

Jeff Capeci
Judit DeStefano
Paul Lundquist
Deborra Zukowski



TOWN OF NEWTOWN

Minutes

The Charter Revision Communications Ad Hoc Committee met on Thursday, August 25, 2016 in Meeting Room One of the Newtown Municipal Center. Committee Chairman Judit DeStefano called the meeting to order at 7:21 pm.

VOTER COMMENT: None.

Present: Ms. DeStefano, Mr. Lundquist, Ms. Zukowski, Mr. Capeci.

MINUTES: MR. LUNDQUIST MOTIONED TO APPROVE THE MINUTES OF 8/18/16, MR. LUNDQUIST SECONDED. 'COMMUNITY CENTER COMMISSION' TO BE REPLACED WITH 'CHARTER REVISION COMMITTEE' IN TEXT REFERENCING MR. CAPECI'S OUTREACH FOR HELP WITH ARTS FESTIVAL. WITH CORRECTION, ALL IN FAVOR.

COMMUNICATIONS: Mr. Capeci shared two emails from Town Attorney David Grogins (attached).

NEW BUSINESS

MR. CAPECI MOTIONED TO ADD TO THE AGENDA DISCUSSION AND RESPONSE TO COMMUNICATIONS FROM TOWN ATTORNEY DATED 8/25/16 SUBJECT 'CHARTER EDUCATION COMMITTEE.' MS. ZUKOWSKI SECONDED. ALL IN FAVOR.

Discussion of Town Attorney's noted concern regarding engaging with community members as expressed in email. Response drafted and agreed upon (attached).

Working session on informational material 'pamphlet' (attached).

MS. ZUKOWSKI MOTIONED TO ACCEPT PAMPHLET MATERIAL SUBJECT TO GRAMMATICAL, FORMATTING AND TYPOGRAPHICAL EDITS, AS NEEDED. MR. LUNDQUIST SECONDED. ALL IN FAVOR.

Reviewed draft of banner and business cards (attached). Mr. Lundquist to apply agreed upon changes and finalize for next meeting.

MS. ZUKOWSKI MOTIONED BUSINESS CARDS (AS AMENDED BY COMMITTEE) BE ORDERED. MS. DESTEFANO SECONDED. ALL IN FAVOR.

Discussion of upcoming meeting dates. Decision to reserve meeting room Thursdays through September and meet as needed.

VOTER COMMENT: None.

With no further business, Mr. Lundquist motioned to adjourn at 10:35 pm and Ms. Zukowski seconded. All in favor.

Respectfully Submitted,
Judith DeStefano,
Chairman, Charter Revision Communications Committee

INTRODUCTION

In July 2014 a committee was charged with reviewing and revising the existing town charter. The changes they proposed were adopted by the Legislative Council and will be voted on at the Nov. 8 referendum.

There are two ballot questions that encompass the changes proposed. The questions are independent of one another and the outcome of one question does not impact the outcome of the other. Each question is presented and explained below.

QUESTION ONE (subject to approval)

SHALL THE CHARTER BE AMENDED SO THAT THE 7 MEMBER BOARD OF EDUCATION INCLUDE A MAXIMUM OF 4 MEMBERS FROM ANY ONE POLITICAL PARTY INSTEAD OF THE CURRENT 5?

The State of Connecticut requires that no more than 5 members of a 7 member board be from any one political party. The party representation for the Board of Education [subsection 2-30(c) in the existing charter and subsection 2-10(b)(2) in the proposed charter] has been modified as follows.

Existing Charter: A maximum of 5 members from the same political party is permitted.

Proposed Charter: The number of members of any one political party who may serve on the 7-member Board of Education shall not exceed 4.

QUESTION TWO (subject to approval)

SHALL THE REMAINING CHARTER AMENDMENTS ADOPTED BY THE LEGISLATIVE COUNCIL BE APPROVED, NOTWITHSTANDING THE RESULTS OF QUESTION 1 ABOVE?

The changes to the charter (QUESTION ONE excluded) are voted on in their entirety; either the changes are all approved or all rejected.

The existing charter has been restructured and parts rewritten, to form what is now the proposed charter. This charter eliminates the town meeting. Additional significant changes are detailed below.

Town Budget

The processes of creating and approving a town budget [sections 5-01(b)(6) and 6-10 through 6-14 in the existing charter and sections 6-01 through 6-25 in the proposed charter] have been restructured and expanded.

Existing Charter: The duties of the Finance Director are stated as “prepare an analysis of all budget requests.” The budget advisory questions are:

“Do you deem the proposed sum of \$___ to be appropriated for the Board of Selectmen as ‘too low’?” and

“Do you deem the proposed sum of \$___ to be appropriated for the Board of Education as ‘too low’?”

Proposed Charter: The current processes for managing the budget, including the role of the Finance Director, have been

codified. The proposed budget advisory questions are:

“If the proposed sum of \$___ for the Board of Selectmen is not approved, should the revised budget be higher?” and

“If the proposed sum of \$___ for the Board of Education is not approved, should the revised budget be higher?”

The proposed charter includes processes to be followed in the event of a failed referendum, directing the Legislative Council to confer with the Board of Selectman and the Board of Education for changes in their respective budgets. They also call for the Legislative Council to request updated financial recommendations from the Board of Finance.

The proposed charter requires that both budgets be amended to reflect voter-approved appropriations and made publically available.

Appropriations

Elimination of town meetings necessitates changes to the appropriations processes [section 6-30 in the existing charter and section 6-35 in the proposed charter].

Existing Charter: The Legislative Council has authority to make special or emergency appropriations up to \$0.5 million per item, with a maximum of \$3 million annually. Appropriations over \$0.5 million and less than \$10 million are also voted on in town meetings. Appropriations of \$10 million or more are sent to a town referendum.

Proposed Charter: The Legislative Council has authority to make special or emergency appropriations up to \$1.5 million per item, with a maximum of 1 mil of the grand list (currently about \$3 million) annually. Appropriations over \$1.5 million will appear on the annual budget referendum ballot unless prohibited by timing or other factors. In such case, a special referendum will be called.

Acquisition and Disposition of Real Property

The processes for acquisition and disposition of real property [section 7-90 in the existing charter and chapter 8 in the proposed charter] have been modified. The proposed charter requires that procedural details for all processes be codified in town ordinances. Key changes include:

Real Property Acquisition

Existing Charter: The Legislative Council may authorize a single real property transaction up to and including \$0.5 million. A town meeting is also required for transactions over \$0.5 million and less than \$10 million. A referendum is required, in addition to Legislative Council authorization, for transactions of \$10M or more.

Proposed Charter: The Board of Selectmen initiates the acquisition of real property. The property must be appraised. If the acquisition requires an appropriation less than or equal to \$1.5M, the Legislative Council authorizes the acquisition. If an

appropriation is over \$1.5M, a referendum is also required.

Real Property Disposition

Existing Charter: The Legislative Council approves the disposition of town-owned real property and a town meeting is required for authorization.

Proposed Charter: The Board of Selectmen initiates the disposition of town-owned real property. The property must be appraised. For properties under or at \$1.5M, the Legislative Council, with input from all boards having an interest in the property, authorizes the disposition. Properties over \$1.5M require authorization from the Legislative Council along with a referendum. Signage and local publication are required.

Method of Disposition

Existing Charter: Town-owned real property can be disposed of by sealed bid, public auction, or private sale/lease requiring Legislative Council approval. All properties must be sold to the highest bidder.


Proposed Charter: Town-owned real property can be disposed of by public auction, or private sale/lease requiring Legislative Council approval. The Legislative Council may authorize the sale of the property based, in part, on a potential buyer's binding commitment to use the property for a specific purpose.

We will be voting on changes to Newtown's Charter

Biz Card

Newtown Legislative Council


Charter Revision Communications Committee



Election Day is Tuesday, November 8.
Ballots will include questions on changes to the Town Charter.

To learn more, be on the lookout for upcoming public information sessions

Email: NewtownCharterRevision@gmail.com
 Online: [facebook.com/NewtownCTCharterRevision](https://www.facebook.com/NewtownCTCharterRevision)
 First Selectman's Office: (203) 270-4201



Tri-Fold
Header

Newtown Legislative Council

Charter Revision Communications Committee




Election Day is 11/8.
Our ballot includes a
vote on changes to
Newtown's Charter.



Banner
8x2


Newtown
Legislative
Council

Charter Revision Communications Committee



Election Day is Tuesday, November 8
We will be voting on changes to Newtown's Charter

To learn more, be on the lookout for upcoming public information sessions





Judit Destefano <judit.destefano@gmail.com>

Fwd: Charter

Jeff@thecapecis.com <Jeff@thecapecis.com>

Thu, Aug 25, 2016 at 5:52 PM

To: Judit Destefano <judit.destefano@gmail.com>

Cc: "David L. Grogins" <DGrogins@cohenandwolf.com>, Deborra Zukowski <deborraz@gmail.com>, Paul Lundquist <lundquist.paul@gmail.com>

Judit,

See the attached letter from Attorney Grogins.

Jeff

----- Forwarded message -----

From: "Grogins, David L." <DGrogins@cohenandwolf.com>

Date: Aug 25, 2016 2:06 PM

Subject: Charter

To: "Jeffrey Capeci (Jeff@theCapecis.com)" <Jeff@theCapecis.com>

Cc:

Jeff, If the committee wants to have input regarding the explanatory text that I am to prepare, I need it Sept. 1.

David L. Grogins | Cohen and Wolf, P.C.

158 Deer Hill Avenue | Danbury, CT 06810 | P: [203.792.2771](tel:203.792.2771) | F: [203.791.8149](tel:203.791.8149)

dgrogins@cohenandwolf.com | www.cohenandwolf.com

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Judit DeStefano <juditnewtownlc@gmail.com>

Fw: Charter education committee

2 messages

Jeffrey Capeci <jeff@thecapecis.com>

Thu, Aug 25, 2016 at 7:11 PM

Reply-To: Jeffrey Capeci <Jeff@thecapecis.com>

To: Judit Destefano <juditnewtownlc@gmail.com>, Deborra Zukowski <deborraz@gmail.com>, Paul Lundquist <lundquist.paul@gmail.com>

----- Forwarded Message -----

From: "Grogins, David L." <DGrogins@cohenandwolf.com>

To: "Jeffrey Capeci (Jeff@thecapecis.com)" <Jeff@thecapecis.com>

Sent: Thursday, August 25, 2016 11:33 AM

Subject: Charter education committee

Jeff, I received a couple of emails from Bruce Walzak regarding comments I made at the meeting on August 18th. Apparently, he discussed this with a member of the committee. I am not particularly happy about this. I think it is inappropriate for a member of the committee to be discussing with a non committee member legal advice given to members. The substance of my advice, if you recall was that members should not make public comments about the charter amendments outside of their work on the committee. My reasoning is that while it might be allowed, it is very easy to misspeak and end up as the respondent in a complaint to the SEEC. What are your thoughts on this?

David L. Grogins | Cohen and Wolf, P.C.

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Judit DeStefano <juditnewtownlc@gmail.com>

Fri, Aug 26, 2016 at 12:24 PM

To: DGrogins@cohenandwolf.com

Cc: Deborra Zukowski <deborraz@gmail.com>, Jeff Capeci <jeff@thecapecis.com>, Paul Lundquist <lundquist.paul@gmail.com>

Mr. Grogins,

Mr. Capeci shared the concerns you communicated to him (below). We discussed it as a committee. Here are our thoughts:

Mr. Walzak informed Mrs. Zukowski that he learned of your legal opinion in the 8/4/2016 minutes, i.e:

“Committee members, Mr. Grogins believes, should not advocate at all, even if no public funds are expended on effort (ie: letters to the Bee) as neutrality is part of the committee’s charge.”

Given that the opinion was a part of the public record and discussed in open session, we do not see a problem with discussing the subject with members of the community. We do, however, agree with your advice that the community is best served by us not publically advocating a position on the charter as a group or as individuals.

Please let me know if you have any further concerns,

Judit DeStefano

[Quoted text hidden]