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TOWN OF NEWTOWN LEGISLATIVE COUNCIL

TOWN OF NEWTOWN LEGISLATIVE COUNCIL SPECIAL MEETING

(Joint meeting with the Charter Revision Commission)

WEDNESDAY, NOVEMBER 12, 2015

OLD COURTROOM IN EDMOND TOWN HALL, 45 MAIN STREET, NEWTOWN, CT.

PRESENT: Bob Merola, Ryan Knapp, Neil Chaudhary, Mary Ann Jacob, Tony Filiato, Dan Honan, Eva Bermudez (7:40) Phil Carroll (8:45).

ABSENT: George Ferguson, Joe Girgasky, Paul Lundquist, Dan Amaral.

ALSO PRESENT: Charter Revision Commission members Jeff Capeci, Bob Hall, Deborra Zukowski, James Ritchie, Eric Paradis, Dan Wiedemann, George Guidera, Kevin Burns, and Tom Long, Board of Ed member Michelle Ku, Chris Eide, Judit DeStefano, Selectman Jim Gaston, 3 members of the public

CALL TO ORDER: Ms. Jacob called the Legislative Council meeting to order at 7:40pm.

VOTER COMMENT: Jim Gaston, 18 Main St. commended the Legislative Council for sending the recommendation back to Charter Revision Commission on the 4-3 balance for bare majority on the Board of Ed and allowing voters to make the decision. He has concerns with the language for town departments regarding Boards and Commissions. For example, if the Fire Commissioners were deemed a town department, they could be subject to prevailing wage. There is case law that states boards and commissions are not town departments. He spoke to the language on members of the Legislative Council or the Board of Selectmen not being able to be an employee of the town. He thinks if the rule applies to the Board of Selectmen it should also apply to the Council, but doesn't think either should be excluded. Volunteer firemen receive a stipend for fire calls and could be considered employees. If the language is included, it would preclude any firemen from serving on either board. Ms. Zukowski stated the language regarding town departments has remained the same except "Boards and Commissions" has been changed to "town bodies". Ms. Jacob noted this is one of the questions that has been referred to legal counsel.

Michelle Ku, 28 Platts Hill Rd., thanked the Commissioners for their work. She has heard the discussions regarding the 5-2 balance on the Board of Education would allow more choices for the voters, but is not sure it trumps the other Board of Education arguments. She spoke to honoring the voter's and giving them the choice to vote on the 5-2 and 4-3 minority representation balance for the Board of Ed.

LEGISLATIVE COUNCIL

Maureen Crick Owen, 16 Tamarack Rd. echoed what Ms. Ku stated.

Kristin Alesevich, 16 Fieldstone Dr. would also like a separate vote on the 2 options for the Board of Ed.

Ross Carley, 66 Currituck Rd. would also like a separate vote on the 2 options for the Board of Ed.

OLD BUSINESS

Charter Revision

Ms. Jacob asked to start with the exceptions on the motions for the non-substantive changes, the ones the Commission did not accept.

Line 378: Section 2-35 Rotation of alternates on boards was left as is because that is current practice. Mr. Paradis said rotating based on party could cause an undue burden depending on who is in attendance and needing a quorum. This was not in the original charge so they have not have time to do research on the subject.

Line 394: Section 2-45(a) Clerk's salary set by Council from time to time remaining the same. Attorney's thought the language was fine and gives the Council flexibility to define the terms.

Line 448: Section 2-105(d)(6)(iii) The 80 number was in the Charter and this happens so infrequently, they did not want to place an undue burden on residents. Eighty seemed a sufficient number.

Line 508: Section 2-115 (d)(3) the concern is the process is not clear. It appears a town department or body needs to also approve action. The Selectmen consults with relevant departments on legal action. This appears to give a department veto power. It was noted any department taking legal action, it is always the Town of Newtown.

Line 673: Section 2-205(b)(2) The Commission on Aging; why the terms of office are different for members (3 years) and alternates (2 years). Mr. Capeci stated it is by ordinance. Mr. Wiedemann noted the Commission on Aging is rewriting their by-laws and the terms will be 2 years for alternates.

Line 680: Section 2-210 (b)(2) Building Appeals Board, has a 5 year term; it is the exception. Section 2-15 (d)

Line 1042: Section 4-10(a) the language appears to say the Tax Collector cannot be reappointed. This does not apply to the Tax Collector in Newtown as the position is not elected. The Tax Collector is an employee.

Line 1254: Language in 6-15(c) 1 & 2; Ms. Zukowski stated this language calls out what the Board of Finance role is and which is not stated elsewhere. This is original language. The duties may not be obvious to everyone.

Line 285: Section 2-10 (b)(4) Board of Fire Commissioners; Ms. Zukowski stated town body is defined as Boards, Commissions and Authorities. The original charter did not say "defined herein" so therefore any rules pertaining to boards and commissions would apply to new boards and commissions created through ordinance. By adding "defined herein" it allows freedom in an ordinance to define a board or commission including minority representation. Mr. Paradis stated the language in 1-25 (a) (6) suggests the Fire Commission is a town body, but (7) promotes them to a town department. Ms. Zukowski stated the town attorney's opinion is the definition of town departments would not affect the status of the Fire Commissioners and other town bodies.

LEGISLATIVE COUNCIL

Line 906-908: Legislative Council Districts Section 3-10(b)(2) Mr. Capeci stated he checked state statutes and it does not address what the council does in the event the Registrars do not prepare proposed Legislative Council District lines following a redistricting of state assembly and senatorial districts. Therefore, if there is no proposal, the Council can either request a proposal or the districts remain the same.

Line 943: Section 3-25(a) should the word “may” be changed to “will”. “May” gives the council the option of voting down a proposed special appropriation.

Line 1158: Section 5-05(g) No action was taken. The town attorney stated no changes regarding the Borough could be made at this time.

Line 1180: Section 5-15 (a) Question on the use of 2/3 verses 8 regarding council votes and if it matters in certain instances. The Commission agreed on using “8” (eight).

Substantive Changes:

Minority Representation: Section 2-10 Ms. Jacob stated Mr. Knapp made a compelling argument for the 5-2 balance. The council voted 8-4 to make a change to the proposed charter draft to add an exception for the Board of Ed having a maximum of 4 members from any party and have a standalone question on the ballot to let the voters decide. This is a hot button issue and she does not want to see the entire charter fail because of one issue. The Commission voted 5 to 4 to agree with the council recommendation to add an exception to Minority Representation for the Board of Education limiting the number of members of any one party to four and to have a separate question on the ballot.

Line 535: Section 2-115(h) Strike last sentence; It shall be the affirmative obligation of the member of such other Town Bodies to attend such joint meetings.

Line 708: Term limits were removed from EDC Section 2-225. Term limits were removed for all boards except Board of Ethics.

Line 719: Section 2-230 no changes made

Line 799: Section 2-260 Public Building and Site Commission. The concern is the language puts all projects under the control of Public Building and Site. The Commission does not always have the ability to oversee every project. The commission changed the language to “may decline the supervision of a project when it determines that the public interest would be better served by assigning supervision to another qualified entity.

Line 840 Section 2-280: Library Board of Trustees; Town attorney’s opinion was as terms expire, the board would come into compliance.

Line 842: The definition of the terms warned verses noticed. The terms are synonyms and to be consistent word warned will be used.

Line 1206 Section 6-2. Budget Conference; Ms. Jacob stated while they agree with the concept, it is not always practical, such as an election year when board changes will be made on December 1st.

The Commission voted to remove this section. Removing this section does not affect the ability of the boards to hold joint meetings.

Line 1315 Section 6-20 (f) Mr. Burns stated under current Charter language, the Boards of Selectmen and Education have no motivation to put forth anything other than the highest budget they can justify, because you cannot ever raise it again given the current rules. This makes it possible to make changes if needed; for example, an unfunded mandate from the state. Ms. Jacob stated they Council did want to skip the Board of Finance in the process. Ms. Zukowski noted without the added language, if an amendment came to the Board of Finance and the board chose not to recommend the amendment, it would not go to the Council and the Board of Finance would

LEGISLATIVE COUNCIL

then be making decisions rather than recommendations. Current language can be interpreted differently. Mr. Knapp thinks the proposed language is more explicit and doesn't leave the process open to interpretation.

Line 1360 Section 6-25 (b)(2)(i) regarding a failed budget, return to original language on a super majority vote being required for an increase to the budget. The commission voted to change to language to read "it shall be the power to reduce any items by a majority of at least 6 affirmative votes and to increase any item by 8 affirmative votes. Ms. Zukowski stated if there is overwhelmingly support of an increase, why make it more difficult to pass with a super majority. Ms. Jacob stated the council felt increasing taxes had more of an impact on voters. Mr. Ritchie noted eliminating a program can also be a big impact to some voters. Mr. Knapp stated even if the advisory questions show the voters would like an increase, the Council needs to come to a consensus.

Line 1401 Section 6-35(a): The commission voted to remove the words "have an opportunity to".

Line 1432 Section 6-35(h): The Finance Director was added in the event the Finance Board was unable to make a recommendation in an emergency. Ms. Jacob stated in an emergency, the request would come from the Board of Selectmen or Education and their finance people are supporting the request and providing the finance information. The new wording also puts the finance director in a position that exceeds the responsibilities of his job. The Commission voted to change the word "shall" to "may" on Line on line 1430.

Line 1745-6 Section 9-05(a) Mr. Knapp stated the phrase "to prevent a conflict of interest or the appearance of a conflict" narrowed the charge. The commission removed the wording.

Line 1750 Section 9-05(b) is 60 days enough time to change an ordinance considering the process of writing, public notices and hearings; 120 days would be sufficient. The Commission voted to change the wording to "120" days.

Line 1804 Section 10-02(b) The Commission changed the wording "most recent" report to "final" report.

VOTER COMMENT: None

ADJOURNMENT: There being no further business the meeting adjourned at 10:18pm.

Respectfully Submitted,

Carey Schierloh, Clerk

Attachments: Updated Charter Draft

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.