

Jeff Capeci
Judit DeStefano
Paul Lundquist
Deborra Zukowski



TOWN OF NEWTOWN

Minutes

The Charter Revision Communications Ad Hoc Committee met on Thursday, Oct. 13, 2016 in Meeting Room 1 of the Newtown Municipal Center. Committee Chairman Judit DeStefano called the meeting to order at 7:16 pm.

Present: Mr. Lundquist, Mr. Capeci, Ms. DeStefano, also present - Mr. Jason Buchsbaum (Town Counsel)

Absent: Ms. Zukowski

VOTER COMMENT: None.

MINUTES: MR. LUNDQUIST MOTIONED TO APPROVE THE MINUTES OF 10/6/16, MR. CAPECI SECONDED. ALL IN FAVOR.

COMMUNICATIONS: Attorney's recommended changes to slides for forum, along with Ms. Zukowski's feedback questions in relation to said comments (attached). Ms. Zukowski's proposed revised slides (attached).

NEW BUSINESS

Slide by slide review of deck. In general at forums, committee can speak to removed items if brought up as a question. We can give further detail when explaining "this is how I personally see it..." and/or refer people to the Charter Revision Commission's minutes.

Slide 5) Attorney feedback: Giving reasons to support the change, committee should explain *what* the changes are not *why*. Fourth bullet point is a clear pro/con - it presents a tradeoff and should be removed.

Slide 11) Attorney, upon review, understands the reason for including this material and cautioned to present in a totally neutral way, citing that the examples provide a point of reference for what would now fall within LC allowable approval limit and what would be voted on in referendum. He stated we were right to not "cherry pick" the information and indicated it should either be all included or all removed.

Slide 15) Attorney stated, slide speaks to P&Z approval but that is earlier in approval process and has not changed so shouldn't be referenced (not related to actual disposition). It should be made clear that LC majority vote is needed regardless of P&Z vote.

Slide 16) Clarify "private" as this slide is being presented.

Revised slide deck is attached.

Discussion on list for mailer. Household list is at around 8,740 when registered voters households are counted. 26 names do not have associated address. Mr. Capeci doing further work and will forward prior to mailing deadline (Tuesday, 10/18).

With no further business, Mr. Lundquist motioned to adjourn at 9:12 pm and Mr. Capeci seconded. All in favor.

Respectfully Submitted,

Judit DeStefano,
Chairman, Charter Revision Communications Committee



Charter Revision Communications Power Point

Deborra Zukowski <deborraz@gmail.com>

Thu, Oct 13, 2016 at 6:49 PM

To: Judit Destefano <judit.destefano@gmail.com>, Jeff Capeci <Jeff@thecapecis.com>, Paul Lundquist <lundquist.paul@gmail.com>

Cc: Judit Destefano <juditnewtownlc@gmail.com>

Greetings,

My apologies for missing the meeting. Please consider the following comments (see below) as you discuss the presentation. I will support what the team, in consultation with the attorney, feels is best.

Please send the updated Prezo so I can prepare for Saturday. See you then.

Debbie

PS. My sense is that we should have a single prezo, even if we are not using town funds and so have refrained from posting anything on our Facebook page. I will start to post using the finished version of the prezo, hopefully tomorrow.

PPS. When I first received this email and saw how long the comments were, I was a little concerned. However, the attorney did a bang-up job and our work will be stronger because of his time and effort.

Judit:

I have reviewed the prior information packet and the slides you provided. I am evaluating this information based on the standards relevant to the appropriate use of public funds in presenting neutral information. Therefore, my comments are geared towards that and ensuring that the information is presented in a neutral manner. For purposes of this analysis, and since I have not been involved with your exact committee, I am assuming that the requirement set forth in Conn. Gen. Stat. Section 9-369b that the legislative body approve the materials by vote of that body has been met. The materials must also be approved by town counsel, and I am reviewing them solely to provide advice on the question of whether or not they, in my opinion, are neutral and consistent with the explanatory text, and the prior handbook that David approved.

Given that, I have concerns regarding a number of the slides as outlined below, and believe that many of them are either not presented in a neutral manner, or are not consistent with the proposed charter or prior documents already approved. Please contact me to discuss once you have had an opportunity to review. I am generally available tomorrow and Friday. My concerns are as follows:

- **Slide 3:**

- I believe the word "impact" has negative implications. A better way to present it would be to say "Changes to the Appropriation process" and "Changes to Real Property..."

<<< I understand where the point is coming from. The logic is that Appropriations and Real Property transactions had to change as a result eliminating the town meeting. Changing as

recommended dilutes this point. Could we change "impact to" to "effects on?" Doing so would keep the concept. Would that address the issue?

- I recommend deleting the words "Call to Action"

<<< Deleting the words here should be fine, provided we keep in the "Vote" slide. We really need to use our citizen network as a way to extend our reach with the information.

- **Slide 5:**

- I believe this is one of the most problematic slides.
- First, the second bullet point is confusing because state statute does not mandate that minority political party representation of 2 in every instance. It is mandated here because it is a 7 member board but that does not tie into the bullet point. The language used in the handbook is preferable to the language used here.

<<< Good catch. I am fine if we use the same language as the pamphlet.

- The third bullet point should be deleted.
 - This bullet point discusses the "impetus" for the change. I believe it is presenting the information either in an advocacy style, or in a pro/con format, both of which are prohibited in this instance.

<<< I do not understand how it is either. Could you give examples of how the statement could be construed as either? This should help us all understand your point better. [Judith, please include these examples in the minutes for me. Thanx.] That said, I have no objection should the committee agree to delete it.

- The fourth bullet point should be deleted.
 - This bullet point appears to be presenting pros for the change.

<<< I do not understand how so. Could you give examples for what is being said in a pro/con manner? This should help us all understand your point better. [Judith, please include these examples in the minutes for me. Thanx.]

- **Slide 6:**

- Again, I would delete the word "implication" and replace it with something like "corresponding changes"

<<< Sounds like a fine suggestion to me.

- **Slide 9:**

- I recommend removing the word "impact" and replace it with something like "changes to the"

<<< Per suggestion for slide 3: would "Effects on" be acceptable? I agree that it should mirror slide 3.

- Portions of the slide are confusing and do not accurately reflect the charter change as presented. I believe you are trying to depict the process for a single item appropriation in the graph. Given that, the title of the graph should say that. Then, perhaps, include a footnote to make the point that the LC has an annual max.

<<< The discussion emphasizes the per item, but point is good that the slide should stand on its own. Suggest changing "Approval levels and methods provided in the current/proposed charter" to "Approval levels and methods per item provided in the current/proposed charter" and moving both max annual limits to footnotes, as recommended.

- I have the same comment as to the placement of the 1 mil. Again, a footnote may be best using the language from the handbook that 1 mil, as of today, is about \$3,000,000.

<<< See above.

- **Slide 10:**

- I believe this slide needs to be clarified. This slide seems to be saying that all new appropriations are approved at referendum, but that is not accurate (see slide 9 and applicable charter provisions).

<<< I agree the language is clumsy at best. Suggest changing language to "Appropriations over \$1.5M, approved by the Legislative Council, will be presented to the voters for a yes/no vote on the Budget Referendum Ballot in April when possible."

<<< Suggest modifying sub-bullet to "When prohibited by timing or other factors from appearing on the ballot, a special referendum will be held for such appropriations."

- **Slide 11:**

- This slide concerns me. I am not sure why it is included as it does not provide information concerning the actual charter change. To me, it seems to be providing a basis for approving the change, or pros for the change. As I read it, this slide seems to be making the point that a town meeting is unnecessary given how they have gone since 2013. I believe one could make an argument that this is not neutral information.

<<< The slide was included so that voters would know better what a town meeting is and when it is used so that they could make a more informed decision on whether or not to remove it from local government processes. As such, I believe we need something to provide such context.

<<< The intent was not to make the point that the town meeting was unnecessary though if you read it as such, then we have work to do. The slide contains all factual data from the minutes as cherry picking from the factual data could itself be construed as trying to influence.

<<< See attached file to see recommendations for Town Meeting table slides (11,12,15). These slides maintain the ability to do a scenario-based discussion, but drops info that some may argue influences voter decision.

- **Slide 12:**
 - o Same comment as slide 11.
 - o Also, the title says "if accepted, would be approved by LC," but that is not accurate. For items over \$1.5 million, there would be a referendum after the LC approves.

<<< Good catch. That parenthetical (for both slides 11 and 12) has been moved to it's own place under the table in the suggested replacement slides.

- **Slide 13:**
 - o As stated above, I would delete the word "impact" and replace it with something like "changes to."

<<< Per suggestion for slide 3: would "Effects on" be acceptable? I agree that it should mirror slide 3.

- o My comments here are the same as slide 9.
- o In addition, the chart needs to be clearer as to what it represents. I believe the intent is for it to represent single property acquisition for the most part. Then, as I stated in slide 9, perhaps you could include a footnote to indicate the max the LC can appropriate annually.

<<< The discussion emphasizes the per item, but point is good that the slide should stand on it's own. Suggest changing "Approval levels and methods provided in the current/proposed charter" to "Approval levels and methods per item provided in the current/proposed charter" and moving both max annual limits to footnotes, as recommended.

- o Also, the 1 mil maximum is a budgetary concept included in that portion of the charter. While it likely applies to the property acquisition as well, it is not referred to or discussed in the real property acquisition section. Therefore, I would not include it on this slide. That comes down to an interpretation of the Charter, rather than an explanation of what a particular section is saying.

<<< Subsection 8-05(e) in the proposed charter states:

"As provided in Subsection 6-35(e), if the real property proposed to be acquired requires an appropriation of \$1,500,000 or more, said Acquisition shall require approval of a referendum."

My understanding is that the ref to 6-35(e), would mean the totality of the subsection, including the part about an annual limit of 1 mil would apply. However, is it the case that by calling out the per item cap and not the annual limit, we've potentially (and unintentionally) constrained the reference to only the per item limit?

- **Slide 14:**
 - o I recommend deleting the word "impact" and replacing it with something like "changes to..."

<<< Same comment as above. Also need to update the titles above diagrams as done in slide 13, though could say "per transaction" here, as it is not an appropriation (unlike real property acquisition).

- Slide 15:

- o Same comments as slides 11 and 12.
- o The second bullet point under "decision requirements" does not appear to accurately describe what the Charter says. While P&Z may need approval in certain, likely all, instances under other statutory criteria, I do not see a requirement in the charter that all land purchases go through P&Z.

<<< Good catch! Subsection 8-10(c)(5) specifically calls out compliance with CT Gen Statute 8-24, which likely will apply in all cases, but technically need not. Tried to call this out in suggestions to slide 15 (in attached file).

Also, I do not see the characterization anywhere of at least 8 votes being tied into an "override" of P&Z. Please let me know if I missed it in the Charter. It is simply the requirement as I read the Charter that 8 votes is necessary, regardless of P&Z action.

<<< Subsection 8-10(d) includes this information:

Upon meeting said requirements of Subsection 8-10(c), the Legislative Council may vote to sell or otherwise dispose of said Real Property as required by the General Statutes, if applicable, or by majority vote.

The override was with respect to what happens under 8-24. When 8-24 does not apply, then a simple majority of the Legislative Council is all that is required.

<<< This does highlight another problem. For those dispositions of value > \$1.5M, then there will be a referendum, requiring the approval of a majority of voters. Added bullet in suggested replacement for slide 15.

- Slide 16:

- o What are you referring to in the second bullet point?

<<< I think the second occurrence of "private" muddies the meaning. It should be deleted. Current practice for private sale method is a replicated offer/publish-notice-of-potential-sale process. The proposed charter makes the private sale method more akin to what is done for non-town-owned transactions.

- o I believe the third bullet point should be deleted. It does not appear to accurately reflect what the proposed Charter says.

<<< Section 8-10(d)(1) of the proposed charter states:

The Legislative Council may recommend that the Board of Selectmen consider factors other than obtaining the highest price, such as considering the buyer's binding commitment to use the real property for a specific purpose and where there is a benefit to the Town.

The third bullet is trying to call this aspect out. This is an important change in that it relates to the reference of updating the charter made in a special act that was intended to help the town

better manage development at Fairfield Hills. The special act calls out the need to update the charter, and this is a key update needed. Improved wording is welcomed.

[Quoted text hidden]



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61K

Town Meetings since Jan 1, 2013*

Appropriations of \$1.5M and less

Date	Topic	Amount
6/22/2016	Improvements to High School Roof	\$1,402,500
4/18/2016	Sidewalks to Reed	Unstated (Grant/Funds Available)
8/17/2015	Acquisition/Replacement of fire apparatus	\$975,000
8/17/2015	Newtown Hook & Ladder House	\$1,500,000
7/6/2015	Road Improvements	\$1,000,000
11/18/2013	Amendment of 9/16/2013 Dickinson Park Playground	\$866,112
9/16/2013	Dickinson Park Playground (includes \$336,162 donations)	\$774,162
7/24/2013	Sandy Hook School design/planning (CT grant)	\$750,000
7/24/2013	Treadwell Artificial Turf	\$500,000

Proposed Charter: All items above require Legislative Council approval. A referendum is also required when the annual cap is exceeded, e.g., in 2015.

* Source: http://newtown-ct.gov/Public_Documents/NewtownCT_SpecialTownMeetingMin/



Town Meetings since Jan 1, 2013*

Appropriations of more than \$1.5M

Date	Topic	Amount
4/18/2016	Amendment of 2/26/2014 Hawleyville Sewer	Total of \$3,800,000
8/17/2015	Demolition /Remediation at FFH	\$5,000,000
7/6/2015	Newtown High School Auditorium	\$3,600,000
2/26/2014	Hawleyville Sewer Project	\$2,800,000
3/20/2013	Hawley Boiler/HVAC	\$1,550,000

Proposed Charter: All items above require both Legislative Council approval and a referendum.

* Source: http://newtown-ct.gov/Public_Documents/NewtownCT_SpecialTownMeetingMin/



Town Meetings since Jan 1, 2013*

Real Property Dispositions

Date	Topic
10/5/2015	Property: Lot line revisions
2/17/2015	Demolition of 36 Yogananda St. House

Requirements provided in the proposed charter for real property disposition

Decision requirements for dispositions

- Majority of Board of Selectmen
- When covered by CT State Statutes re: Planning and Zoning - Majority of Planning and Zoning Commission + majority of Legislative Council or at least 8 members of the Legislative Council when overriding Planning and Zoning
- Otherwise - Majority of Legislative Council
- Dispositions greater than \$1.5M also require approval of majority of voters at a referendum

Required information sources

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

* Source: http://newtown-ct.gov/Public_Documents/NewtownCT_SpecialTownMeetingMin/





Newtown Legislative Council

Charter Revision Communications Committee

PUBLIC FORUM

Tues, Sept 27, 2016



COMMITTEE MEMBERS:

Judit DeStefano
Deborra Zukowski
Jeff Capeci
Paul Lundquist

Email: NewtownCharterRevision@gmail.com

On Facebook: [Newtown CT Charter Revision](#)

To review all Charter revisions as proposed:
Go to the Town website (newtown-ct.gov).

Under Boards and Commissions,
click on Charter Revision Commission

First Selectman's Office: (203) 270-4201

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 2015.
- Changes were approved by LC, will be voted on **November 8**.
- Proposed changes presented to the voters in **two** ballot questions.
 - Independent outcomes



Today's Forum

- Overview of the Revision Process
- BoE Political Party Representation
- Budget Referendum Questions
- Other Proposed Changes to Budget Processes
- Elimination of Town Meetings
 - Changes to the Appropriation Processes
 - Changes to Real Property Acquisitions and Dispositions
- Questions



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

- 7th BOE seat added in 2007
- State statute mandates a 7 member board have minority political party representation minimum of 2 - allows town charter to increase the minority minimum



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 Corresponding Changes
- 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

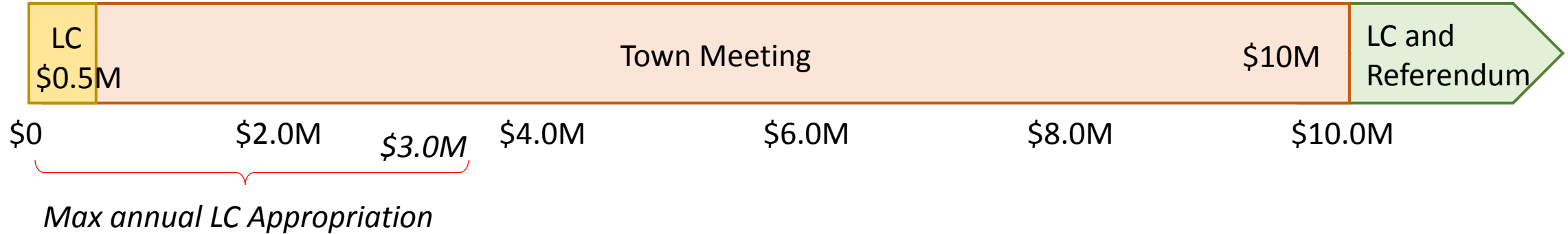
- Budget Referendum Processes have been codified
 - In the event of failed referendum, LC must confer with the Board of Selectman and the Board of Education for changes in their respective budgets
 - LC shall also request updated financial recommendations from the Board of Finance
- Amended budgets must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



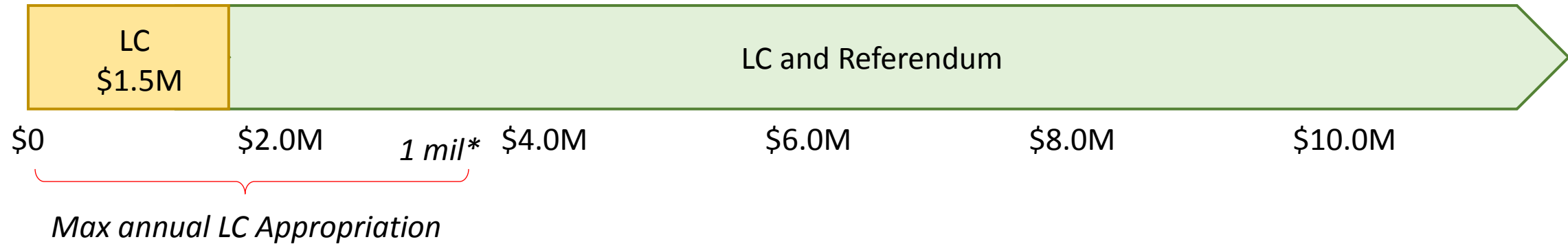
Elimination of Town Meetings

Changes to Appropriation Processes for a Single Item/Purpose

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.

*1 mil is currently about \$3.0M

More on appropriations...

- For LC approved appropriations over \$1.5M, 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.”



All Town Meetings since Jan 1, 2013 with Appropriations of \$1.5M and less* (If accepted, would be approved by LC)

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/



All Town Meetings since Jan 1, 2013 with Appropriations of more than \$1.5M* (If accepted, would go to referendum)

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

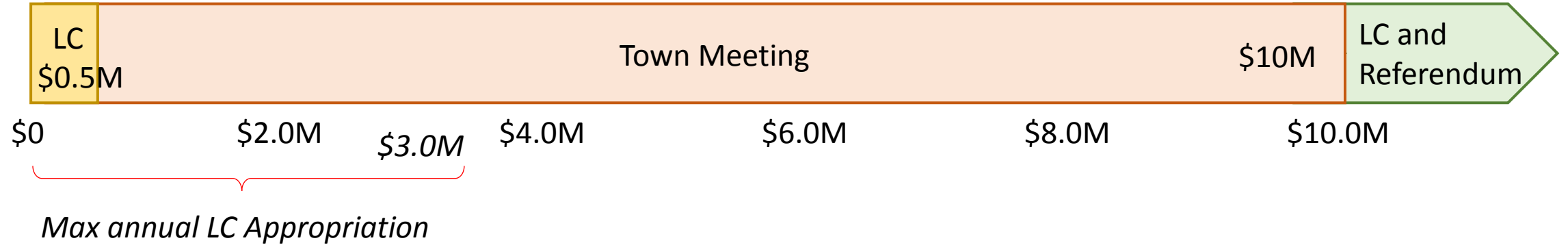
* Source: http://newtown-ct.gov/Public_Documents/NewtownCT_SpecialTownMeetingMin/



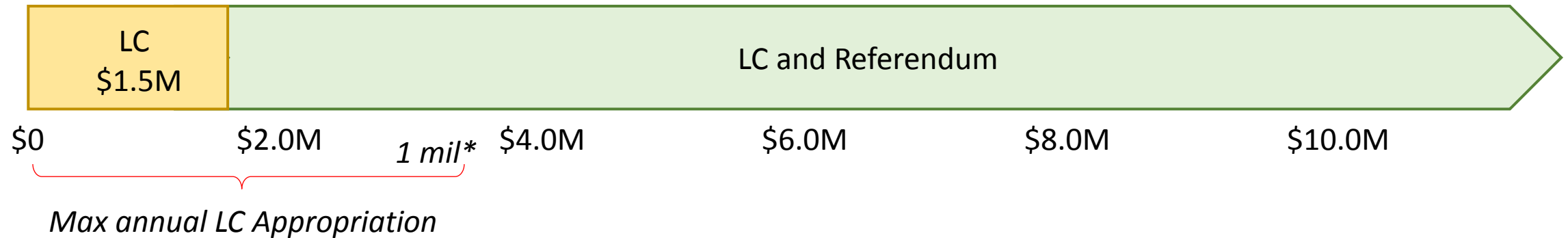
Elimination of Town Meetings

Changes to Real Property Acquisitions

Approval levels and methods provided in current charter



Approval levels and methods provided in proposed charter



*1 mil is currently about \$3.0M

Annual LC maximums defined for special and emergency appropriations apply to acquisitions.



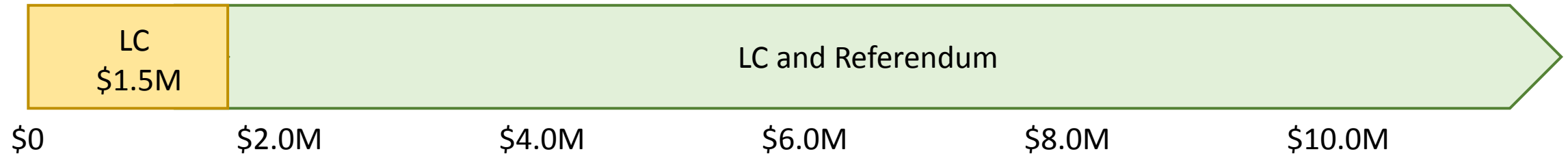
Elimination of Town Meetings

Changes to Real Property Dispositions

Approval levels and methods provided in current charter



Approval levels and methods provided in proposed charter



All Town Meetings since Jan 1, 2013 for 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
- Minimum of 8 members of the LC to approve disposition.

Required information sources

- Appraisal
- All boards and commissions having an interest in the property
- Signage and local publication required

* Source: http://newtown-ct.gov/Public_Documents/NewtownCT_SpecialTownMeetingMin/



Other Proposed Changes to Real Property Dispositions

- Sealed bid removed as method of disposition
- Private sale is similar to current private real estate practices
- The sale of property may be based, in part, on a buyer's binding commitment to use the property for a beneficial purpose
- Leasing of real property is specifically provided for



Tell your friends to...



ANY
QUESTIONS
?

**Please Take
a Pamphlet
or Two!**

Thank You

