

Jeff Capeci  
Judit DeStefano  
Paul Lundquist  
Deborra Zukowski



## TOWN OF NEWTOWN

### Minutes

The Charter Revision Communications Ad Hoc Committee met on Thursday, Sept. 22, 2016 in Meeting Room One of the Newtown Municipal Center. Committee Chairman Judit DeStefano called the meeting to order at 7:16 pm.

VOTER COMMENT: None.

Present: Ms. DeStefano, Mr. Lundquist, Ms. Zukowski, (Mr. Capeci 8:45).

MINUTES: MS. DESTEFANO MOTIONED TO APPROVE THE MINUTES OF 9/15/16, MS. ZUKOWSKI SECONDED. ALL IN FAVOR.

COMMUNICATIONS: Ms. DeStefano shared email exchange with community member and town attorney (attached). Discussion of state statute under which changes to BOE are allowable. Conclusion that town council's position is that BOE minority representation question will not result in violation of state statute.

### NEW BUSINESS

Review of outreach conducted to date for the first of the forums (ad in Bee, sandwich boards, social media, town wide emails, potential use of press release at later date). Forums to be held:

Tuesday Sept. 27, 7:30 PM, Newtown Municipal Center

Saturday Oct. 15, 10:00 AM, Booth Library Meeting Room

Thursday Nov. 3, 7:00 PM, Booth Library Meeting Room

Work on presentation for forums and plan to convey material. Intro by Ms. DeStefano, slides 1-7 Mr. Capeci, slides 8-final Ms. Zukowski.

MS. ZUKOWSKI MOTIONED TO APPROVE THE FINAL FORUM PRESENTATION TEXT (ATTACHED), ALLOWING FOR MINOR CHANGES OF GRAMMATICAL AND FORMATTING NATURE. MR. LUNDQUIST SECONDED. ALL IN FAVOR

Question as to whether forum constitutes meeting, consensus that it will be start of next weeks' Charter Revision Communication's Committee Meeting – review of minutes and forum will be conducted after the presentation and Q/A session.

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

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



Newtown Legislative Council

# Charter Revision Communications Committee

Election Day is Tuesday, November 8

We will be voting on changes to Newtown's Charter



# Overview of Forum

# Overview of the Revision Process

- July 2014 - Charter Revision Commission (CRC) was appointed by the Legislative Council (LC); charged with reviewing and revising the existing town charter.
- CRC recommended changes to the LC in Fall of 2014.
- Changes were approved by LC, will be voted on **November 8**.
- Proposed changes presented to the voters in **two** ballot questions.
  - Independent outcomes

# QUESTION 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)?

# BoE Political Party Representation

- 7<sup>th</sup> BOE seat added in 2007.
- State statute mandates minority political party representation minimum of 2 - allows town charter to increase the minority minimum
- Impetus for 4/3 vs 5/2 discussion
  - BoE request
  - Community confusion at 2008 ballot for charter revision
- Potential tradeoff between number of candidates running and the balance of the two parties on the Board of Education

# QUESTION 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?

Remaining proposed amendments include changes to:

- Town Budget and Related Processes
- Elimination of Town Meeting and Implications
- Real Property Processes
- Restructuring and Other Non-Substantive Changes

# Budget Referendum Questions

## Existing Charter

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

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

## Proposed Charter

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

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



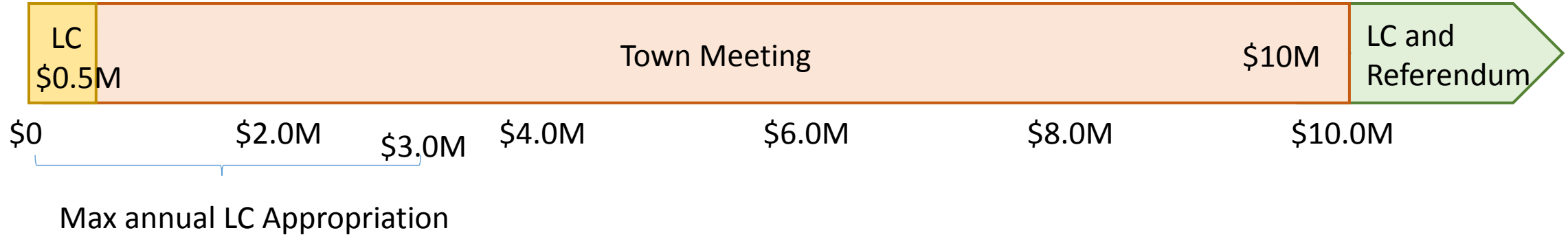
# Other Proposed Changes to Budget Processes

- Budget Referendum Processes has been codified
  - In the event of failed referendum, Legislative Council must confer with the Board of Selectman and the Board of Education for changes in their respective budgets
  - Legislative Council shall also request updated financial recommendations from the Board of Finance
- Amended budgets must be publically available after voter approval

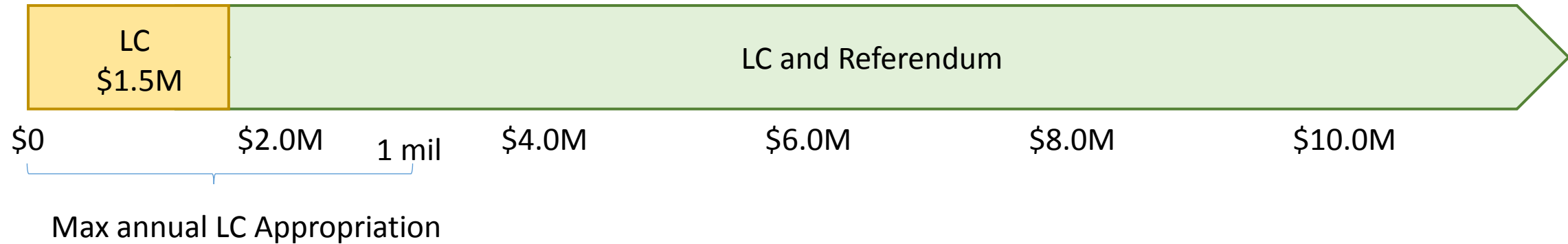
# Elimination of Town Meetings

## Impact on Appropriation Processes

### Approval levels and methods provided in **current charter**



### Approval levels and methods provided in **proposed charter**



Right of Referendum [section 7-100 of current charter and section 3-25 of proposed charter]  
5% of currently registered voters.

# More on appropriations...

- If approved, voters will cast a yes/no vote for each specific appropriation on the Referendum Ballot in April.
  - Appropriations in excess of the limit that are prohibited by timing or other factors from appearing on the ballot will warrant a special referendum.
- Language for appropriations changed from “per item” to “per purpose.”

# Town Meetings since Jan 1, 2013\*

## Appropriations of \$1.5M and less

Date	Time	Topic	Amount	Attendance	Vote (Y/N)
6/22/2016	7:15 PM	Improvements to High School Roof	\$1,402,500	14	10/0
4/18/2016	6:45 PM	Sidewalks to Reed	Unstated (Grant/Funds Available)	9	Unanimous
8/17/2015	7:00 PM	Acquisition/Replacement of fire apparatus	\$975,000	58	Unanimous
8/17/2015		Newtown Hook & Ladder House	\$1,500,000	58	Unanimous
7/6/2015		Road Improvements	\$1,000,000	91	Passed by show of hands
11/18/2013	7:16 PM	Amendment of 9/16/2013 Dickinson Park Playground	\$866,112	29	Unanimous
9/16/2013	7:15 PM	Dickinson Park Playground (includes \$336,162 donations)	\$774,162	22	Unanimous
7/24/2013	7:02 PM	Sandy Hook School design/planning (CT grant)	\$750,000	~160	Unanimous
7/24/2013	7:02 PM	Treadwell Artificial Turf	\$500,000	~160	Unanimous

\* Source: [http://newtown-ct.gov/Public\\_Documents/NewtownCT\\_SpecialTownMeetingMin/](http://newtown-ct.gov/Public_Documents/NewtownCT_SpecialTownMeetingMin/)

# Town Meetings since Jan 1, 2013\*

## Appropriations of more than \$1.5M

Date	Time	Topic	Amount	Attendance	Vote (Y/N)
4/18/2016	7:00 PM	Amendment of 2/26/2014 Hawleyville Sewer	Total of \$3,800,000	9	Unanimous
8/17/2015		Demolition /Remediation at FFH	\$5,000,000	58	Most/1
7/6/2015	7:15 PM	Newtown High School Auditorium	\$3,600,000	91	Passed by show of hands
2/26/2014	7:02 PM	Hawleyville Sewer Project	\$2,800,000	109	81/11
3/20/2013	7:00 PM	Hawley Boiler/HVAC	\$1,550,000	10	Unanimous

\* Source: [http://newtown-ct.gov/Public\\_Documents/NewtownCT\\_SpecialTownMeetingMin/](http://newtown-ct.gov/Public_Documents/NewtownCT_SpecialTownMeetingMin/)

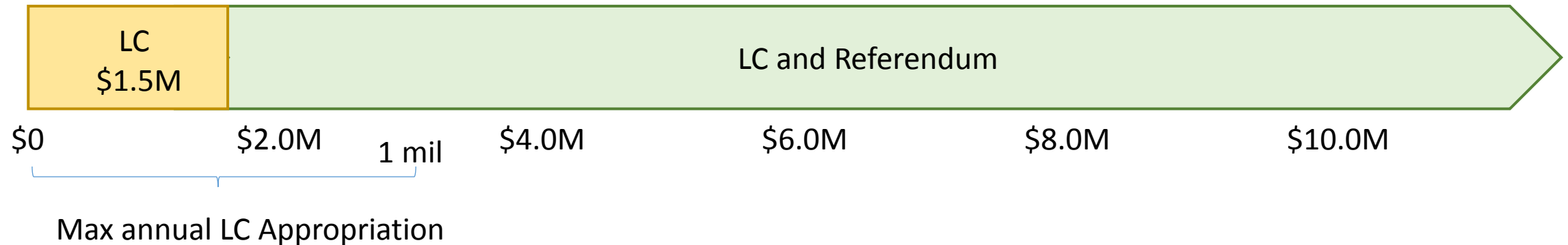
# Elimination of Town Meetings

## Impact on Real Property Acquisitions

Approval levels and methods provided in current charter



Approval levels and methods provided in proposed charter



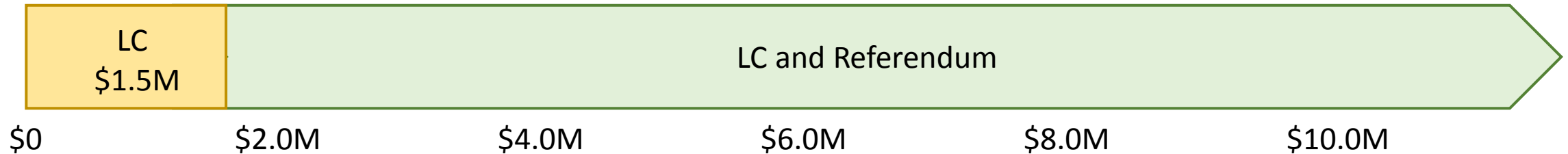
# Elimination of Town Meetings

## Impact on Real Property Dispositions

Approval levels and methods provided in current charter



Approval levels and methods provided in proposed charter



# Town Meetings since Jan 1, 2013\*

## Real Property Dispositions

Date	Time	Topic	Amount	Attendance	Vote (Y/N)
10/5/2015	7:27 PM	Property: Lot line revisions	NA	6	Unanimous
2/17/2015	7:16 PM	Demolition of 36 Yogananda St. House	NA	10	Unanimous

### Additional requirements provided in the proposed charter for real property disposition

#### Decision requirements

- Majority of Board of Selectmen
- Majority of Planning and Zoning Commission + majority of Legislative Council  
or at least 8 members of the Legislative Council to override Planning and Zoning

#### Required information sources

- Appraisal
- All boards and commissions having an interest in the property

\* Source: [http://newtown-ct.gov/Public\\_Documents/NewtownCT\\_SpecialTownMeetingMin/](http://newtown-ct.gov/Public_Documents/NewtownCT_SpecialTownMeetingMin/)



# Other Proposed Changes to Real Property Dispositions

- Sealed bid removed as method of disposition
- Private sale mirrors current private real estate practices
- Highest offer requirement may be waived for offers consistent with a desired purpose the town has for a property, provided buyer makes a binding commitment to conform to the purpose
- Leasing of real property is specifically provided for

# Call to action

- Vote!! – Attention getting version. Picture, not list.

# Questions????

- And thanks! Please take a pamphlet or two.



Judit Destefano <judit.destefano@gmail.com>

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## BOE Minority Representation Question

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**Judit Destefano** <judit.destefano@gmail.com>

Tue, Sep 20, 2016 at 2:03 PM

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

FYI

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

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

Date: Mon, Sep 19, 2016 at 1:41 PM

Subject: RE: BOE Minority Representation Question

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

Judit, Please call me, I seem to have lost your number.

**From:** Judit Destefano [mailto:judit.destefano@gmail.com]

**Sent:** Monday, September 19, 2016 10:00 AM

**To:** Grogins, David L.

**Subject:** Re: BOE Minority Representation Question

Are you saying 9-204b prevails?

Correction to my first email (I meant **204a** in regard to this): Referring to 9-204b concerns me because as I read it, if voters cast ballots for all 4 seats up, each political party can take only half the seats. Meaning, each town committee essentially appoints 2 BOE representatives. The alternative is that individual voters cast just 2 votes when 4 seats are open and 2 when 3 seats are open.

Thanks,  
Judit

On Mon, Sep 19, 2016 at 9:36 AM, Grogins, David L. <DGrogins@cohenandwolf.com> wrote:

Judit, I would argue that (9-204) does not apply because under both the new and the old minority representation provisions the electors can vote for all of the candidates put up, but only as many as allows the minority representation provisions adopted may be seated. The candidates with the highest vote to be seated until the minority representation provisions kick in. In any event, it is too late to address this question. Call me if you want to discuss this.

**From:** Judit Destefano [mailto:judit.destefano@gmail.com]

**Sent:** Sunday, September 18, 2016 9:57 PM

**To:** Grogins, David L.

**Subject:** BOE Minority Representation Question

Hi David,

I was approached by Al Cramer who expressed some concerns in regard to the electorate being informed about the changes he feels will take place to the electoral process if the first question on the charter revision passes (the 4-3 minority representation issue). He says state statute dictates that if statute 9-167 is not applicable, another state statute must be referenced, and in this case it's 9-204. It states that in cases of BOE having 4-year terms, staggered at 4 positions and 3 positions being vacated, voters can cast only 2 votes when the 4 seats are up. This I confirmed here (see highlighted).

### **Connecticut General Statutes 9-204 – Minority representation on board of education**

(a) Unless otherwise provided by special act or charter provision, including the charter provisions described in subsection (b) of this section, when the number of members to be elected to the board of education for the same term at any election is even, no elector shall vote for more than half that number and when the number of members to be elected to the board of education for the same term at any election is odd, no elector shall vote for more than a bare majority of that number.

(b) Any charter which (1) provides for the election of the members of a board of education at one town election for the same term, (2) incorporates section 9-167a by reference to determine minority representation for such board of education and (3) makes no reference to the number of candidates for which an elector may vote for such board of education shall be deemed to have set the number of candidates an elector may vote for and the number of candidates who may be endorsed by any political party at the maximum levels specified in the table contained in subdivision (1) of subsection (a) of section 9-167a.

But then I went on to read there can be exception:

### **Connecticut General Statutes 9-204a – Nomination and voting for full number of board members to be elected authorized**

Notwithstanding the provisions of sections 9-204 and 9-414 and of any special act or town charter, any town may, by charter, or by referendum vote taken at any regular election in such town pursuant to either a vote of its legislative body or a petition signed by at least five per cent of the electors of such town as established by the last-preceding registry list of such town, authorize the nomination by any political party of candidates for election as members of the board of education of such town equal to the number of members of said board to be elected at such election, and authorize the electors of such town to vote for the full number of such members to be elected, provided not more than one-half of the members of said board **declared elected to the same term at such election shall be of the same political party** if the number to be elected is even and not more than a bare majority thereof shall be members of the same political party if the number to be elected is odd. If the number of candidates, sufficient to fill the offices voted on, receiving the highest number of votes at any such election are of the same political party, those persons sufficient to fill one-half or a bare majority of such offices, as the case may be, who received the highest number of votes among such candidates shall be declared elected and those persons receiving the next highest number of votes who do not belong to such political party, sufficient in number to fill the remaining offices, shall be declared elected.

Further...

**Connecticut General Statutes 9-204b – Optional alternative system for towns with four-year terms  
for board of education**

Notwithstanding the provisions of any general statute to the contrary, in any town which provides for four-year terms for members to be elected to the board of education and whose legislative body adopts the provisions of this section by charter or ordinance, and the number of members to be elected is odd or even, any elector may vote for all of that number and the persons receiving the greatest number of votes shall be elected, except that when the number of members of any one political party **who would be elected** without regard to section 9-167a exceeds the maximum number as determined by said section, then only the candidates of such political party with the highest number of votes up to the limit of such maximum, shall be elected. The next highest ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in such election. Each political party shall have the right to nominate as many persons as there are vacancies on the board and those names shall be placed upon the ballot.

Referring to 9-204b concerns me because as I read it, if voters cast ballots for all 4 seats up, each political party can take only half the seats. Meaning, each town committee essentially appoints 2 BOE representatives. The alternative is that individual voters cast just 2 votes when 4 seats are open and 2 when 3 seats are open.

I have not found anything in the proposed charter (subsection 2-10(b)(2) that lends clarity to this, so I assume it defaults to 9-204 (no elector shall vote for more than half that number). Can we discuss? However you interpret it, I need to be able to speak to the change with confidence.

Thank you,

Judit



Judit Destefano <judit.destefano@gmail.com>

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## Re: Charter Revision

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**Judit Destefano** <judit.destefano@gmail.com>

Tue, Sep 20, 2016 at 2:02 PM

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

For discussion Thursday. Sending another along on the same topic...

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

From: **Judit Destefano** <judit.destefano@gmail.com>

Date: Tue, Sep 20, 2016 at 1:15 PM

Subject: Re: Charter Revision

To: Warren Hoppmeyer <whoppmeyer@sbcglobal.net>

Cc: Mary Ann Jacob <mjacob4404@charter.net>

Warren,

According to our attorney, the minimum minority representation requirements are laid out in the state statute, and the 4-3 mandate as proposed is allowable if specified by town charter.

I will bring this up at our next meeting and include your communications in the minutes.

Best,  
Judit

On Tue, Sep 20, 2016 at 9:52 AM, Warren Hoppmeyer <whoppmeyer@sbcglobal.net> wrote:

Judit,

Please tell me what state statute we are operating under then? As I read 9-204 (a) and (b) unless we specifically ignore this we can have a max of 5 from one party. If we go down the path laid out but the charter revision we are limited to 2 from each party in even years and 2 in odd years so what is the purpose of having staggered terms? We might as well elect all every two years. Otherwise we have to wait four years for a board change and the even years are not even worth voting in.

Warren

**Sec. 9-204. Minority representation on board of education.** (a) Unless otherwise provided by special act or charter provision, including the charter provisions described in subsection (b) of this section, when the number of members to be elected to the board of education for the same term at any election is even, no elector shall vote for more than half that number and when the number of members to be elected to the board of education for the same term at any election is odd, no elector shall vote for more than a bare majority of that number.

(b) Any charter which (1) provides for the election of the members of a board of education at one town election for the same term, (2) incorporates section 9-167a by reference to determine minority representation for such board of education and (3) makes no reference to the number of candidates for which an elector may vote for such board of education shall be deemed to have set the number of candidates an elector may vote for and the number of candidates who may be endorsed by any political party at the maximum levels specified in the table contained in subdivision (1) of subsection (a) of section 9-167a.

Sent from my iPad

On Sep 19, 2016, at 2:28 PM, Judit Destefano <[judit.destefano@gmail.com](mailto:judit.destefano@gmail.com)> wrote:

Hi Warren,

According to our Town Attorney, neither the existing nor the proposed charters put us in violation of the state statute.

Feel free to contact me if you have any other questions.

Best,  
Judit DeStefano  
(203)906-9226

On Mon, Sep 19, 2016 at 10:13 AM, Mary Ann Jacob <[mjacob4404@charter.net](mailto:mjacob4404@charter.net)> wrote:  
Our next council meeting is October 5th but I don't expect charter revision to be on the agenda. You are welcome to speak to items not on the agenda at the end of the meeting though.

I can't speak for the members of the charter revision commission on why they chose to include this issue. I know it was proposed to them by the board of education due to the complaints received after the 2013 election that resulted in 5 republicans being elected to the board.

Mary Ann

Sent from my iPhone

On Sep 19, 2016, at 9:55 AM, Warren Hoppmeyer <[whoppmeyer@sbcglobal.net](mailto:whoppmeyer@sbcglobal.net)> wrote:

Mary Ann,  
Thanks. Is there a Council meeting this week? Also please do provide the date.

If you'd please I'd really like to get your understanding as to why this change is being proposed?

Thanks,  
Warren

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**From:** Mary Ann Jacob <[mjacob4404@charter.net](mailto:mjacob4404@charter.net)>  
**To:** Warren Hoppmeyer <[whoppmeyer@sbcglobal.net](mailto:whoppmeyer@sbcglobal.net)>  
**Cc:** Judit DeStefano <[Judit.destefano@gmail.com](mailto:Judit.destefano@gmail.com)>  
**Sent:** Monday, September 19, 2016 6:36 AM  
**Subject:** Re: Charter Revision

Hi Warren,



I am copying the chairman of our charter revision communications committee on your email. For background information, we commissioned this charter revision about two years ago. So to answer your first question, State statute dictates a specific process for us to follow and one of those stipulations is that once the commission has presented its final recommendation the council can do only two things: Completely reject or completely accept their full recommendation. There was considerable debate about the provision relating to the makeup of the board of education but the majority of the council members voted to accept the full recommendation for a variety of reasons. You can review that discussion online if you'd like, I'd be happy to provide the date. Personally, I felt the body of work they did was very, very good. Our decisions to make the BOE question stand alone to the voters meant that the rest of the work would not sink or swim based solely on this very controversial question.

As for your second two questions on the statute, we had a similar question at the Arts Festival yesterday and Judy is confirming with our town attorney what the Secretary of State says regarding this issue so I'll let her respond on that.

Thank you for reaching out.

Mary Ann

Sent from my iPhone

On Sep 18, 2016, at 2:43 PM, Warren Hoppmeyer <[whoppmeyer@sbcglobal.net](mailto:whoppmeyer@sbcglobal.net)> wrote:

Mary Ann,

I have a couple of questions regarding the subject. First, is there a council meeting this week?

Now to my questions.

1. Why is the membership change to the Board of Education being proposed?
2. Can you please explain how this works with alternating two year elections?
3. How does this not conflict with the state statute?

**Sec. 9-167a. Minority representation.** (a)(1)

Except as provided in subdivision (2) of this subsection, the maximum number of members of any board, commission, legislative body,

committee or similar body of the state or any political subdivision thereof, whether elective or appointive, who may be members of the same political party, shall be as specified in the following table:

COLUMN I	COLUMN II
Total Membership	Maximum from One Party
3.....	2
4.....	3
5.....	4
6.....	4
7.....	5
8.....	5
9.....	6
More than	
9.....	Two-thirds of
total membership	

Warren Hoppmeyer  
23 Cobblers Mill