- (a) Summary of General Responsibilities: All of the legislative powers of the Town conferred by the Connecticut General Statutes on Legislative Bodies shall vest in the Legislative Council with the exception of those items specifically enumerated to other bodies. The Council determines the annual Budget appropriations [ref to budget] and considers special and emergency appropriations [ref to special appropriation] subject to town meeting or referendum as provided by the terms of this charter. The Legislative Council shall have the power to enact amend or repeal ordinances. **Formerly a portion of 1-40, and derivation of key responsibilities in section six.**
- (b) Membership: The Legislative Council shall consist of 12 members serving two year terms, 4 of whom shall be elected from each of 3 Legislative Council districts as nearly equal in population size as is practicable, established in accordance with Section [tbd]) of this Charter. **Formerly portions of 7-10 and 2-50.**
- (c) The Legislative Council, from time to time, may adopt rules of procedure to govern its functions not inconsistent with the requirements of this Charter, provided such rules are adopted by a majority of at least 8 affirmative votes. **Formerly a portion of 7-20.**
- (d) Meetings – The Legislative Council shall adhere to the following:
 - (1) The first meeting of the newly elected Legislative Council, chaired by the Town Clerk, shall be held within 6 days after the members take office. **Formerly a portion of 7-20.**
 - (2) Regular meetings shall be held twice a month, except when there is no business to conduct. The chairman shall notify the Town Clerk and the membership of the

Comment [JC16]: Enumerate "other bodies"

Comment [JC17]: Need better word

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

cancellation. The Chairman may call special meetings as deemed necessary. **Formerly 7-40(a)**

Comment [JC18]: Fix; Generalize meetings?

(3) Notice shall be given to all members of the Legislative Council of the time and place at which all regular and special meetings are to be held. Each notice shall include the meeting Agenda and shall be delivered at least 3 days before the meeting and filed with the Town Clerk and made available for public inspection.

(4) The Legislative Council may hold an emergency meeting at the immediate call of the Chairman. The meeting shall be subject to ratification of the Chairman's decision that an emergency existed by at least 8 affirmative votes. The nature of the emergency shall be set forth fully in the minutes of the meeting. **Formerly 7-40(b)**

(4) Seven members of the Legislative Council shall constitute a quorum at all meetings for the transaction of business. **Formerly 7-40(c)**.

(5) The Agenda of each regular or special meeting of the Legislative Council shall be prepared by the Chairman. The agenda shall also include any matter or item, without limitation, action or ordinance, set forth in a written request filed with the Chairman not less than 7 days prior to such meeting by:

Comment [JC19]: Do we need this stuff?

(1) Any member of the Legislative Council;

(2) The First Selectman; or

(3) Not less than 80 electors of the Town of Newtown. Any such request filed by 80 electors shall contain the resolution or ordinance on which action is sought. Prior to appearing on an agenda, the resolution or ordinance shall be submitted to the Town Attorney, by the chairman or the Legislative Council, for his opinion as to the power of the Legislative Council to act thereon and his approval of the form of the resolution or ordinance. Such opinion or approval shall not be unreasonably delayed. **Formerly 7-40(d)**

Comment [JC20]: Is this necessary? If it acts the final product will come out of the Legislative process in proper form.

(6) Any elector of the Town of Newtown may speak during a portion of each regular or special meeting on any matter on the Agenda of that meeting or any other item, subject to such conditions, rules and regulations as may be established from time to time by the Legislative Council, including the right to limit public participation in the working sessions on the budget. **Formerly 7-40(e)**.

(7) Subject to appropriate rules of order adopted by the Legislative Council and Connecticut law on freedom of information, matters not on the Agenda may be discussed. No action shall be taken by the Legislative Council on any matter unless it appears on the Agenda sent to Legislative Council members with the notice of the meeting unless emergency action is required at any regular or special meeting at which it is found by 8 affirmative votes that an emergency exists or at an emergency meeting called as set forth above. **Formerly 7-40(f)**

Comment [JC21]: The emergency meeting language makes this redundant.

2-110 Board of Selectmen

(a) Summary of General Responsibilities: The Board of Selectmen [C21] shall supervise the administration of the affairs of the Town, except those matters, which by the General Statutes or this Charter are exclusively committed to the Board of Education or other Departments [C22]. The Board of Selectmen shall also be responsible for coordinating the activities of all the departments of the Town and for reviewing the present and future needs of the Town. **Formerly 3-20(a) and a portion of 3-20(b)**.

Comment [JC22]: What does the word Department mean? Police, Fire?

(1) The First Selectman shall be the Chief Executive and Administrative Officer of the Town and shall have the powers and duties of First Selectman prescribed by this charter and the General Statutes. The First Selectman shall be responsible to the Board of Selectmen for the administration of departments under the direct supervision of the

Board and shall execute or cause to be executed regulations or resolutions voted by the Board of Selectmen, and Town ordinances voted by the Legislative Council. **Formerly 3-10(a), 1-50.**

(b) The Board of Selectmen shall consist of the First Selectman and two Selectmen, each serving two year terms. Formerly 3-01(a) and a portion of 2-50.

(c) The Board of Selectmen shall have such powers and duties as prescribed by this Charter and the General Statutes. The Board of Selectmen may exercise any of the powers conferred on towns by the General Statutes, to the extent that the Legislative Council has not already acted by ordinance or resolution on such subjects and to the extent that such powers have not otherwise been granted or limited by this Charter to other boards, commissions or Town officers. **Formerly 3-30(b).**

Comment [JC23]: Can this be moved to the general section.

(d) Except for the powers granted to the Board of Education by the General Statutes, The First Selectman with the approval of the Board of Selectmen shall have sole power, subject to the provisions of this Charter and the General Statutes to:

(1) Incur indebtedness in the name of the Town and to provide for the due execution of evidences of indebtedness issued by the Town, subject to the provisions of subsection (tbd - 6-90(g)) of Section (tbd) of this Charter,

(2) Provide for the due execution of contracts for the Town, subject to the provisions of subsection (tbd -6-90(g)) of Section (tbd - contract) of this Charter,

(3) Institute, prosecute or compromise any legal action or proceeding by or against the Town, subject to the approval of the Legislative Council and, when relevant, the affected department, commission or board,

(4) Defend the Town by legal action or proceeding,

(5) Apply for any financial assistance by the State of Connecticut and the United States Government including grants to fund any appropriation, subject to the provisions of Section [tbd] of this Charter,

(6) Take, purchase, lease, sell, or convey [real or] personal property of or for the Town, subject to the provisions of Section [tbd] of this Charter, [C23]

Comment [JC24]: Necessary? Yes, RoW, Open space, etc

(7) Accept public highways, to approve the layout of public highways and related drainage, slope or other easements, to approve the acquisition of real property or interests in real property for the purpose of widening or realignment of existing public highways and to grant utility easements across town- owned property for the good of the town,

(8) Discontinue any Town owned public highway. **Formerly 7-90(a)**

(9) Require such reports from any Town Body or Department as may be useful in the performance of its duties, **Formerly a portion of 3-20(b)**

(10) Submit annually to the Board of Finance a proposed Budget for the next fiscal year subject to the provisions of Section [tbd] of this Charter.

Except as noted, formerly 3-30(a).

(e) The First Selectmen may declare, by resolution, a state of emergency, should he or she find that a state of emergency exists within the Town, requiring immediate action to protect the health, safety or general welfare of the citizens. The resolution shall include the exact nature of the emergency and be simultaneously published by the most effective means available. The declaration shall be effective for a period of time not to exceed 5 calendar days, except that such effective time may be extended upon the approval by the Legislative Council that a state of emergency exists and the approval of all of the proposed actions necessary to deal with such emergency. The First Selectman shall take such actions as are in the best interest of the Town. [C25] **Formerly 3-10(d).**

Comment [JC25]: Emergency Section?

(f) The First Selectman with the approval of the Board of Selectmen may, by resolution, establish such advisory or study committees as they find desirable in the discharge of their duties. **Formerly 4-01(e)**

(g) The Board of Selectmen shall have regular meetings and provide a procedure for calling special meetings. Formerly a portion of 3-20(c).

(h) A majority of the Board of Selectmen shall constitute a quorum for the transaction of any business. **Formerly a portion of 3-20(c).**

(i) The Board of Selectmen may call joint meetings with other Town Bodies, by resolution or regulation, as may be useful in the performance of its duties subject to the provisions the General Statutes. **It shall be the affirmative obligation of the members of such other Town Bodies to attend such joint meetings.** [C26] **Formerly a portion of 3-20(b).**

Comment [JC26]: Does this require other boards to warn or give them an excuse. Other boards commish to hold joint meetings.

2-115 Board of Education

(a) Summary of General Responsibilities: The Board of Education shall provide and maintain quality public elementary and secondary schools and such other educational activities as in its judgment will best serve the interests of the Town. Formerly a portion of 2-70(b).

(b) The Board of Education shall consist of 7 members serving 4 year terms. Formerly a portion of 2-70(a).

2-120 Board of Finance

(a) Summary of General Responsibilities: The Board of Finance reviews and assesses financial operations including transfers within the framework of the budget and special appropriations. The Board recommends a budget proposal and submits it to the Legislative Council for final action. In addition, the Board advises the Board of Selectmen and Board of Education during the budget process and all other Town Bodies on preferred financial practices and obligations.

(b) The Board of Finance shall consist of six members serving two year terms. Formerly a portion of 2-130 paragraph 1, 2-50.

(c) The Board of Finance shall have the powers granted and the duties imposed by this Charter, together with the powers granted and the duties imposed by the General Statutes on Boards of Finance except to the extent that the latter may be inconsistent with or in conflict with any of the provisions of this Charter. Formerly 2-130 paragraph 2.

2-125 Planning and Zoning Commission

(a) Summary of General Responsibilities: **The Planning and Zoning Commission is responsible to promote the orderly and coordinated development of the Town. The Commission controls and directs the use and development of property in the Town. The Planning and Zoning Commission, subject to the provisions of this Charter, shall have all of the powers and duties conferred and imposed by the General Statutes upon both planning and zoning commissions. Formerly 2-90(a). It acts as the Planning Commission for the Borough of Newtown and shall, to the extent that it is so empowered by ordinance of the Borough of Newtown, act as Zoning Commission for the Borough of Newtown. Formerly a portion of 2-90(a).**

Comment [JC27]: Is this necessary?

(b) The Planning and Zoning Commission shall consist of 5 members who shall serve four year terms. Formerly a portion of 2-90(b).

(c) There shall be 3 alternate members of the Commission who shall serve two year terms. Such alternates shall have the powers and duties conferred and imposed on

alternates by the General Statutes, the provisions of this Charter and the by-laws of the Commission. Formerly 2-90(c).

(d) The Planning and Zoning Commission shall accept on behalf of the Town all open spaces, parks, playgrounds, real property for the purpose of widening or realignment of existing public highways and drainage, slope or similar easements which it requires to be provided by a subdivider as a condition of subdivision approval. The power of the Commission to accept said open spaces, parks, playgrounds, real property and easements shall be limited to those situations where title to the property is free and clear of all encumbrances and is conveyed by warranty deed. Acceptance by the Commission shall not occur until the final subdivision map approved by the Commission has been filed with the Town Clerk. The Commission's approval is not subject to further appeal under Connecticut law. In the event title to the open spaces, parks, playgrounds, real property or easements is encumbered, the power to accept said property on behalf of the Town shall vest in the Legislative Council or the Board of Selectmen pursuant to Section [tbd]. [C27] Formerly 2-90(e).

Comment [JC28]: Reduce this section refer to subdivisions reference 7-91(c)

2-130 Town Clerk

(a) Summary of General Responsibilities: The Town Clerk is responsible for administrative work for the Town including the maintenance and safe-keeping of a variety of official municipal documents; issuance of various licenses and permits; and the recording of various documents and vital statistics.

(b) The Town Clerk shall exercise the powers and perform the duties of a Town Clerk as provided by the General Statutes except as hereinafter provided noted below, and shall perform such other duties as required by this Charter.

(1) The receipts to be paid to the Town Clerk shall be collected in accordance with the provisions of the General Statutes or this Charter or ordinances of this Town and shall be deposited with the Financial Director of the Town [C28] and the Town Clerk shall file with the Financial Director a full statement of such receipts monthly. The Town Clerk shall also keep a record of receipts, which shall show the amounts thereof and for what received.

Formerly 2-120(a).

2-135 Registrars

(a) Summary of General Responsibilities: The Registrars are responsible for voter registration and administer all elections. They also assist candidates, the public, and the parties in the preparation of specialized voter lists and individual requests for information.

(b) There shall be two (2) Registrars of Voters for the Town at large. One registrar from each political party shall be elected. Formerly a portion of 2-51(b).

2-140 Board of Assessment Appeals

(a) Summary of General Responsibilities: The Board of Assessment Appeals shall hear and decide appeals from property owners regarding the assessment of their property as and when provided by the General Statutes.

(b) There shall be 3 members of The Board of Assessment Appeals shall consist of 3 members of the board of assessment appeals elected to terms of 4 years, with the number to be elected in each regular town election to be determined by the number of members whose terms expire on or before the December 1st after the election. Formerly 2-60.

2-145 Board of Managers of Edmond Town Hall

(a) Summary of General Responsibilities: The Board of Managers of the Edmond Town Hall shall have the exclusive care and maintenance of Edmond Town Hall and all grounds and buildings appurtenant thereto. Formerly a portion of 2-80(c).

(b) The Board of Managers of the Edmond Town Hall shall consist be composed of 6 members serving 6 year terms. At each regular Town Election, 2 members of said Board shall be elected both of whom may not be members of the same political party. Formerly 2-80(a).

(c) It The Board shall have all powers and duties prescribed for said Board by Special Act No. 98 of the 1931 session by which it was created, as amended by Special Act No. 517 of the 1953 session. Formerly a portion of 2-80(c).

2-150 Zoning Board of Appeals [C29]

(a) Summary of General Responsibilities: The Zoning Board of Appeals has powers as provided in section 8-6 of the Connecticut General Statutes, including but not limited to granting variances of the Zoning Regulations and hearing appeals [C30].

(b) The Zoning Board of Appeals Board shall consist of 5 members and whose terms shall be 4 years, none of whom shall be a member of the Planning and Zoning Commission and not more than 4 of whom shall be from the same political party, with the number to be elected in each regular Town election to be determined by the number of members whose terms expire on or before the December 1st after the election. There shall be 3 alternate members of the Board who shall be elected at each regular Town Election for terms of 2 years, not more than 2 of whom shall be from the same political party. Formerly 2-100(a) and a portion of 2-100(c)

2-155 Board of Police Commissioners

(a) Summary of General Responsibilities: The Board of Police Commissioners shall maintain a Police Department in the Town and shall appoint a Chief of Police. In addition, the Board of Police Commissioners serves as the traffic authority of the Town. Formerly a portion or 2-110(a) and 2-110(h).

(b) There shall be elected aThe Board of Police Commissioners shall consist composed of 5 members who shall serve 4 year terms with the number to be elected in each regular Town election to be determined by the number of members whose terms expire on or before the December 1st after the election. Formerly a portion of 2-110(a).

(c) The Board of Police Commissioners shall, subject to budgetary limitations, have all of the powers now or hereafter granted to boards of police commissioners by the General Statutes of Connecticut, and, in addition to and not in limitation thereof, shall have the power to:

(1) Make all the regulations necessary to organize and maintain the Police Department including, without limitation, the establishment of ranks within said Department and the duties and responsibilities of each such rank.

(2) Appoint and promote members and officers of the Police Department in accordance with said regulations. Such members and offices shall continue to hold office during good behavior.

(3) Suspend and remove members and officers of the Police Department for cause in accordance with said regulations. A violation of the regulations adopted by the Board of Police Commissioners shall be sufficient cause for removal.

Formerly 2-110(b) and a portions of 2-110(d).

(d) No active head of The Chief of the Police Department shall not be dismissed unless he/she has been given notice in writing written notice of the specific grounds for such dismissal is given, as well as and an opportunity to be heard in his/her present a defense, personally and by counsel, at a public hearing before the Board of Police

Commissioners. Such public hearing shall be commenced not less than 5 nor more than 10 days after such notice. Any person so dismissed may appeal in the manner described by Section 7-278 of the General Statutes. Formerly 2-110(e).

(e) The members and officers of the Police Department shall have the authority with respect to the service of criminal process and the enforcement of the criminal laws as vested by the General Statutes in officers and members of an organized police department or force or constables[C31]. Formerly 2-110(f).

(f) The First Selectman, with the approval of the Board of Selectmen, may appoint special constables pursuant to Chapter 95 of the General Statutes. Such special constables appointed under Section 7-92 of said Chapter 95 shall be under the control of the Chief of Police. Formerly 2-110(g).

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

1. Summary of General Responsibilities

Board of Fire Commissioners shall operate, supervise and manage the Newtown Fire Department. The Newtown Fire Department consists of all the volunteer fire companies located within the Town and under the supervision and management of a Board of Fire Commissioners.

2. Membership and Terms of Service

a. There shall be a Fire Department consisting of all the volunteer fire companies located within the Town, under the operation, supervision and management of a Board of Fire Commissioners. Said Board shall be composed of 7 members unless increased in accordance with subsection (3) below. Members shall be chosen in the following manner:

1. Each volunteer fire company, in accordance with its by-laws and regulations, shall appoint one member of said Board.

2. The full membership of The Board shall meet and appoint civilian commissioners as may be necessary to constitute the full membership of 7. Appointed civilian members shall not be members of any Town fire company.
 3. Each new volunteer fire company admitted to the Fire Department shall be entitled to appoint one additional new member of said Board and said Board shall also appoint one additional new civilian member in the manner prescribed in subsections (1) and (2) hereof.
 4. Should a volunteer fire company fail to appoint a member of said Board, the commissioners shall within 30 days appoint a civilian member to fill the vacancy who shall not be a member of any fire company.
- b. The term of office shall be for three years.

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
2-240	Justices of the Peace

DRAFT FOR DISCUSSION