

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION COMMISSION

The Charter Revision Commission held a special meeting on Tuesday, September 22, 2015 in the Old Court Room, Edmond Town Hall, 45 Main Street, Newtown, CT. Chairman Jeff Capeci called the meeting to order at 7:30pm.

**Present:** George Guidera, Kevin Burns, Jeffery Capeci, Tom Long, James Ricthie, Dan Wiedemann, Eric Paradis

**Absent:** Deborra Zukowski, Robert Hall

**Also Present:** Chairman of the Library Board of Trustees Bob Geckle, Town Attorney David Grogins, and John Voket of the Newtown Bee

**VOTER COMMENTS:** Bob Geckle explained that his suggestions are not just for the Library Board but also for any board or commission with term limits. Current language says if someone vacates a term, for example on September 22, the new appointee would begin and they would have staggered terms. What they suggested, if it is a non-expired term being filled the appointee would fill that seat only until the end of that fiscal year. If reappointed, they would start their term at the beginning of the fiscal year. There is also an option to take term limits out of the charter completely.

**MINUTES:** Mr. Wiedemann moved to approve the minutes of the 9/8/15 meeting, Mr. Long seconded. Mr. Paradis requested that the minutes be amended in regards to the discussion about BOE minority representation. Instead of, "It was decided to leave it the BOE minority representation as is", should read, "Despite a request from Ms. Zukowsky and other commissioners who voted in the minority when adherence to CGS 9-167a for minority representation on the Board of Education was approved, no commissioner voting in the majority at the time made a motion to reconsider the decision resulting in no action being taken." Minutes unanimously approved as amended

**COMMUNICATIONS** - Mr. Capeci explained that Mr. Hall and Mrs. Zukowski are the major authors of section 8 and could not be at tonight's meeting. There will be a special meeting scheduled for Friday 9/25/15 at 9am at the Municipal Building so they can meet with the Town Attorney to iron out this section. Anyone is welcome to join.

## **NEW BUSINESS**

*Filling Open Positions and Appointed Boards and Commissions* – Mr. Capeci explained that the section in question is 2-280(b)(3). It suggests that if someone is seated midterm, they will complete the full term. After talking with First Selectman, there are only a few boards that this pertains to. When this opportunity happens, they may ask the person to step down at the end of the expiring term or if that person is needed, they would go the ½ term and then fill the vacancy again but they wouldn't alter the times at which the term begins and ends.

Mr. Geckle, the Chair of the Library Board of Trustees, suggested any trustee filling a vacancy is on an interim basis until the end of the fiscal year, at that point they can be appointed to a four year term at the beginning of the fiscal year.

The language now says if X gets appointed and serves one month of their 3 year term and someone fills in for that vacated position they would serve the 2 years and 11 months of that term and then their own 3, 3 year terms.

Another option is taking that language out of the charter and putting in the bi-laws. The Library is unique in the sense that it was established as a special act. They have just gone through an extensive review of the bi-laws. Putting this language into this charter directly impacts what they have in their bi-laws. Their position is to leave terms and term limits out of the charter and let the bi-laws do their work. The proposed bi-laws that will be approved at the October meeting are on the current charter. Attorney Grogins agreed that the Charter should be less, not more.

Mr. Guidera will take both of Mr. Geckle's suggestions and have a proposal for the next meeting on September 30.

*Town Attorney's comments on the Charter Revisions* - Attorney Grogins compiled a list of questions and comments for the commission after he reviewed the draft (Attachment A).

- 1-25(5) –Mr. Capeci explained that they had a set of criteria and the boards and commission and the ones that are in the proposed charter meet those criteria. Mr. Grogins suggested that there are a few boards and commissions that should not be in the charter. Mr. Capeci explained that that was not in their charge.
- 2-05(6) – No change
- 2-10 – Mr. Capeci suggested removing “In addition, the maximum number of alternate members for any given board or commission shall also conform to the provisions of 9-167a.” Mr. Capeci asked Mr. Grogins to research this because there is concern about the alternates filling a seat and their party affiliation.
- 2-45 – No change
- 2-50 –Changed 2-50(a) to All Town Body shall have a clerk. “Provided by the Town. The clerk shall not be a member of such Town Body or Committee” has been stricken.
- 2-105(d)6iii – No change
- 2-125 – Added special appropriations to this section
- 2-125(a) – No change
- 2-215 – Mr. Capeci explained that this is not in their charge.
- 2-265- No change
- 2-270-No change
- 2-285 – No change
- 4-05(c)(8) - No change
- 4-35 – No change

- 5-05(a) – word was changed to governance
- 5-05(c) – No change
- 5-10 – No change
- 6-01 – Cross references have been checked
- 6-10(b) – No change
- 6-15(a) – Eligible to vote as defined in section 7-6 of the General Statues was added to clarify.
- 6-15(c)(3)(iv) – No change
- 7-10(a) – No change
- 7-10(f) – No change

Questions numbers 25-28 were not discussed. They will be discussed at a meeting at 9am Friday in the Council Chambers of the Municipal Center.

VOTER COMMENT - NONE

ANNOUNCEMENTS – NONE

Having no further business, the meeting was adjourned at 9:22pm

Respectfully Submitted,  
Arlene Miles, Clerk

Notes on Draft Charter

1. 1-25(5) "Town Body" – does this include ad hoc committees appointed by BOS and commissions/committees not in charter?
2. 2-05(6) What does "subsections 2-05(a) shall not apply" mean? Are there any other Town bodies to which this should apply?
3. 2-10 Is it intended that CGS 9-167 applies to "alternates".
4. 2-45 Town Clerk – should LC have input from BOF regarding Town Clerks' salary?
5. 2-50 What Town Bodies don't have to do minutes? See FOI Statute.
6. 2-105(d) 6 iii Town Attorney's Opinion – should also include "any other matters as shall be appropriate".
7. 2-125 Why leave out "special appropriations"?
8. 2-125(a) Add "and such other actions as are authorized by the general statutes".
9. 2-215 Conservation Commission should be delegated authority granted by 7-131a(b) of the general statutes.
10. 2-265 Why have "Public Safety Commission" in Charter?
11. 2-270 Self- Funded insurance fund – Why put in Charter - might change this as market changes?
12. 2-285 Why eliminate reference to general statute?
13. 4-05(c) (8) Check with Bob Tait regarding this provision.
14. 4-35 DPW – Should the job of Public Works Director be in Charter and defined?
15. 4-40(d) Employees – check with Courtney George regarding this provision.
16. 5-05(a) Should the word be "governance"?
17. 5-05(c) 10 day notice seems too long?

18. 5-10 CIP regulations – should LC act upon the recommendation or “affirmative” recommendation?
19. 6-01 Have all the references been cross checked?
20. 6-10(b) Role of Finance Director – Has Bob Tait received this?
21. 6-15(a) “Tax Payer” – Should say “any person” qualified to vote as defined in section 7-6 of the general statutes.
22. 6-15(c)(3)(iv) Seems too vague?
23. 7-10(a) Bonding – check with Bob as to whether he is ok with this?
24. 7-10(f) Ask Bob Tait if this is ok?
25. 8.05(a) Acquisition and disposition of Real Property – The sale, or other disposition of real estate of the Town and the purchase or other acquisition of real estate shall require the approval of the Legislative Counsel, except for powers delegated to the Board of Selectmen and/or the Planning & Zoning Commission hereunder. The Legislative Council shall consider no proposal to dispose of or acquire real estate of or for the Town unless the following shall have occurred:
1. The disposition or the acquisition shall have received a (positive) referral from the BOF;
  2. The Legislative Council shall have received a financial impact statement from the Finance Director, except for property which has an appraised value of less than \$20,000;
  3. A public hearing shall have been held pursuant to Section 7-163e of the Connecticut general statutes;
  4. The appraised value of the property shall be less than \$1,500,000.
- In the event the proposal receives a negative referral from the BOF and/or the value of the property exceeds \$1,500,000 the disposition or acquisition, as the case may be shall require a town referendum.
26. 8.05(b) Upon meeting said requirements of 8-10(c), the Legislative council may vote to sell or otherwise dispose of said real property by the requisite number of votes, with or without conditions. This vote must include a finding that:
1. The real property in question is excess land not needed for municipal purposes nor or in the foreseeable future, or
  2. The sale or disposition of the Town owned real property is for the purpose of facilitating acquisition of improved or unimproved real property for a project

already funded which is or suited to accomplishing said project than the real property already owned, or

3. In exceptional circumstance fully described in its action, the Legislative Council may recommend the sale of said property to the Board of Selectmen having considered factors other than obtaining the highest price, such as considering the buyer's binding commitment to use the property for a specific purpose deemed beneficial to the town. If the Legislative Council votes to sell or otherwise dispose of said real property, the First Selectman is authorized to take all steps necessary to carry out the sale or other disposition in accordance with the procedure set forth herein.

27. 8.10(a) The Lease of Town owned property – The Lease of Town owned property shall require the approval of the Board of Selectmen. Prior to execution of any Lease the following shall occur:

1. The lease shall be referred to the BOF for comment thereon. In the event that the BOF fails to report on said lease within 30 days of receipt of said referral the BOS may proceed without any comment from the BOF.
2. A Public Hearing shall be held pursuant to Section 7-163e of the Connecticut General Statutes.
3. The Town Financial Director shall have issued a financial impact statement.

28. 8.10(b) The Town as Lessee – The Town Lease of real property shall require the approval of the BOS, subject to there being an appropriation for said lease.