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TOWN OF NEWTOWN

LEGISLATIVE COUNCIL

**TOWN OF NEWTOWN LEGISLATIVE COUNCIL MEETING
WEDNESDAY, NOVEMBER 4, 2015
NEWTOWN MUNICIPAL CENTER, NEWTOWN, CT**

PRESENT: George Ferguson, Joe Girgasky, Eva Bermudez, Paul Lundquist, Bob Merola, Ryan Knapp, Neil Chaudhary, Mary Ann Jacob, Dan Amaral, Tony Filiato, Phil Carroll, Dan Honan

ALSO PRESENT: First Selectman Pat Llodra, Director of Finance Bob Tait, Director of Land Use George Benson, Charter Revision Commission members Jeff Capeci, Bob Hall, Deborrah Zukowski, James Ritchie, Eric Paradis, Dan Wiedemann, and Kevin Burns, Attorney David Grogins, Attorney Barbara Schellenberg, 3 members of the public, 1 press.

CALL TO ORDER: Ms. Jacob called the meeting to order at 7:30 with the Pledge of Allegiance.

VOTER COMMENT: None

MINUTES: MR. FERGUSON MOTIONED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 21, 2015. SECOND BY MR. LUNDQUIST. APPROVED. MR. FILIATO ABSTAINED. MR. FERGUSON MOTIONED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF OCTOBER 28, 2015. MOTION SECOND BY MR. CHAUDHARY. APPROVED. MR. FERGUSON, MR. GIRGASKY, MR. LUNDQUIST AND MR. FILIATO ABSTAINED.

COMMUNICATIONS: Ms. Jacob stated she received an email regarding Charter Revision. Attached She received a communication from CCM on training for Ethics, Accountability and Conflicts of interest. Attached

COMMITTEE REPORTS: None

FIRST SELECTMAN'S REPORT: Report moved forward.

NEW BUSINESS

Charter Revision: MR. CHAUDHARY MOVED TO REOPEN DISCUSSION ON THE CHARTER REVISION. MOTION SECOND BY MR. FERGUSON.

MR. CHAUDHARY MOTIONED TO WITHDRAW HIS ORIGINAL MOTION TO APPROVE THE REVISED CHARTER AS PRESENTED BY THE CHARTER REVISION COMMISSION. SECOND WAS WITHDRAWN. APPROVED.

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NON SUBSTANTIVE CHANGES: MR. CHAUDHARY MOTIONED TO SEND THE COMMENTS UNDER NON SUBSTANTIVE CHANGES OR CONTROVERSIAL REQUESTS FOR CHANGES AND REQUESTS TO FIX ANY TYPOS, NOTING THAT LINE 201 AND 256 ARE NO LONGER INCLUDED UNDER THE HEADING TO THE CHARTER REVISION COMMISSION FOR EDITING. SECOND BY MR. KNAPP. APPROVED.

LEGAL OPINIONS NEEDED:

Line 201 Section 1-25(a)(7): The question is if the Legislative Council is a town department and does it increase liability to the council. Ms. Zukowski explained the terms “Town Departments” and “Town Bodies”. Attorney Schellenberg does not see any issues with the use of the term for the Council. Ms. Zukowski stated this is about budget management, inclusive of all who receive funds and give the finance director receipts. The Council does receive funds. Mr. Ferguson noted the council does not receive funds; it is an allocation to pay the auditors. Ms. Zukowski stated it would make sense to redefine those who expend funds verses a book entry. MR. CHAUDHARY MOTIONED TO ASK THE CRC TO REVIEW AND EDIT THE SECTION LISTED IN LINE 201, UNDER LEGAL OPINIONS NEEDED FROM THE DOCUMENT COUNCIL QUESTIONS RE. CHARTER REVISION 10-31-15. SECOND BY MR. MEROLA. APPROVED. Attachment

Line 256 Section 1-25 (b)(3): Mr. Knapp stated the term “any other office” is too broad, it needs to be clarified. MR. CHAUDHARY MOTIONED TO SEND THE SECTION IN THE DOCUMENT STARTING AT LINE 256 FOR CLARIFICATION REGARDING “OTHER OFFICE” TO THE CRC. SECOND BY MR. FERGUSON. APPROVED.

Line 285 Section 2-10 (b)(4): Is the Fire commission a town body? Mrs. Llodra noted the Fire Commissioners are not appointed by the Board of Selectman, and therefore has no authority over the commission. Mr. Ferguson suggested eliminating “town body” and replacing with “board, commission and/or authority”. MR. CHAUDHARY MOTIONED TO ASE THE CRC STARTING ON LINE 285 OF THE DOCUMENT REVIEW, CLARIFY AND EXPLORE THE IMPLICATION OF THE USE OF THE TERM TOWN BODY AND CONSIDER OTHER OPTIONS AND FOCUS SPECIFICALLY AND GENERALLY ON BOARD OF FIRE COMMISSIONERS. SECOND BY MR. FERGUSON. APPROVED.

Line 304 Section 2-15(c): The question is why are we talking about term limits as they are included in some ordinances and don’t always agree with the Charter? Mr. Ferguson stated if it is in the Charter, it needs to be consistent. There should be general language in the charter on the formation and termination of boards and commissions and the Council or Selectmen create an ordinance or regulation to define details. MR. CHAUDHARY MOTIONED TO RECOMMEND TO THE CRC TO RECONSIDER USING TERM LIMITS IN THE CHARTER. SECOND BY MR. FERGUSON. APPROVED.

Line 722 Section 2-230(b)(4): Question is why a member of the Board of Ethics has to serve until a successor has been appointed. Attorney Schellenberg doesn’t think the language is necessary. Ms. Jacob gives the impression one cannot quit the board and perhaps change “shall serve” to “may serve”. MR. CHAUDHARY MOTIONED TO RECOMMEND TO THE CRC TO RECONSIDER THE LINE 722M, EACH MEMBER SHALL SERVE AND WHETHER IT IS NEEDED. SECOND BY MR. FERGUSON. APPROVED.

Line 906-908 Section 3-10(b)(2): MR. CHAUDHARY MOTIONED TO HAVE THE CRC REVIEW LINES 906-908 TO CONSIDER THE POSSIBILITIES. SECOND BY MR. FERGUSON. APPROVED. Attorney Grogin will review. The state statutes are very complicated on the issue.

Line 943 Section 3-25(a): Should the word “may” be replaced with “will”. Attorney Grogin thought “may” would allow flexibility for appropriations that are not ready for referendum. MR. CHAUDHARY MOTIONED TO RECOMMEND THAT CRC REVIEW AND CLARIFY LINE 943 OF THE DOCUMENT REGARDING THE WORDS “MAY”, WILL AND/OR SHALL. SECOND BY MR. CARROLL. APPROVED.

Line 1158: Discussed. No change recommended.

Line 1180 Section 5-15 (a) Why is 2/3 used in some places instead of 8 for council votes, and why is the word “authorized” used in some places to describe the membership of the council. Ms. Zukowski explained some is original language. In new language it exists because different people were the drafters. It is an inconsistency they can correct. Attorney Schellenberg doesn’t think the word “authorized” is necessary. Mr. Knapp would like to see more clarity on whether a 2/3 vote requires a majority of those present at a meeting or of the entire membership. MR. CHAUDHARY MOTIONED TO RECOMMEND TO THE CRC TO REVIEW FOR CONSISTENCIES AND CHANGE NEEDED FOR CLARITY AND INTENT THE TERMS EIGHT (8) AND TWO-THIRDS (2/3) AND SIMILAR KIND OF LANGUAGE. SECOND BY MR. KNAPP. APPROVED

Substantive Changes

Line 265 Discussed. No change recommended.

Line 270 Section 2-10: Minority Representation regarding the Board of Education. Mr. Knapp expressed concerns that moving to a 4-3 split will institutionalize partisanship. It takes choices away from the voters and gives it to the town committees by mandating each party seats at least 3 candidates. Using this week’s election as an example, with a 4-3 split the Republican Party would have likely run the incumbent only and there would have been no other Republican candidate. The incumbent automatically retains his seat. He believes voter choice is very important. There could be years where 3 seats up for election can all be one party. That is not an election, it is an appointment. The Bee editorial recently called it incremental tinkering with no real benefit. Mr. Lundquist stated their job isn’t to reinterpret the issue. This is an issue decided by a previous CRC, with clarifying language and voted on by the voters. He believes we need to honor the voters decision and have the 4-3 split. Ms. Jacob explained current language allows for a 5-2 split. If no change is made to the CRC recommendation of 5-2, it leaves no option for 4-3 split. She suggested having the CRC change their recommendation to 4-3 and have a separate question on the ballot for this issue, letting the voters decide the split. It was explained the CRC can add an exception for the Board of Ed split of 4-3 under section 2-10 Minority Representation. It can be a separate question on the ballot. If the question fails, then the Board of Ed will revert to state minority representation numbers. CHAUDHARY MOTIONED TO RECOMMEND TO THE CRC LANGUAGE REVISION THAT WOULD ALLOW A STAND ALONE OPTION THAT WOULD MAKE AN EXCEPTION TO MINORITY REPRESENTATION FOR THE BOARD OF ED, THAT EXCEPTION BEING 4-3, AND THAT THEY ADJUST ANY INCONSISTANT LANGUAGE TO FIT WITH THE INTENT TO HAVE THE EXCEPTION TO MINORITY REPRESENTATION BE A STAND ALONE QUESTION ON THE REFERENDUM ON THE CHARTER. SECOND BY MR. CARROLL. APPROVED. 8 YES, 4 NO (MR. FERGUSON, MR. KNAPP, MR. FILIATO AND MR. CARROLL)

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Line 494 Discussed. No change recommended.

Line 535 Section 2-115(h): MR CHAUDHARY MOTIONED TO RECOMMEND TO THE CRC TO STRIKE THE SENTENCE LISTED UNDER Line 535 OF THE DOCUMENT. SECOND BY MR. FERGUSON. APPROVED.

Line 555 Section 2-125 (b): Terms of the Board of Finance. Mr. Ferguson believes the best way to keep government responsive to the public is for everyone to be on the same terms. Mr. Lundquist believes four year terms would be harder to fill. Mrs. Llodra believes citizen government should be as close to the people as possible and that would be 2 year terms. Mr. Knapp believes accountability is more important than continuity. MR. CHAUDHARY MOTIONED TO RECOMMEND TO THE CRC TO DRAFT LANGUAGE THAT WOULD RETURN THE BOF TERM TO 2 YEARS AND TO STRIKE ANY LANGUAGE SUCH AS IN LINE 924 DISCUSSING STAGERED TERMS. SECOND BY MR. FERGUSON. APPROVED.

Line 708 Discussed. Covered under the discussion on term limits.

Line 719 Discussed. No change recommended.

Line 799 Section 2-260(a): Mrs. Llodra explained the Public Building and Site Commission doesn't always have the capacity to handle all current projects. She recommends softening the language so the Commission is not obligated to take on a project. MR. CHAUDAHARY MOTIOND TO RECOMMEND TO THE CRC TO CHANGE THE LANGUAGE REGARDING THE PUBLIC BUILDING AND SITE COMMISSION TO REFLECT CURRENT PRACTICES. SECOND BY MR. FERGUSON. APPROVED.

Section 2-280: Mr. Capeci explained there have been issues with Library board members who did not do any work, but would not resign. A board of 16 members with 8 members appointed by the Board of Selectmen would allow for more public accountability. Ms. Jacob asked what the process will be to reduce the board from 18 to 16 and increase Selectmen appoints from 6 to 8. Attorney Grogins stated as people leave the board, the new rules will apply. MR. CHAUDHARY MOTIONED TO RECOMMEND TO THE CRC TO REVIEW THE SECTION RELATED TO THE CYRENIUS H. BOOTH LIBRARY AND MAKE CHANGES TO ALLOW THE TRANSITION AND FIX ANY REFERENCES TO SPECIAL ACTS AND DISUCSS WHETHER THE TERM SHOULD BE WARNED OR NOTICED AND ANYOTHER REVISIONS RELATED TO THE DISCUSSION. SECOND BY MR. FERGUSON. APPROVED.

Line 1206 Section 6-02: Ms. Jacob believes the date is problematic as is having town officials meet without a properly warned public meeting. MR. CHAUDHARY MOTIONED TO RECOMMEND TO THE CRC TO REMOVE SECTION 6-02. SECOND BY MR. CARROLL. APPROVED.

Line 1315 & 18 Section 6-20(f)(1): MR. CHAUDHARY MOTIONED TO REQUEST THE CRC RESTORE THE ORIGINAL LANGUAGE WITH ANY MINOR REVISIONS NEEDED TO MAKE CONSISTANT WITH PRIOR CHANGES STARTING ON LINE 1310 SECTION (f) (1) & (f)(2). SECOND BY MR. FERGUSON. APPROVED.

Line 1352: Discussed. No change recommended.

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Line 1360 Section 6-25(b)(2)(i): Mr. Ferguson the reason the current requirement of a supermajority was to make it harder to raise the budget above the recommendation of the Board of Finance. Ms. Zukowski stated the process of what happens if a budget fails had been removed by a previous charter revision. There was no language of the process or who the responsibility it was. MR. CHAUDHARY MOTIONED TO RECOMMEND TO THE CRC TO RETURN THE LANGUAGE RELATED TO INCREASING THE BUDGET ON LINE 1316 TO ITS ORIGINAL SUPER MAJORITY LANGUAGE. SECOND BY MR. FERGUSON. APPROVED 8 YES, 4 NO (MR. FILIATO, MR. LUNDQUIST, MS. BERMUDEZ AND MR. FERGUSON)

Line 1398 Section 6-35(a): MR. CHAUDHARY MOTIONED TO RECOMMEND TO THE CRC TO CHANGE THE LANGUAGE TO REQUIRE THE BOARD OF FIANNCE TO MAKE A RECOMMENDATION FOR A SPECIAL APPROPRIATION AS REFERENCED IN LINE 1398. MOTION SECOND AND APPROVED.

Line 1410 Section 6-35 (c) MR. CHAUDHARY MOTIONED TO RECOMMEND THE CRC CLARIFY THE LANGUAGE STARTING AT LINE 1410 REGARDING EMERGENCY APPROPRIATION SECTION (C). SECOND BY MR. FERGUSON. APPROVED.

Line 1419 Section 6-35(e): Discussed. No change recommended.

Line 1432 Section 6-35(h): MR. CHAUDHARY MOTIONED TO REQUEST THE CRC TO STRIKE SECTION (H), LINE 1432, ALLOWING FOR KEEPING LANGUAGE NECESSARY FOR CONSISTANCY. SECOND BY MS. BERMUDEZ. APPROVED.

Chapter 8: Is this level of detail needed in the Charter or should it be in an ordinance. Mr. Filiato believes this is too much administrative detail. Mr. Grogins stated the town needs flexibility; there are instances that don't lend themselves to the normal process. This can be condensed. We have a lot of protection, i.e. public hearings, referendum. MR. CHAUDHARY MOTIONED TO RECOMMEND THE CRC CONSIDER IMPROVING THE READABLILTIY OF CHAPTER 8 INCLUDING BUT NOT LIMITED TO DESCRIBING PROCESS AND PROCEDURE, PAYING ATTENTION TO FAIRFIELD HILLS, AND THE COMMENTS IN THE DOCUMENT CONSIDERING SOME OF THE DETAILS CAN BE ACCOMPLISHED BY REGULATION OR ORDINANCE. APPROVED.

Line 1743 Section 9-05(a): Suggested ending the sentence after the phrase "as necessary or appropriate" and delete the remainder of the section. MR. CHAUDHARY MOTIONED THAT THE CRC CONSIDER STRIKING THE END PART OF SECTION 9-05(A) CODE OF ETHICS WHICH MAY LIMIT THE POWER OF THE BOARD OF ETHICS. MOTION SECOND AND APPROVED.

Line 1750 Section 9-05(b): Is the 60 days a realistic timeframe to accomplish an amendment. MR. CHAUDHARY MOTIONED TO RECOMMEND TO THE CRC TO CONSIDER INCREASING THE TIME FOR THE COUNCIL TO APPROVE, MODIFY OR REJECT AMENDMENTS TO 120 DAYS. SECOND BY MR. CARROLL. APPROVED. MR. FERGUSON MOVED TO AMEND THE MOTION TO ADD LANGUAGE THAT THE ORDINANCE COMMITTEE WOULD MOVE WITH ALL DUE HASTE. MOTION SECOND. AMENDMENT AND SECOND WITHDRAWN. ORIGINAL MOTION APPROVED.

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Line 1804 Section 10-(b): MR. CHAUDHARY MOTIONED TO RECOMMEND TO CRC TO INSERT THE WORD "FINAL" WHERE APPROPRIATE ON LINE 1804. MOTION SECOND AND APPROVED.

VOTER COMMENT: None

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 12:40AM.

Respectfully Submitted,

Carey Schierloh
Clerk

Attachments: Charter Changes Working Document, Letter, CCM Training

These are draft minutes and as such are subject to correction by the Legislative Council at the next regular meeting. All corrections will be determined in minutes of the meeting at which they were corrected.

LEGISLATIVE COUNCIL

An Open Letter to the Legislative Council,

By now you have seen and heard of the evidence that in 2009, Newtown voters supported a Charter Revision recommendation that limited the number of Board of Education members from the same political party to four. I consider attempts to override that vote as a violation of the public trust. Some of you who would prefer to maintain your party's illegal (in my opinion) five-member domination of the BOE might think this is up to interpretation. But you can't explain away the evidence proving that the LC asked the Town Attorney to prepare explanatory text, that Selectman Will Rogers reviewed and approved the explanatory text and that the Newtown Bee published the explanatory text so that voters would understand what they were voting for.

The text includes: "This amendment would increase the total number of members to seven, and allow up to four members from any one political party."

You also can't explain away the testimonies of CRC members from that session who told you in person and in writing that their intent was to limit the maximum to four.

You can defer to the Town Attorney, whose interpretation is the reason we have five Republicans illegally (in my opinion) sitting on the BOE today. However, despite what he wrote in his letter, Mr. Grogins did not get the support or endorsement for his interpretation, from the Secretary of State's office.

According to the SOS's office, Attorney Ted Bromley only told Mr. Grogins that what he described to him was "reasonable". There was no discussion of other interpretations from Newtown's public or of the solid evidence that you currently have. Meanwhile, multiple staffers in that same office considered the opposite argument solid. They recommended we retain a lawyer, which I found ironic because I would expect the Town Attorney to defend us against any official trying to overturn a public vote.

In addition, the SOS's office made clear that it does not have any authority over town charter issues and the Town Attorney should know that. In my opinion, Mr. Grogins was fishing for an official endorsement that never came. But you would not know that from his letter.

And finally, the other argument some are using to make the case for five of one party on the board is based on State Statute 9-167a, a guideline showing the maximum members from one party depending on the size of the board. For a seven-member board, five is not the "minority standard", as some suggest. That means four out of seven, otherwise known as a bare majority, is allowable by the State, and better balanced. This is why the public approved the bare majority in 2009 and why I urge this Council and the CRC to restore the charter language regarding the BOE composition to what the public originally directed you to do.

Thank you for your volunteer service and dedication to Newtown.

Kevin Fitzgerald
24 Old Farm Hill Road
Newtown, CT 06470

Ethics, Accountability, and Conflicts of Interest

Thursday, December 3, 2015

Acton Public Library, Old Saybrook

60 Old Boston Post Road

9:00 a.m. - 12:00 p.m.

Registration begins at 8:30 a.m.

FREE to CCM member municipalities | \$120 fee for non-member municipalities

PROGRAM OVERVIEW

What do conflicts of interest have to do with ethics?

Public service is always about protecting the common good, which may be defined as the common conditions that are important to the welfare of everyone - police, fire, parks, libraries, and other public services. A public servant must always put the common good ahead of any personal, financial, or political benefit they might receive - from a decision about where to situate a park or who should collect the garbage.

Also, conflicts of interest interfere with the basic ethical principle of fairness and treating everyone the same. A public official should not take unfair advantage of his or her position by voting on a matter that could benefit them at the expense of others.

Finally, conflicts of interest undermine trust. They make the public lose faith in the integrity of governmental decision making processes. This program will outline best practices in developing an ethics commission and tips on avoiding conflicts of interest.

An interactive discussion will provide answers to some tough questions:

- 1) Can you accept gifts, and if so, what are the limits?
- 2) Is it acceptable for a Mayor or First Selectman to hire or appoint a family member even if the appointee is the best person for the job?

Bring your questions to the session and learn how to manage the tough situations.

LEARNING OBJECTIVES

- Learn how to establish and operate an ethics commission.
- Outline steps to develop a code of ethics for your town or city.
- Learn how to avoid and resolve conflicts of interest.
- Find out what's legal, appropriate, and fair regarding gifts, travel expenses, outside employment, and nepotism.

CCM PRESENTERS:

Murtha Cullina LLP, Attorneys at Law

Kari L. Olson | Joseph B. Schwartz

LEGISLATIVE COUNCIL

WHO SHOULD ATTEND?

- First Selectmen, Mayors, Town/City Managers
- Council Board Members
- Town/City Attorneys
- Ethics Commission Members
- Finance Directors
- Personnel Directors
- Purchasing Agents
- Town Clerks
- Department Supervisors

THREE WAYS TO REGISTER

1. **Online:** [Click here](#) to register - Registration deadline: November 27th
2. **Email:** ccmtraining@ccm-ct.org
3. **Phone:** CCM Training, [\(203\) 498-3073](tel:(203)498-3073)

Non Substantive Changes or non controversial requests for change

- Line 155: All property interests, both real and personal, all actions, causes of action, defenses thereto and rights of every description and all liens vested or inchoate which the Town possesses as
Replace word
- Line 261 member or officer of the Police Department, the Chief of Police, or a member of any
Add Newtown before Police Department
- Line 320 The First Selectman shall not hold office on the Legislative Council or any other Town Body
Clarity; "chair or vice chair as ex officio"
- Line 322 It shall be the duty of every member present at a Legislative Council or other Town Body
Strike Legislative Council
- Line 326 Vacancies on the Legislative Council, Town Boards and Commissions
Add "and Authorities"
- Line 378 members' place. Alternates shall be chosen in rotation so that they shall act as nearly equal
Replace with alternate of same party?
- Line 394 Clerk's salary shall be set from time to time by the Legislative council.
Line 395 The Registrars of Voters shall receive a salary as set from time to time by the Board of
Be more specific than "time to time"
- Line 448 Not less than 80 Resident Electors of the Town. Any such request filed by 80 Resident Electors shall contain the resolution or ordinance on which action is sought. Prior to appearing on an agenda, the resolution or ordinance shall be submitted to the Town Attorney, by the chairman of the Legislative Council, for his opinion as to the power of the Legislative Council to act thereon.
Clarity on language of the process.

Why 80? Should the number be increased due to the increase of our town population?

Line 480 The emergency declaration may be extended by an affirmation by the Legislative Council that a state of emergency exists. Any proposed actions necessary to deal with such emergency shall be approved by the Legislative Council.

Clarification on proposed action/process

Line 508 Institute, prosecute or compromise any legal action or proceeding by or against the Town, subject to the approval of the Legislative Council and, when relevant, the affected department or Town Body,

Clarification on when approval is needed.

Line 515 Take, purchase, lease, sell, or convey personal property of or for the Town

Clarify the term personal property and the relation to Section 8

Line 527 Such committees shall be subject to Minority Representation as set forth in section 220

Strike sentence

Line 539 quality public elementary and secondary schools and shall provide such educational

Strike "quality". It is subjective

Line 609 Board of Managers: The term of office shall be six years.

Reference Special State Act

Line 611 of the 1931 session by which it was created, as amended by Special Act No. 517 of the 1953

Add "of the Connecticut General Assembly"

Line 673 Commission on Aging

The term of office shall be three years for regular members and two years for alternate members

Why not 3 years for alternates? Is this ordinance related?

Line 680 Building Appeals The term of office shall be five years.

Add this is an exception to the rule

Line 832 Sustainable Energy Commission: **The term of office shall be four years.**
The ordinance states 3 years.

Line 860 Lake Authorities
Reference state statutes

Line 1042 fill the vacancy shall serve the balance of the unexpired term only.
*“unexpired term only” appears they cannot be reappointed. Strike the word
“only”
The language is for an elected tax collector. Newtown’s tax collector is an
employee.
Technical question.*

Tax Assessor is guided by statute. First Selectman Llodra will send commission info.

General Statutes: Attorney Schellenberg stated when using the term “General Statutes”, it is clear whatever is in the Statutes applies. Where a specific statute is stated, they can add the language “or as amended” in the event the statute changes. Then the Charter will remain consistent.

Line 1257 Prepare a complete financial plan for the operations of the Town for the next fiscal year (the “Recommended Board of Finance Budget”) which shall contain at least the following
Isn’t this the Finance Directors role? Reword to say “The Board of Finance will require to be presented a budget that contains the following:” Technical question

Line 1254 Make such changes in any estimates or appropriations contained in the proposed budgets as it may deem proper; Add appropriations or estimated revenues not contained in the proposed budgets; and

Is this redundant? Is there language elsewhere? Is it necessary to specify?

Line 1218 and maintenance of **quality** public elementary and secondary schools
Remove the word “quality” (also in BOE charge)

Line 1393 The Tax Collector shall collect the tax in accordance with the General Statutes. Taxes shall be delinquent and interest charged in accordance **with** the General

Statutes and any amendments thereto. Real estate tax bills of shall be due and payable in 2 semi-annual installments, July 1 and January 1.

Typos – Add “with” and “of”

Line 1410 (C) If the First Selectman initiates an Emergency Appropriation request, the appropriation may be approved by a majority vote of the Legislative Council, otherwise the Emergency Appropriation must be approved by the affirmative vote of **two-thirds** of the entire membership of the Legislative Council.

Clarify. Two different rules based on who initiate the request. Change to 2 sentences.

2/3 verses 8

Line 1554 Financial Impact Statements shall be prepared by the Finance Director as set forth in **Subsection** Error! Reference source not found..

Check for cross reference problem

Line 1550 No **Special Appropriation** shall be made, no purchase, grant nor gift of real or tangible personal property shall be accepted by any Town Department, including the Board of Education, until the Board of Finance and Legislative Council have received and have had **sufficient time** to give due consideration to a Financial Impact Statement.

The town has followed the process, the BOE has not.

Define sufficient time.

Does special appropriation belong here; it has its own procedures. What is the impact?

Line 201 *Town Department: The term "Town Department" shall include the offices of Tax Collector, Town Clerk, Assessor, Registrar of Voters or the **Legislative Council***
Does this add responsibilities to the Legislative Council if it is a Town Department?
What about Fire Commissioners?

Line 256 *Legislative Council: No member of the Legislative Council shall hold or be appointed to **any other office** or Town Body.*

Is “other office” too broad? Define

Legal Opinions Needed

Line 201 Collector, Town Clerk, Assessor, Registrar of Voters or the **Legislative Council**, or each Town Body to which Town Department: The term "**Town Department**" shall

include the offices of Tax funds are appropriated in the Town Budget, or the Public Works Department which shall be considered a separate department from the remainder of the functions for which appropriations are expended by the Board of Selectmen and any other body or group which is designated a Town Department by the Legislative Council on or before October 1st in the year prior to the adoption of the Town Budget.

Refer to legal: Legislative Council a Town Department?

Does this include Fire Commissioners, CAC, any who receive funds

Line 256 Legislative Council: **No member of the Legislative Council shall hold or be appointed to any other office or Town Body.** Except as provided for in Subsection **Error! Reference source not found.**, members of the Legislative Council shall reside in the Legislative Council District from which they were elected.

Legal Question: Why can council members work for the town or Board of Ed and Selectmen cannot?

Line 285 Board of Fire Commissioners: Provided members are appointed as set forth in this Charter,

Is the Board of Fire Commissioners a "Town Body"?

Line 304 Term Limits

the terms of office of members of all appointive Town Bodies shall commence on January 7th except for the Trustees of the Cyrenius H. Booth Library whose terms shall commence on July 1st, or as otherwise required by law.

Is the definition of "Town Body" to inclusive

How is the Fairfield Hills Authority affected

How will the Library Trustees, some are appointed, some are not. Section 2-280

Line 722 Each member shall serve until his/her successor has been appointed.

Why? Legal opinion.

Line 906-908: Within 6 months of the completion of each such assembly and senatorial redistricting, the Legislative Council shall adopt, by 7 affirmative votes, final Legislative Council District lines

What happens if the Registrars never make a recommendation for District lines?

Mr. Capeci will look at the statutes. (Section 3-10-b-2)

Line 924: In the 2017 Town Election, three members of the Board of Finance having two year terms and three members of the Board of Finance having four years shall be elected. In the 2019 Town Election, three members of the Board of Finance having four year terms shall be elected. Thereafter, elections for the Board of Finance shall be as set forth in Subsection **Error! Reference source not found..**

*How is it decided which members will serve 2 years and 4 years? How will they resolve the parties and minority representation? 2017 election year will be different from future years.
(315e) – needs a recommendation*

Line 943 shall be held as provided in Subsection **Error! Reference source not found..**
The Legislative Council **may** recommend a
Should the word “may” be changed to “will”? (3-25 a) Legal confirmation

Line 1158 The Town may enact ordinances relative to any matter on which the Town is empowered to act by law. If the Borough of Newtown has enacted an ordinance on the same subject, the ordinance enacted by the Town shall apply only to the portions of the Town outside the Borough.
*(5-05-g) Borough ordinances trump town ordinances. What is the relationship? Appears the borough doesn't have to follow town ordinance.
Legal question.*

Line 1180 by the affirmative vote of two-thirds of its entire authorized membership, enact emergency
Why using “2/3” instead of “8”. It is in other places. Review and make consistent. Question on “authorized membership” and “membership”. Remove the word “authorized”? Is it needed in certain circumstances? Legal issue.

Substantive Changes that require deeper discussion

- Line 265 Building Appeals Board: Members shall be **qualified by training and experience** on matters pertaining to building construction.
Further debate on requirements
- Line 270 Minority Representation
Further debate on the Board of Education. Should the charter be specific on the Board of Education and should the maximum for one party be 4.
- Line 494 The Board of Selectmen shall consist of the First Selectman and two Selectmen.
Question on increasing the number of Selectmen to five
- Line 535 **It shall be the affirmative obligation of the members of such other Town Bodies to attend such joint meetings.**
Further discussion on striking sentence
- Line 555 Board of Finance:
The term of office shall be evenly split among two and four year seats following the 2017 election as provided in Subsection 0. Thereafter, the term of office for each seat shall be four years.
Further Discussion on terms. Should it be left at 2 years?
- Line 708 EDC: No person shall be appointed to more than two consecutive full terms
Term limits: What term limits are in the charter and what are in ordinances?
- Line 719 Board of Ethics: Members shall serve no more than two consecutive terms. In no event may any member serve said Board more than **eight years in succession**. Any member having served said Board for eight years in succession shall be ineligible for reappointment for **two** years after last serving on said Board.
Further discussion on years served. Is 8 too many?
- Line 799 Summary of General Responsibilities: The Public Building and Site Commission shall have control of supervision and construction of building projects including the improvement of lands, major new construction, alterations or extensions, furnishing or equipping of a building to be used for public purposes.
Review language on responsibility. Clarity on projects overseen.
- Section 2-280 Trustees of the Cyrenius H. Booth Library, Board of
- Line 840 The Board of Trustees shall consist of 16 members of which eight shall be appointed by the First Selectman with the approval of the Board of Selectmen. The remainder shall be elected by the vote of the remaining Trustees present and

voting at a meeting warned for the purpose.

How will the transition from 18 members to 16 members happen?

Line 842 of the remaining Trustees present and voting at a meeting **warned** for the purpose.

Define "warned" verses "noticed"

Line 1206 Prior to **November 1st**, town officials responsible for the budget should meet at reasonably convenient times and confer. The conferees **should** discuss and review the status of the existing budget, existing programs, goals that are desirable to achieve, expenditures required to achieve such goals, the affordability of required expenditures and other subjects relevant to the budget. The conferees shall include the **First Selectman, Superintendent of Schools, the Chair of the Legislative Council and all or selected members of the Board of Selectmen, Board of Education, Board of Finance and up to three additional members of the Legislative Council.**

Date of November 1st can be problematic in an election year.

Include all the members of above mentioned boards. Who would be obliged to notice the meeting, run the meeting, and take the minutes?

The budget is easier passed when the boards collaborate. How much time is needed?

Remove the word "should".

Line 1315 Otherwise the amendments shall be voted on by the Legislative Council as reductions, increases or additions, as the case may be, under Subsections **Error! Reference source not found., Error! Reference source not found. and Error! Reference source not found..**

What is "otherwise"? Can Board of Ed change Board of Finance recommendation and go directly to council with amendments? Discuss further.

Line 1318 Prior to subsequent budget referenda, if any, amendments made by the Board of Selectman and/or the Board of Education to budget proposals **shall not be exceeded by the Legislative Council.**

Can this happen in a 7 day period?

Line 1352 The Legislative Council shall reconsider and amend the proposed Town Budget within seven (7) calendar days. When amending the Board of Selectmen Budget,

the Legislative Council shall confer with the First Selectman and members of the Board of Selectmen. When amending the Board of Education Budget, it shall confer with members of the Board of Education. The Legislative Council shall request additional financial recommendations from the Board of Finance.

Replace last line with- "The Legislative Council shall request that the BOF join its meeting in order to discuss additional financial recommendations. Further Discussion 6-25-b-1

Line 1360 It shall have the power to reduce or increase any item by a majority of at least six (6) affirmative votes;

Use to be a supermajority to increase a proposed budget. The thought was anything regarding failed referendum was to make it simpler because time is limited. Further discussion. 6-25-b-2-i

Section 6-35 *Discuss/Talk through the process of Special and Emergency Appropriations*

Line 1398 (A) A "Special Appropriation" is any appropriation of additional funds made during a fiscal year that is supplemental to an adopted Town Budget or capital project. An "Emergency Appropriation" is an appropriation required for an unforeseen or extraordinary event or threat to public health, safety, or welfare. The Board of Finance shall have an opportunity to make a recommendation regarding a proposed Special Appropriation, but such a recommendation is not required for an Emergency Appropriation

What should the Board of Finance role be in Special Appropriation and Emergency Appropriation. Current practice includes the Board of Finance in the process but it is not stated in the Charter.

Line 1432 In the case of an Emergency Appropriation and the Board of Finance is unable to make such recommendation; the Finance Director shall make said recommendation.

Subject to what and who decides? Need to be more specific....qualify it somehow – days?

Does this section add a layer? Could it impact an emergency?

Check against section (b) states any request shall include financing information.

Check how funding methods flow between the 2 sections.

Line 1419 The Legislative Council shall have the power to make Special and Emergency Appropriations, in an amount not in excess of **\$1,500,000** for any one purpose during a fiscal year. Said amount shall be cumulative during the fiscal year as to all appropriations related to said purpose. The total of Special and Emergency Appropriations made by the Legislative Council for all purposes during a fiscal

year shall not exceed an amount equal to one mil on the most recently completed Grand List.

Discussion on the increase to \$1,500,000.

Chapter 8: *General Comment -- not nearly as readable as the rest of the document. This section seems to miss the general opportunity to re-write to make it a more easily read and comprehensible document. Discuss where the procedures belong; Charter or ordinance.*

Line 1558 (a) The Town shall have all the powers set forth in the General Statutes and in this Charter to acquire and dispose of real property.

(b) Use of the words "real property" shall be construed to include any definition thereof from any source under Connecticut law and shall include, without limitation, any interest in real property, except that where the interest in real property is a lease then Section

Error! Reference source not found. shall control.

Combine or make easier?

Line 1599 The subdivision map showing said real property, restrictions and easements shall not be filed in the Town Clerk's office until all deeds, easements and restrictions have been properly executed, title is free and clear of all encumbrances, the town attorney has notified the Town Clerk that said deeds, easements and restrictions meet said conditions and accomplish the purposes for which they are required, and said deeds, easements and restrictions, except for a deed for the road which is to become a public highway, are recorded concurrently with filing the subdivision map.

Why the level of detail? This is current procedure. Does this belong in the Charter or in ordinance/regulation? Commission added details to protect the town; ordinances can be changed.

Section 8-10 *Lack of wording for reconsideration of sale or disposition.*

Line 1613 Before making a final determination to retain said real property for a **specific** town purpose.

Change "specific". Is "valid" a better word? There may not be a specific plan.

Section 8-15 (a) Appraisal process. *Is level of detail needed? Include first sentence of section only?*

Line 1627-1635 *If section is retained; separate into subsections for easier reading*

- Line 1676 (g) Selling of real property at public auction, Subsection 1-25(b);
No context or deadlines for waiting period. Add a waiting period before taking action to allow for more response. Post signage on the property.
- Line 1712 All leases shall be negotiated by the First Selectman, with the final, written version subject
Why is Fairfield Hills Authority not mentioned. It has, by its mandate, the responsibility for negotiating leases at Fairfield Hills. The First Selectmen negotiates leases except for Fairfield Hills
- Section 8 *Timing, number of days, can be difficult and cumbersome. Bodies may not be able to respond in time. Example; Line 1678 states 15 days*
- Line 1743 (a) The Code of Ethics shall guard against improper influence or the appearance of improper influence to better ensure public trust in the government. To that end, the Code of Ethics shall set standards on the conduct of all Town officials and employees as necessary or appropriate to prevent a conflict of interest or the appearance of a conflict.
Is the paragraph too narrow? Make it stronger?
- Line 1745 shall set standards on the conduct of all Town officials and employees as necessary or appropriate.
Strike the balance of the sentence and charge the Code of Ethics sets the standards.
- Line 1750 Council shall have **60 days** to approve, modify or reject said amendment.
Is 60 days enough time? Process takes longer with proper notices and public hearing.
What is timeline for changes?
- Line 1804 Within 5 years after submission of the report of the most recent Charter Revision
Should "most recent" be changed to final?

Question of definition of Town Department:

The current charter uses ambiguous language, including “department,” “Town department,” “the Town and its departments,” and “departments of the town.” The proposed charter uses “Town Department” specifically for those entities that get funds via the budget process (note what about special appropriations??). The use of the term “department” refers to “Town Department” only when referring back to a prior use of the term “Town Department” in a given subsection. Other than that, “department” means administrative or operational departments in the Town Government.

The use of “Town Department” for governance language is suspect. Why would only some Town Bodies be included, i.e., those that are enumerated in the Budget? We should review the use of “Town Department” in governance-related subsections to ensure the intent of the subsection is captured in the language.

Current Charter Definition for department:

The term "department" shall include the offices of Tax Collector, Town Clerk, Assessor, Registrar of Voters, Judge of Probate, or the Legislative Council, or each board or commission to which funds are appropriated in the Annual Budget, or the Public Works Department which shall be considered a separate department from the remainder of the functions for which appropriations are expended by the Board of Selectmen and any other body or group which is designated a department by the Legislative Council on or before the October 1st in the year prior to the adoption of the Town Budget.

Entities that match definition (from Charter and 2014-2015 Budget Summary):

From definition: offices of Tax Collector, Town Clerk, Assessor, Registrar of Voters, Judge of Probate, Legislative Council

Town Bodies listed as Budget Fund Recipient: BoS, Town Clerk, Registrars, LC, Lake Authorities, Cultural Arts Commission, Edmond Town Hall Board of Managers, BoE

Ambiguous Budget Fund Recipient: Police, Fire, Parks and Rec, Library, Newtown Health District

Use of Town Departments (or the use of “department” that strongly implies the equivalent of Town Departments) in current charter:

Governance:

- RIGHTS, OBLIGATIONS AND ACTIONS CONTINUED 1-10,
- BOARD OF SELECTMEN, GENERAL POWERS, MEETINGS AND REGULATIONS 3-20(a),
 - Changed to Town Body
- BOARD OF SELECTMEN, GENERAL POWERS, MEETINGS AND REGULATIONS 3-20(b),
 - Uses language “departments of the Town” – ambiguous in original, excludes Town bodies in proposed. Town Department used for reports requirement. Town Bodies used for Joint meetings requirements.
- BOARD OF SELECTMEN, SPECIFIC POWERS 3-30(a)(3) [broadened to commission or board],
 - Proposed uses department or Town Body.
- TOWN ATTORNEY 5-40(a),

- Current uses "Town and its departments". No change in proposed, though this may technically mean that Town Bodies are not covered.
- SPECIAL AND EMERGENCY APPROPRIATIONS 6-30(b),
 - Town department head used in current, removed in proposed.
- REGULATIONS 7-51 [departments broadened to BoE],
- TOWN MEETINGS, ANNUAL TOWN REPORTS, ANNUAL BUDGET REFERENDUM 7-70(a) [broadened to boards, commissions, and officers],
 - Subsection removed
- ANNUAL TOWN REPORT 8-10 [broadened to officers, boards, commissions]
 - Subsection removed

Accounting / Managing the Budget:

- OFFICE OF FINANCIAL DIRECTOR 5-01(b)(1) [including BoE],
- OFFICE OF FINANCIAL DIRECTOR 5-01(b)(3) [broadened to officers],
- OFFICE OF FINANCIAL DIRECTOR 5-01(b)(4) [broadened with officers],
- OFFICE OF FINANCIAL DIRECTOR 5-01(c) [excluding BoE],
- PREPARATION OF THE ANNUAL BUDGET 6-11(a) [excluding BoE],
- TRANSFERS 6-70(a),
 - Need to review related language in proposed
- TRANSFERS 6-70(b),
 - Need to review related language in proposed
- EXPENDITURES AND ACCOUNTING 6-90(b),
- EXPENDITURES AND ACCOUNTING 6-90(c),
 - Need to review related language in proposed
- EXPENDITURES AND ACCOUNTING 6-90(e),
 - Need to review related language in proposed
- EXPENDITURES AND ACCOUNTING 6-90(g) [broadened to officer],
- IMPACT STATEMENTS 6-100(a) [excluding BoE],
- IMPACT STATEMENTS 6-100(c),

Proposed Charter Language:

The term "Town Department" shall include the offices of Tax Collector, Town Clerk, Assessor, Registrar of Voters or the Legislative Council, or each **Town Body** to which funds are appropriated in the Town Budget, or the Public Works Department which shall be considered a separate department from the remainder of the functions for which appropriations are expended by the Board of Selectmen and any other body or group which is designated a **Town Department** by the Legislative Council on or before October 1st in the year prior to the adoption of the Town Budget.

Entities that match definition:

From definition: offices of Tax Collector, Town Clerk, Assessor, Registrar of Voters, Judge of Probate, Legislative Council

Town Bodies listed as Budget Fund Recipient: BoS, Town Clerk, Registrars, LC, Lake Authorities, Cultural Arts Commission, Edmond Town Hall Board of Managers, BoE

Ambiguous Budget Fund Recipient: Police, Fire, Parks and Rec, Library, Newtown Health District

Use of Town Departments in proposed charter:**Governance:**

- Rights, Obligations and Actions Continued 1-05(a),
- Board of Selectmen 2-115(d)(9),
- Regulations 5-10(a) [departments broadened to BoE],
- Role of the Finance Director 6-10(a),

Accounting / Managing the Budget:

- Finance Director 4-05(c)(1),
- Finance Director 4-05(c)(3) [broadened to officers],
- Preparation of the Board of Selectmen and Board of Education Budget Proposals 6-05(b) [excluding BoE],
- Grants or Other Financial Assistance 6-40(a),
- General Financial Process 7-05(b),
- General Financial Process 7-05(d) [broadened to officers],
- Disbursements/Purchases 7-15(d) [excluding BoE],
- Disbursements/Purchases 7-15(e) [broadened to officer],
- Financial Impact Statements 7-25(b) [including BoE]