

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION COMMISSION

The Charter Revision Commission held a public hearing on Wednesday, September 30, 2015 in the Council Chambers at the Municipal Building, 3 Primrose Street, Newtown, CT. Chairman Jeff Capeci called the meeting to order at 7:00pm.

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

Absent: Deborra Zukowski

Also Present: Curt Symes, Jim Gaston, Karen Holden, Phil Carrol, Ryan Knapp, LeReine Frampton, John Voket

Consider Proposed Draft

Karen Holden, 68 Berkshire Road – She values education and believes the Board of Education should be the least political board in town. Until equality of a 4/3 board is restored, she will vote no and encourage the community to do the same, it is that important.

Curt Symes, Chair of the Commission on Aging – Has asked for inclusion in the charter and would like the Charter Revision to consider changing the General Summary to one that they had proposed and forwarded to Mr. Capeci early today (Attachment A). They would like the words aging and elderly removed because that is a turn off for seniors.

Phil Carrol, 1 Field Stone Drive – Impressed with the changes and thanked everyone for all the time put in.

Jim Gaston, 18 Main Street – Here is here as a resident, not an elected official. Thanked everyone for all the effort and time spent and likes most of the proposed changes. Items he has issues with are:

125(A)(6) – the Legislative Council is listed as a town department. The definition of a town department is too broad. By including commissions and boards such as the Legislative Council you are opening up liability to the town. By definition volunteer fire departments would be included as town departments because they receive funds from the Town. As it stands now the fire departments are not under the same regulations as the town. If they were a town department prevailing wage would apply to Hook and Ladder's construction which would cost Hook and Ladder and the Town a lot more money.

The proposed draft references Robert rules, current addition. Define what the current addition is.

205(d)2 and (d)(3) – there is language included that was not part of the previous charter. What does it mean employment of the government of the town? In (d)(3), it is not in their for the Legislative Council. He doesn't believe it is needed because of the code of ethics but if you are going to have the employment limitation it should be in the Council as well as the BOS if it will be included.

2-10, Minority Representation on the Board of Education was originally intended to be 4/3. The purpose is to clarify the intent 4 out of 7, not 5 out of 7.

9-167a is primarily applied to the BOE. It seems inconsistent.

2115(d) – the language states, The First Selectman with the approval of the Board of Selectman. It suggests that it is with the First Selectman then the BOS but it should be the BOS. What happens if there is an action taken on a 2-1 vote where the First Selectman votes against the action and the other 2 vote for it. The interpretation could be made that the First Selectman does not approve and therefore, the vote fails.

2-125 – He is not in favor of a 4 year term. If you make it 4 years term you make them less accountable. 2 year terms makes them more accountable. It may also dissuade some willing and eligible people from serving.

6-25(b)(1), Failure of a budget – proposed language stays that the Legislative Council confer with the First Selectman and one or more of the BOS. That will be ripe for a lack of transparency. It should be the BOS and not a choice of which Selectman they want to meet with.

LeReine Frampton, 6 Pebble Road – Commented on the issue of the BOE minority representation. She was on the Charter Revision that switched it to 7 people. The makeup of that commission was strong unaffiliated members. They tried to make it more even for anyone to serve. She also did the explanatory text in the Newtown Bee. There was a short window of when the recommendations were approved and ballots needed to be printed. When the election was completed and there was the discrepancy she tried to figure out what had happened. A few days ago she found a fax from Wil Rodgers, the Chair, stating the proposed change and the intent (Attachment B). People voted for what they saw in the Bee. They didn't want it a 5/2 board.

Having no further comments, the meeting was adjourned at 7:47pm.

Respectfully submitted,
Arlene Miles, Clerk

Attachment A

From: "CurtSymes@aol.com" <CurtSymes@aol.com>
To: jeff@thecapecis.com
Cc: ctheune@att.net
Sent: Wednesday, September 30, 2015 2:52 PM
Subject: COA Final for Charter - Minor Revision/Clarification on Roles & Resp. - Included

Jeff,

As I mentioned in my earlier note below, we had been working on revs. to both our Website Mission & By-Laws

The following text reflects our final draft to be included in the Proposed/Draft Charter Revision.

Sorry this has taken so long but the Comm. Ctr. work has taken precedent.

Curt

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Aging, Commission on

(a) Summary of General Responsibilities: There shall be a Commission on Aging to advocate for seniors and identify the needs of and coordinate services, programs and facilities that support the well-being of Newtown senior residents age 60 and older, and the disabled 55 and older. The Commission will make applications for grants to state and federal sources and governmental agencies and to private grantors on behalf of Newtown Senior Services and the Municipal Agent, and act as agent for federal, state or town boards, commissions, committees or agencies, or private groups to carry out programs benefiting senior citizens.

(b) Membership and Terms:

(1) The Commission shall consist of 9 regular members and 3 alternate members.

(2) The term of office shall be 3 years for regular members and 2 years for alternate members.

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Old Draft

2-205 Aging, Commission on

(a) 664 (a) Summary of General Responsibilities: There shall be a Commission on Aging which shall

(a) 665 study the needs of and coordinate programs for the elderly and aging in the Town and act as

(a) 666 their agent for other Federal, State or Town Boards, Commissions or agencies or local

(a) 667 private groups to carry out programs for the elderly and aging.

(a) 668 (b) Membership and Terms:

(a) 669 (1) The Commission shall consist of 9 regular members and 3 alternate members.

(a) 670 (2) The term of office shall be three years for regular members and two years for alternate

(a) 671 members.

From: CurtSymes@aol.com
To: Jeff@theCapecis.com
CC: ctheune@att.net
Sent: 8/3/2015 2:00:16 P.M. Eastern Daylight Time
Subj: Re: Request To Review Charter Revision

Jeff,

Draft (Proposed Update) for Discussion reg. the CoA looks good/consistent with additions for the other Comms. We/the CoA have been wrestling with a minor terminology change rel. to our audience - Aging & Elderly & (adding) Seniors. This came up with our By-Law Rework and Community Center Work over the past months. The CoA is looking beyond the Aging & Elderly at the Sr. Ctr. and sees all (5000 +or-) Ntn. Srs. as our CoA Audience.

We plan to address/discuss further at our Aug. 17 Monthly Mtg. as we have been debating with Ntn. Sr. Svcs. for the past year. Pat has already said the CoA Focus is all the Seniors in Newtown.

Thx,
Curt

In a message dated 7/17/2015 12:04:57 A.M. Eastern Daylight Time, jeff@thecapecis.com writes:

All,

As you may be aware, in June of last year, the Newtown Legislative Council formed a Charter Revision Commission consisting of nine members of which I am one. The Council also provided the Commission with an extensive charge including many items you may have been provided input

for. The Commission was also charged with reorganizing and rewriting the document to make it more readable. Since last June, the Commission has held about of 50 meetings, reviewed every aspect of the charter, has spoken with town officials and has listened to concerns voiced by the public. We are now close to the end of this effort and are preparing to submit a draft charter for the Legislative Council to consider sending to the voters for approval. On Wednesday evening at a special meeting, the Charter Revision Commission unanimously passed a motion to distribute the draft document to all Boards, elective and appointive and Town Departments for final feedback. On The Charter Revision Commission web page, you will find links to the following documents:

1. Charter Revision Commission Charge
2. Charge Categorized Spreadsheet
3. Draft 2015 Charter for Review
4. Annotated 2012 (current) Charter
5. Document Explaining the Color Codes used in the Charter

Documents

Please review the relevant portions of the revised charter with your department, board, or commission. If you have any questions regarding the content, feel free to contact me via email or phone. Your feedback will be given due consideration prior to completing our work. To keep this process moving such that we complete our work by our statutorily imposed deadline, I ask that you complete your review and submit your comments to the Commission by August 17, 2015. Please send them via email to Jeff@theCapecis.com. If you wish to speak directly to the Charter Revision Commission with regard to the proposed amendments, you may request, also by email, that I place you on the agenda of a future meeting. Thank you in advance for your time and effort in helping us to create a better governing document for the Town of Newtown.

Best Regards,
Jeff Capeci
Chairman, Newtown Charter Revision Commission
203.470.3736

Attachment B
Sugarbrook

WILLIAM F.L. RODGERS
ADMITTED CT, NY AND D.C.
TELEPHONE (203) 270-8879
E-MAIL wflr@sugarbrooklaw.com

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4 HIBARLOW ROAD
NEWTOWN, CT 06470
FACSIMILE (203) 270-3415
WEB SITE www.sugarbrooklaw.com

FACSIMILE TRANSMISSION FOLLOWS

Date: 4/15/08

From: William F.L. Rodgers

To: LeReine of NR @ Facsimile number 270-7935
cc: _____ @ Facsimile number 426-0639
cc: _____ @ Facsimile number _____
cc: _____ @ Facsimile number _____
cc: _____ @ Facsimile number _____

Regarding: Charter Qs

THIS TRANSMISSION CONSISTS OF 6 PAGES INCLUDING THIS PAGE.
IF YOU DO NOT RECEIVE ALL PAGES, PLEASE NOTIFY SENDER.

Additional Comments, if any: Haven't seen latest 4, 5+8
6, 7 OK w/ general comment
re header info on 6
I think you need to make clear that
explanatory text corresponds in order to
text itself.

THIS TRANSMISSION IS CONFIDENTIAL AND INTENDED ONLY FOR THE
ADDRESSEE. IF YOU RECEIVE IT IN ERROR, PLEASE NOTIFY SENDER THEN
DESTROY TRANSMISSION.

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).

can act only

This amendment will allow the Finance Director the flexibility to take advantage of savings on our outstanding bonds.

that

This amendment requires the Capital Improvement Plan be submitted to the Board of Finance. The current Charter has many references to "approval by the Board of Selectmen". This clarifies the First Selectman with the approval of the Board of Selectmen.

This amendment allows for changes to the Charter that were requested by the Finance Director and Legislative Council based on recommendations from Moody's Investment Services. This will make our Charter conform to Moody's guidelines and remove some deterrents for an improvement to our bond rating.

This amendment states that The Legislative Council is responsible for all regulations regarding the Capital Improvement Plan.

The Annual Town Meeting only receives reports from Town Departments that have already submitted same administratively, so it has become duplicative and unnecessary.

Currently any appropriation over \$150,000 goes to a Town Meeting. This amendment will change those guidelines. \$500,000 up to \$10,000,000 goes to a Town Meeting (the voters still have the right to petition for a referendum). \$10,000,000 and up goes to an automatic referendum.

The Board of Tax Review is erroneously referred to as Board of Assessment Appeals - this will correct that clerical error.

By state statutes, referenda are only required to be held from noon until 8 pm. This change will guarantee that all of Newtown's referenda will be from 6am until 8pm.

Isn't it under state statute?

Question 5

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).

The Charter currently requires conflicts of interest be stated and made a part of the minutes; this amendment releases the member from stating the reason for the conflict of interest. Attornies are often prohibited from even revealing the fact of their representation and thus are sometimes unable to comply with the requirement to state a reason.

Attornies

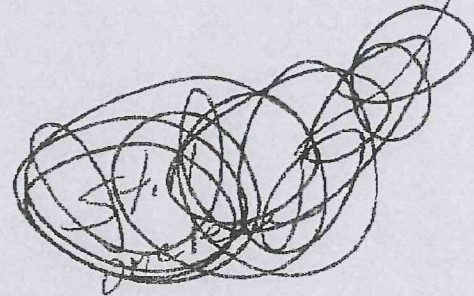
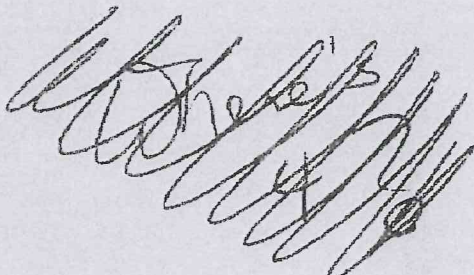
The Registrar of Voters will no longer have to wait for the Legislative Council to request a change of district lines. The Legislative Council still has to approve any changes.

Clarifies (does not change) eligibility to run for office.

The current Charter has many references to "approval by the Board of Selectmen." This clarifies that the First Selectman may act only with the approval of the Board of Selectmen, as to these enumerated matters

matters

The Charter currently uses he, his, or him with a gender statement (8-80) to clarify that either gender is embraced by those terms. This amendment will remove the gender statement (8-30) and change the Charter to read he/she, his/hers, or him/her.



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).

This amendment clarifies that Legislative Council has the authority to pass the budget on to the voters.

Changes some of the number of votes by Legislative Council required for various actions and to add local 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 that day. This will prevent a 4:30 pm on Friday filing which would in effect cause the petitioners to lose a weekend for signature gathering purposes.

Requires posting of notices in a newspaper with a substantial circulation in Newtown.

This amendment will increase the term of office for the Town Clerk from 2 years to 4 years.

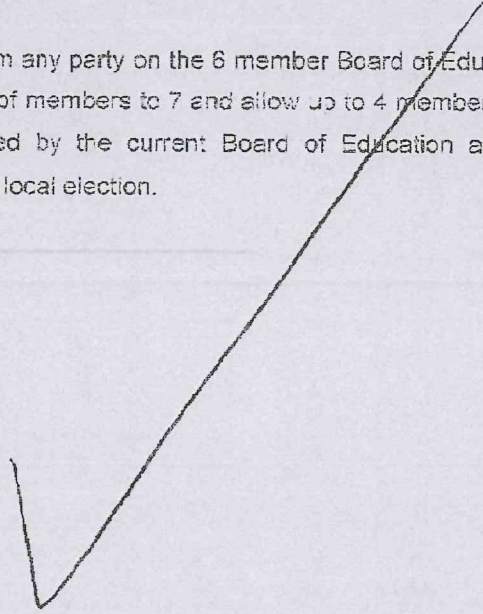


Can we put at top of
each explanation that explanations
appear in same order as
questions?

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).

Currently there is a maximum of 3 members from any party on the 6 member Board of Education. This amendment will increase the total number of members to 7 and allow up to 4 members from 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

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

for other reasons provided

Currently easements are allowed if necessary to serve that property only – this amendment would allow an easement on Town property ~~if it is for the good of the town~~ ~~(this could be for another piece of property)~~ ~~and its value...~~

Currently appointments to Boards and Commissions are allowed by an outgoing First Selectman (with the approval of the Board of Selectmen) until his last 3 days in office. This amendment will end this power on Election Day.

unless

Complaints made to the Board of Ethics are currently public information. This amendment will keep the complaints confidential ~~until~~ the complaint is found to have merit. This is to protect innocent individuals from the embarrassment caused by accusations without merit.

This amendment will empower the Park and Rec Commission to appoint as hoc committees with special projects

may act only

The current Charter makes many reference to approval by the Board of Selectmen, this is just a clarification ~~to~~ ~~the~~ ~~First~~ ~~Selectman~~ ~~with~~ ~~the~~ ~~approval~~ ~~of~~ ~~the~~ ~~Board~~ ~~of~~ ~~Selectmen~~. ~~that~~

This amendment will establish a Cultural Arts Commission.