

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION COMMISSION

The Charter Revision Commission held a meeting on Wednesday May 13, 2015 in the lower meeting room at Edmond Town Hall, 45 Main Street, Newtown, CT. Chairman Jeff Capeci called the meeting to order at 7:35pm.

Present: Kevin Burns, Jeffery Capeci, Tom Long, Dan Wiedemann, Eric Paradis, James Ritchie, Deborra Zukowski, Jim Ritchie, Bob Hall(7:45pm), George Guidera(8:08pm), Eric Paradis(8:15)

Also Present: 10 members of the public

VOTER COMMENTS: Al Cramer, 5 Partridge Lane - He is an unaffiliated voter. He votes for the candidates that he deems are best suited and wants each vote that he casts to be meaningful. The BOE consists of 7 members each having 4 year terms. It requires 2 town elections; each election is 2 years apart. The charter recognizes that, at each town election the number of candidate of any one political party shall not exceed a bare majority of the number of candidates to be seated. Any one political party could win 3 seats in the 4 seat election. Any one political party can win 2 seats in the 3 seat election. This is not a bare majority of the whole membership but it results in a bona fide election of each seat. In any election where any one political party cannot win a bare majority of votes, in his judgment is not an election. Don't change the way the BOE members are elected. It is fair for all parties. Mr. Cramer provided Legal Notices from 2008 . Neither document mentions any specific number of members who may be elected to serve on the whole board of Education. He also provided an article written by the Registrar of Voters and is not a legal document that incorrectly advises that the allowed total membership of the board will be 4 (Attachment A).

MINUTES: Mr. Weidemann moved to accept the minutes from the 4/30/15 meeting as presented Mr. Long seconded. Ms. Zukowksi requested the following changes:

Page 2, 2nd paragraph, 4th line. Reads - "There are strong parties with strong ideology" should read – When there are strong parties there is often strong ideology.

Page 3, 1st paragraph, 2nd line. Reads - "Language for a bare minority, this helps clarify the charge by striking this." should read – language for a bare minority is confusing, this helps clarify representation by striking this.

Page 3, 1st bullet, 2nd line. Add the word public after purpose would be made.

Page 3, 6th paragraph, 8th line should read by – you would want to give other people and opportunity to bid. If the town is going to want to have a purpose for

Page 4, 2nd paragraph – Mr. Guidera had suggested that 35 days maybe too short.

motion unanimously approved with corrections.

COMMUNICATIONS – Mr. Capeci spoke with Sergeant Fontanella of Troop K of the CT State Police regarding the constables regarding regular and special. He provided insight how they are used in towns that have a resident trooper and other towns.

UNFINISHED BUSINESS

Library Board of Trustees – Bob Geckle, Bill Lavery, Walt Motyka, Tom D'Agostino, and Jen Rielly are current and past members of the board and have come in support of the requested changes (Attachment B). They would like to change membership from 18 to up to 16. Increase the Board of Selectman appointees from 6 to 8 persons. Change term limits from 3-3 year terms to 2-4 year terms. If a seat is open in the middle of a term, the person filling it would do so until the end of the fiscal year and that would count as a term. A concern raised was that by doing this it would eliminate the staggering terms over time.

There was also concern that having it flexible like this you could end up with an 8 person board all of which would be appointed by the BOS.

Jen O'Reilly spoke in favor of the proposed changes (Attachment C).

Mr. Geckle articulated that they are trying to do the right thing and protect the library. They have a special obligation. Their Bi-laws were basically copied and placed into the current Charter. They are concerned about being in violation of their Bi-laws by not having a full complement of the Board. They are working at revising their bi-laws but will keep the existing language in their bi-laws until the Charter vote is complete.

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 – It was determined that the Pension Committee, Public Safety Committee, Water and Sewer, and Sustainable Energy should be added to the charter. The Self-funded Health Insurance Fund Committee was changed to Commission and also added to the charter.

Charter property Disposition Sections; 7-90 and 7-90D – Mr. Hall reported that in the acquisition and disposition section of real property had a lot of issues so he rewrote it. It will be reviewed at the next meeting.

Charge Items categorized under “Financial Processes” and “Board of Finance Mission” – Not Discussed.

VOTER COMMENT – NONE

ANNOUNCEMENTS – NONE

Having no further business, the meeting was adjourned at 9:50pm

Respectfully Submitted, Arlene Miles, Clerk

LEGAL NOTICE

Notice is hereby given that the Legislative Council of the Town of Newtown has approved the following changes to the Newtown Charter. The changes are to be submitted to the electors of the Town of Newtown at an election to be held April 22, 2008. Deletions are denoted by underlying, additions are denoted by bold letters.

PREAMBLE

We, the proprietors and inhabitants of the Town of Newtown, being duly qualified electors of the State of Connecticut, and in the exercise of those privileges, liberties and powers which we have enjoyed since the eleventh day of October, 1711, in order to preserve and protect the property and personal well-being and to promote the individual and general welfare of all our citizens, do hereby declare that this Charter shall constitute our form of government.

CHAPTER 1 INTRODUCTION

1-01 INCORPORATION

All the inhabitants dwelling within the lawfully defined territorial limits of the Town of Newtown shall continue to be a body politic and corporate under the name of the "Town of Newtown", hereinafter called "the Town". As such, it shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of this Charter and all powers and privileges conferred upon towns under the General Statutes of the State of Connecticut.

1-10 RIGHTS, OBLIGATIONS AND ACTIONS CONTINUED

All property interests, both real and personal, all actions, causes of action, defenses thereto and rights of every description and all liens vested or inchoate which the Town possesses as of

1-50 CHIEF EXECUTIVE OFFICER

The Chief Executive Officer shall be the First Selectman.

1-60 MANDATORY VOTING AT MEETINGS

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 unless a member feels there is a conflict of interest, which would prevent him/her from voting. In such event, the conflict shall be stated and such reasons shall become part of the minutes of the meeting. The reason for the conflict of interest need not be stated or made part of the record.

CHAPTER 2 ELECTIONS AND ELECTIVE OFFICES

2-01 TOWN ELECTIONS

- (a) A meeting of the electors of the Town, hereinafter called "the regular Town Election", shall take place on the Tuesday after the first Monday of November of the odd numbered years during such hours as are established by the General Statutes. Special Town Elections may be called in accordance with the General Statutes.
- (b) The regular terms 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. Notwithstanding the provisions of any ordinances to the contrary, each elected

Office, the Town Clerk's Office or the Registrar of Voter's Office.

2-30 MINORITY REPRESENTATION

- (a) The number of members of any one political party who may be elected to serve on the Legislative Council from each district shall not exceed 3 of the 4 members elected from such district.
- (b) The number of members of any one political party who may be elected to serve on the Board of Selectmen shall not exceed a bare majority of the whole membership of the Board.

(c) The number of members of any one political party who may be elected to serve on the Board of Education shall not exceed half the number of the whole membership of that Board. 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.

- (d) 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.
- (e) The number of members of any one political party who may be elected to

(c) 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 Board of Selectmen, **First Selectman with the approval of the Board of Selectmen, within 30 days.**

(d) A vacancy or vacancies occurring in the Board of Managers of the Edmond Town Hall shall be filled by a majority of the remaining members. If said vacancy or vacancies are not filled within 30 days from the time 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.

- (e) Subject to the limitations of subsections (a), (b), (c) and (d) of this section, 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.
- (f) All vacancies in elective office shall be filled at the next regular Town elec-

Attachment A

Shall the Charter be amended to change the procedure for individual voting where there exists a personal conflict of interest at Legislative Council, Board or Commission meetings; change the procedure for recommending changes in Legislative Council district lines; add a provision that any elector or resident may run for political office regardless of whether they have a political affiliation; allow the First Selectman, with approval of the Board of Selectman to make appointments to Boards or commissions, establish advisory committees, or remove appointed members of Boards, remove the Assessor or Tax Collector, adopt personnel policies and initiate special and emergency appropriations; substitute gender neutral references for gender references throughout the charter where applicable? This modifies Sections 1-60, 2-10, 2-20(2), 2-40(c), 3-01(a), 4-01(e), 4-40(a), 4-40(b) and 6-30(b).

QUESTION 6:

Shall the Charter be amended to clarify that it is the Legislative Council that has final power to adopt and approve budgets proposed by the Board of Selectman and Board of Education; add the requirement that there must be at least six (6) affirmative votes for the Legislative Council to reduce a budget item, or add a local question to the Annual Budget Ballot; require the Legislative Council to file notice of any action taken with the Town Clerk by 12 noon on the day of filing; change the requirement from 9 affirmative votes to 8 affirmative votes for Legislative Council to appoint an attorney to represent it; add the word "substantial" to modify the word "circulation" regarding the type of newspaper where notices are to be published; to provide for a four (4) year term for the Town Clerk? This modifies Sections 6-12(b), 6-12(d), 6-13(b), 6-14(a), 6-14(c), 6-15, 2-50, 2-51(a) and 7-100(c)(i), 5-40(b).

QUESTION 7:

Shall the Charter be amended to change the maximum number of members of one political party who may serve on the Board of Education and change the total number of members on the Board of Education to seven (7) members? This modifies 2-30(c) and 2-70(a).

QUESTION 8:

Shall the Charter be amended to make changes in the voting procedures of the Board of Selectman; give the Board of Selectmen the authority to grant easements for the "good of the Town"; limit appointments by an "outgoing" First Selectman between the election day and the end of his/her term; provide that complaints made to the Board of Ethics shall not be made public unless or until the complaint is found to warrant an investigation; allow the Parks and Recreation Commission to appoint ad hoc committees to assist with special projects; provide for the First Selectmen with the approval of the Board of Selectmen to authorize contracts for building projects; and recognize a cultural arts commission? This modifies Sections 3-10(a), 3-10(e), 3-30(a)(6), 4-01(a), 4-60(d), 4-70(2), 4-90(b), 4-120

Voting machines will be used and polls will be open at six o'clock in the morning (6:00 A.M.) and will remain open until eight o'clock (8:00 P.M.). Notice is hereby given that the location of the polling place is in the GYMNASIUM of the NEWTOWN MIDDLE SCHOOL, 11 Queen Street, for ALL VOTING DISTRICTS.

Absentee ballots will be counted centrally at the following location:

**Newtown Middle School Gymnasium
11 Queen Street, Newtown • 12:00 PM and 6:00 PM**

Dated at Newtown, Connecticut, this 8th day of April, 2008.

**DEBBIE A. AURELIA, CCTC
TOWN CLERK, TOWN OF NEWTOWN**

LEGAL NOTICE

REFERENDUM TOWN OF NEWTOWN

The Legal Electors of the Town of Newtown, County of Fairfield, State of Connecticut, and those citizens of eighteen (18) years or more entitled to vote through virtue of having property qualifications prescribed by Section 7-6 of the General Statutes of the State of Connecticut and pursuant to Section 7-100 of the Newtown Charter, are hereby warned to meet at the polling place in said Town of Newtown on April 22, 2008, for the purpose of casting their ballot on the following questions:

QUESTION 1:

Shall the sum of \$ 105,464,444 be appropriated as the Annual Town budget for the 2008-2009 fiscal year?
The estimated mill rate is 23.2.

QUESTION 2:

Shall there be a special appropriation in the amount of \$38,826,000 for the planning and construction of additions and renovations at Newtown High School and authorizing the issuance of \$38,826,000 bonds of the town to meet said special appropriation and pending the issuance thereof the making of temporary borrowings for such purpose?

QUESTION 3:

Shall there be a special appropriation in the amount of \$1,000,000 for architectural and engineering services for the planning and design of a Park and Recreation Community Center/Senior Center and authorizing the issuance of \$1,000,000 bonds of the town to meet said special appropriation and pending the issuance thereof the making of temporary borrowings for such purpose?

QUESTION 4:

Shall the Charter be amended to allow the Financial Director to renegotiate all bond sales without securing bids when it is financially advantageous; require the Capital Improvement Plan be submitted to the Board of Finance; change the procedure for removing the Financial Director; allow the Town to retain a cash surplus from year to year; provide for the promulgation of regulations governing the Capital Improvement Plan to be the duty of the Legislative Council; eliminate the annual Town Meeting; require the Legislative Council to recommend all special and emergency appropriations exceeding 10 million dollars to a Town Referendum; correct the name of the Board of Tax Review to the Board of Assessment Appeals; provide that the polling places shall be open from 6 a.m. to 8 p.m.; increase the amount the Legislative Council can approve for a special appropriation or an emergency appropriation from \$150,000.00 to \$500,000.00? This modifies Sections 6-90(i), 6-14(b), 6-30(c) and 2-60, 5-01(b)(4), 5-01(b)(7), 5-01(f); 7-100(d), 7-80(a), 7-51, 7-70(a).

Registrar Offers Charter Revision Details In Plain Language

(continued from page A-1)

questions to the annual budget ballot.

When a motion is filed by the Legislative Council, the time allowed for collecting signatures on a petition to bring the item to referendum begins the same day. This change would prevent a 4:30 pm Friday filing, which would in effect cause the petitioners to lose a weekend for signature gathering.

The change would require posting of notices in a newspaper with a substantial circulation in Newtown, and would increase the term of office for the town clerk from two years to four years.

Question 7

Currently there is a maximum of three members from any party on the six-member Board of Education. This amendment would increase the total number of members to seven, and allow up to four members from any one political party. This vacancy will be filled by the current Board of Education, and the appointee would serve until the November 2009 local election.

Question 8

Currently easements are allowed if necessary to serve that property only; this amendment, if approved, would allow an easement on town property if it is for the good of the town.

Currently appointments to boards and commissions are allowed by an outgoing first selectman with the approval of the Board of Selectmen, until the final eight days in office. This amendment would end that power on Election Day.

Complaints made to the Board of Ethics are currently public information. This amendment would keep any complaint confidential until the complaint is deemed to have merit by the Board of Ethics. This is to protect innocent individuals from any exposure that might be caused by accusations with-

appoint ad hoc committees as needed to consider special projects.

The current charter makes many references to approval by the Board of Selectmen. If approved, this amendment would clarify that the first selectman may act only with the approval of the Board of Selectmen.

Passing this amendment would establish a Cultural Arts Commission provision in the charter; there is already a local ordinance permitting this commission.

Party Reactions

This week, both major parties in town also weighed in on referendum questions. Republican Town Committee Chair William Brimmer, Jr. said his party is endorsing Question 4.

Representatives for the Democratic Town Committee also voted to endorse Question 4, saying it contains the language required by Moody's in order for the town to be better positioned for a bond rating increase.

Party Chair James Juliano said via a written statement

that an increase in Newtown's bond rating "will save the taxpayers quite a bit of money when you look into the figures in the Capital Improvement Plan."

The DTC also voted against Question 7, members saying they disagreed with a seventh member being chosen by Board of Education members and not the voters. "We would rather it be a democratic process," Mr. Juliano said in his statement, which was also signed by DTC officers Sarah Hemingway, Anna Wiedemann, and Alan Clavette.

In regard to the charter questions, Ms. Frampton reminded voters to take the time to consider each item and to cast votes on all the proposals because a minimum number of votes must be cast in order for the changes to take effect.

"In order for the charter to be changed, 15 percent, or 2,400 of the 16,000 registered voters, must cast a Yes vote for each of the questions," Ms. Frampton said. "So voters should plan to take their time and carefully consider each question."

Attachment B

CHARTER REVISION PROPOSAL

BY-LAWS COMMITTEE

Original

4-110 TRUSTEES OF THE CYRENIUS H. BOOTH LIBRARY

- (a) There shall be a Board of Trustees of the Cyrenius H. Booth Library consisting of 18 persons who shall be residents and electors of the Town.
- (b) The Cyrenius H. Booth Library shall be operated by the Board of Trustees and the Trustees shall have the status, powers and duties set forth in Special Act No. 108 of the 1931 session of the General Assembly as amended by Special Act No. 110 of the 1959 session of the General Assembly, which acts shall remain in full force and effect, except to the extent superseded or revised by this Charter.
- (c) The Trustees shall serve 3 year terms with the term of 6 Trustees expiring on July 1 each year. Of the 6 Trustees to be appointed each year, a number established by the by-laws adopted by the Board of Trustees, but not less than 2, shall be appointed by the First Selectman, with the approval of the Board of Selectmen. The balance of the 6 to be selected shall be elected by the vote of the remaining Trustees present and voting at a meeting warned for the purpose. No Trustee shall serve for more than 9 consecutive years except to complete a term for which the Trustee shall have been elected, and thereafter said Trustee shall be ineligible to serve as Trustee for a period of 2 years.
- (d) Vacancies shall be filled in accordance with the by-laws of the Board of Trustees, except that vacancies in offices filled by appointment of the First Selectman shall be filled by appointment of the First Selectman, with the approval of the Board of Selectmen.

Proposed Amendment:¹

4-110 TRUSTEES OF THE CYRENIUS H. BOOTH LIBRARY

- (a) There shall be a Board of Trustees of the Cyrenius H. Booth Library consisting of up to 16² persons who shall be residents and electors of the Town; 8³ trustees shall be appointed by the First Selectman with the approval of the Board of Selectman.
- (b) The Cyrenius H. Booth Library shall be operated by the Board of Trustees and the Trustees shall have the status, powers and duties set forth in Special Act No. 108 of the 1931 session of the General Assembly as amended by Special Act No's. 1951-158, 1959-110, and 1965-49, which acts shall remain in full force and effect, except to the extent superseded or revised by this Charter.
- (c) Trustee terms⁴ and the filling of vacancies shall be in accordance with the by-laws of the Board of Trustees, except that vacancies in offices filled by appointment of the First Selectman

¹ The goal is to simplify the Charter and place greater control and flexibility in the Board through the By-Laws in relation to term lengths and limits.

² Sixteen (16) is being recommended as the maximum number to balance manageability and efficiency of the Board with sufficient membership to perform the necessary work of the Board. The term "up to" 16 persons provides flexibility in the event we do not have 16 members and do not have or need additional candidates.

³ Given that the Town funds the vast majority of our budget and this issue is on the radar for Charter Revision we think we should offer to increase the number of appointed members.

⁴ Although removing details on term lengths and limits by deleting par. (c) from the original, adding this language makes it clear that we have the authority to address these issues in the by-laws. This is important given some of the inconsistencies between the Special Acts and the Charter.

Attachment C

May 13, 2015

To the Charter Revision Committee:

I am here to support the CH Booth Library's proposed language changes for inclusion in the Town of Newtown's revised charter.

The suggested changes to section 4-110 regarding the Trustees of the Cyrenius H. Booth Library accomplish two things. First, they establish recognition that the Town currently provides the majority of funding for the Library by increasing the number of appointed Trustees to half of the Board. The current Charter only calls for one-third of the Board to be Town Appointees.

Second, the language allows flexibility in membership. By requesting "up to sixteen" Trustees (eight of whom are Town appointed), the Board can regulate its size according to need. While there can ALWAYS be eight Trustees appointed by the Town, the Board-elected Trustees can number less than eight in situations that call for flexibility. At times, the Board may be able to operate more efficiently with smaller numbers, while during times of expansion, leadership change or capital campaigns, a full Board of sixteen may be desired. There are times in which a search for highly qualified trustees may take some time, especially when specific experience (for example financial expertise) is desired. The language, "up to sixteen", allows the Board's Nominations /Governance Committee to take an appropriate amount of time to locate the best-qualified individual, and perhaps to leave a seat empty while the search continues.

These suggestions were voted on and approved by the entire Board of Trustees. They were not unilaterally chosen by an individual or small committee.

We hope to see these changes approved by the Charter Revision Committee, as well.

Sincerely,

Jennifer Reilly

35 High Rock Rd, Sandy Hook