

Jeff Capeci  
Judit DeStefano  
Paul Lundquist  
Deborra Zukowski



# TOWN OF NEWTOWN

## Minutes

The Charter Revision Communications Ad Hoc Committee met on Thursday, September 8, 2016 in Meeting Room One of the Newtown Municipal Center. Committee Chairman Judit DeStefano called the meeting to order at 7:30 pm.

VOTER COMMENT: None.

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

Absent: Mr. Lundquist

MINUTES: MR. CAPECI MOTIONED TO APPROVE THE MINUTES OF 9/1/16, MS. ZUKOWSKI SECONDED. ALL IN FAVOR.

### NEW BUSINESS

MS. DESTEFANO MOTIONED TO ADD TO THE AGENDA REVIEW OF LC RECOMMENDATIONS AND INCLUSION OF LC VOTED BALLOT QUESTIONS FOR EXPLANATORY TEXT. MS. ZUKOWSKI SECONDED. ALL IN FAVOR.

Review of explanatory text; modifications made (attached).

MS. ZUKOWSKI MOTIONED TO APPROVE THE COMMITTEE'S FINAL RECOMMENDATION FOR REVISED EXPLANATORY TEXT AND PROVIDE TO TOWN ATTORNEY. MR. CAPECI SECONDED. ALL IN FAVOR.

Review of attorney's input on text and inclusion of LC approved ballot questions, for informational text.

MS. DESTEFANO MOTIONED TO APPROVE THE FINAL INFORMATIONAL TEXT (ATTACHED), ALLOWING FOR MINOR CHANGES OF GRAMMATICAL, CITATION, AND FORMATTING NATURE. MR. CAPECI SECONDED. ALL IN FAVOR

Discussion of printed materials - 500-1000 copies of each the informational pamphlet and explanatory text should suffice for Arts Festival. Will plan to order late in the week so if there are any kinks they may come to light after online publication of materials. Also need to order banner for Arts Festival.

Discussion of community forums – Tues Sept. 27 reserved at 7:30 pm for Municipal Center Council Chambers for first forum. Potential other dates: Oct. 15 (Sat. daytime at library), Nov. 3 (Thurs. evening at library), weekday informal at Senior Center. Potential format – presentation of scenarios and how they would run course via old and new charter.

VOTER COMMENT: None.

With no further business, Ms. Zukowski motioned to adjourn at 9:20. Mr. Capeci seconded. All in favor.

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

## Committee Recommended EXPLANATORY TEXT

Two questions on the ballot pertain to the Newtown charter. The two questions are independent and the outcome of one does not impact the outcome of the other. Each question can pass even if the other fails.

1. QUESTION NO# 1: Shall the Charter be amended to provide that the maximum number of members from any one Political Party permitted to serve on the seven (7) member Board of Education shall not exceed four(4), (the current Charter provides that the limitation is five (5) members from any one Political Party)?

Yes \_\_\_\_\_ No \_\_\_\_\_

EXPLANATION: Approval of Question #1 limits the number of members of the Board of Education from one political party to four (4). This changes the maximum from five (5) to four (4).

2. QUESTION NO# 2: Shall the **remaining** Charter Amendments adopted by the Legislative Council on **November 18, 2015** be approved notwithstanding the results of question number 1 above?

Yes \_\_\_\_\_ No \_\_\_\_\_

EXPLANATION: Approval of Question #2 accepts the rest of proposed changes in their entirety, comprised of organizational, non-substantive, and substantive changes made to the document including but not limited to:

- a) It adds eleven (11) existing Boards and Commissions to the Charter; Water and Sewer Authority; Lake Lillinonah Authority; Lake Zoar Authority; and Newtown Health District Board, Commission on Aging, Economic Development Commission, Inland Wetlands Commission, Pension Commission, Public Safety Commission, Self-funded Health Insurance Fund Commission, Sustainable Energy Commission. It gives each Board or Commission a definition and gives a method for filling vacancies.
- b) It specifically spells out the advisory roles played by the Board of Finance.
- c) It revises the language of the advisory question provision set forth in Section 6-14(a) of the present Charter.
- d) It eliminates the Town Meeting and changes the annual appropriation authority of the Legislative Council from \$500,000 to \$1,500,000, with a maximum aggregate authority of 1 mil (currently about \$3,000,000). **Appropriations over \$1.5 million will be voted on in referendum.**
- e) It replaces the Town Meeting for disposing of real property with a multi-board approval process. It also removes the use of sealed bid as a method of sale.

## INTRODUCTION

In July 2014 a Charter Revision Commission was appointed by the Legislative Council and was charged with reviewing and revising the existing town charter. The proposed changes were approved by the Legislative Council and will be voted on at the Nov. 8 election.

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 explained below.

### QUESTION ONE (subject to approval)

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT THE MAXIMUM NUMBER OF MEMBERS FROM ANY ONE POLITICAL PARTY PERMITTED TO SERVE ON THE SEVEN (7) MEMBER BOARD OF EDUCATION SHALL NOT EXCEED FOUR (4), (THE CURRENT CHARTER PROVIDES THAT THE LIMITATION IS FIVE (5) MEMBERS FROM ANY ONE POLITICAL PARTY)?

The State of Connecticut requires that no more than 5 members of a 7 member board be from any one political party unless modified by Town Charter. 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 ON NOVEMBER 18, 2015 BE APPROVED NOTWITHSTANDING THE RESULTS OF QUESTION NUMBER 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. The proposed charter eliminates the town meeting. Some of the additional 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 changed to read:

*“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. The Legislative Council shall also 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.