



## **TOWN OF NEWTOWN**

### **Charter Revision Commission**

#### **Charter Revision Commission Minutes**

**April 20, 2022**

**These minutes are subject to approval at the next meeting.**

The Charter Revision Commission met April 20, 2022 at 7 pm in the Old Courtroom, 45 Main St, Newtown, CT 06470.

Mr Buzzi opened the meeting with the Pledge of Allegiance.

Present: Andrew Buzzi, Chair, James Gaston, Vice-Chair, Scott Davidow, Anthony Filiato, Elias Petersen, Prerna Rao

Absent: Dennis Brestovansky

There was no public in attendance.

Communications from Bruce Walczak and Dan Rosenthal/Bob Tait were added to the minutes with no objection.

Mr Filiato moved to accept the minutes of the April 5, 2022 meeting. Mr Davidow 2<sup>nd</sup> the motion. Approved

Mr Gaston moved to approve the minutes of the April 5, 2020 Public Hearing. Mr Filiato 2<sup>nd</sup> the motion. Approved

Discussion on communications regarding draft report:

BOE has a Business Manager not a Finance Director. The statements from Bond Council (see attached) show the problems with the changes recommended. The Commissioners were in agreement that this was a good catch. This is one of the reasons why Public Hearing are so important and why the process works. The Commissioners really appreciate the input from the public and the extra sets of eyes. When you are given a charge and you are working on it for so long you really need that fresh set of eyes. The true effect of the recommended changes was not the intent of the Commissioners.

Mr Gaston moved, as per statement headed "Post Hearing Recommendations for changes to the Charter Recommendations." :

4-05 strike the second and third sentences "The Finance Director shall not serve the Board of Education. The Board of Education shall appoint its own finance director."

4-05(c)(1) following Town Departments strike "other than for the Board of Education"

4-05(c)(3) following officer strike "other than the Board of Education"

6-10(a) following Town Departments strike "other than the Board of Education"

7-05(d) following officers strike "other than the Board of Education"

Mr Filiato 2<sup>nd</sup> the motion. Motion approved

Mr Buzzi requested the corrected text be included in the minutes in full as follows:

Post Hearing Recommendations for changes to the Charter Recommendations.

**4-05 Finance Director**

- (a) The First Selectman, with the approval of the Board of Selectmen and the Legislative Council, shall appoint a Finance Director to an indefinite term. ~~The Finance Director shall not serve the Board of Education. The Board of Education shall appoint its own finance director.~~ The First Selectman, Board of Selectmen, and Legislative Council shall choose and consider all candidates for the position of Finance Director solely on the basis of such candidate's professional qualifications, character, training, and experience in the field of financial management.

**4-05(c)(1)**

Keep all books of account of the **Town** and shall establish and maintain a general cost accounting system for all **Town Departments**, ~~other than for the Board of Education,~~ consistent with all State Laws and subject to the regulations adopted by the Board of Finance and approved by the Legislative Council;

**4-05(c)(3)**

Receive and have custody of all funds belonging to or under the control of the **Town** or any **Town Department** or officer, ~~other than the Board of Education,~~ and shall make such deposits or investments as he or she deems in the best interest of the **Town** within the limits imposed on such deposits or investments by the **General Statutes**;

**6-10(a)**

The Finance Director shall advise all **Town Departments**, ~~other than the Board of Education,~~ participating in the budget process at such times and manner as they may reasonably request.

**7-05(d)**

All **Town Departments**, and officers, ~~other than the Board of Education,~~ shall report and remit all receipts to the Finance Director as often as he or she may deem desirable but not more often than daily.

Mr Buzzi stated that he had communicated with Atty Groggins regarding the Fairfield Hills Authority. Attorney Groggins was concerned that the recommended language may have altered the power of Fairfield Hills Authority. The Commissioners discussed the inclusion of FFH Authority being included in the Charter. The recommended language to the Charter was taken directly from the ordinance that established the authority. After discussion by the full Commission, was concluded that the language would not affect the scope of power of the Authority. The FFH Authority is charged with implementing the Master Plan as adopted by the Planning and Zoning Commission. In order to implement the plan it is necessary to work with the Legislative Council on funding. The Commission agreed that the recommended language necessitates that the FFH Authority will have to work with both the Planning and Zoning Commission and the Legislative Council to implement the plan.

Mr Walczak's correspondence expressed concern over minor party members not being allowed to fill vacancies on appointed boards. The Commissioners discussed Mr Walczak's concerns and concluded that any limitations on appointment only occur for mid-term vacancies. The First Selectman is free to appoint any elector subject to minority representation rules at the beginning of any term. Restrictions only apply to mid-term vacancies and the Commission agreed that they were appropriate.

The Commissioners indicated that there were other things in the Charter to address that were not on the charge. Mr Buzzi explained that the draft will be corrected as per this meeting and sent to the Town Clerk to present to the Legislative Council for their review. The Council will have 45 days to have a Public Hearing. They then have 15 days to return to us if needed. If returned, there will be a meeting and decision on recommended changes submitted by the Council. If passed by the Council, the questions will be on the November ballot for the public to decide.

The Commissioners discussed their time serving on the Commission. They felt they had accomplished a lot of good work. They felt that their discussions were respectful of others opinions and they came to consensus on all decisions. It was a great experience and opportunity to learn how the town is run. They spent a lot of time researching and were proud of the good work done. They thanked Mr Buzzi for all the extra work he did to keep everything organized and moving. They compared Chairmanship to a full time job and were grateful for all his efforts. They also were grateful for those that commented and attended the meetings, they appreciated the extra sets of eyes on the process.

Mr Buzzi thanked the Commissioners for their tireless work. He appreciated the cooperation and dedication to this important work. He feels they came to substantial agreement on tough issues and was pleased with the amount of respect shown to all during this process. Mr Buzzi stated this was a real Democracy – debate, talk, respect and consensus. He appreciated the opportunity to work with a fine group of people.

There is no need for further meetings unless the Legislative Council refers further recommendations to the Commission after their Public Hearing.

Mr Gaston moved to adjourn with Mr Filiato seconding the motion. Mr Buzzi adjourned the meeting at 7:45 pm.

Respectfully submitted,

LeReine Frampton, clerk

**Post Hearing Recommendations for changes to the Charter Recommendations.**

**4-05**

**Finance Director**

- (a) The First Selectman, with the approval of the Board of Selectmen and the Legislative Council, shall appoint a Finance Director to an indefinite term. ~~The Finance Director shall not serve the Board of Education. The Board of Education shall appoint its own finance director.~~ The First Selectman, Board of Selectmen, and Legislative Council shall choose and consider all candidates for the position of Finance Director solely on the basis of such candidate's professional qualifications, character, training, and experience in the field of financial management.

**4-05(c)(1)**

Keep all books of account of the **Town** and shall establish and maintain a general cost accounting system for all **Town Departments**, ~~other than for the Board of Education~~, consistent with all State Laws and subject to the regulations adopted by the Board of Finance and approved by the Legislative Council;

**4-05(c)(3)**

Receive and have custody of all funds belonging to or under the control of the **Town** or any **Town Department** or officer, ~~other than the Board of Education~~, and shall make such deposits or investments as he or she deems in the best interest of the **Town** within the limits imposed on such deposits or investments by the **General Statutes**;

**6-10(a)**

The Finance Director shall advise all **Town Departments**, ~~other than the Board of Education~~, participating in the budget process at such times and manner as they may reasonably request.

**7-05(d)**

All **Town Departments**, and officers, ~~other than the Board of Education~~, shall report and remit all receipts to the Finance Director as often as he or she may deem desirable but not more often than daily.

#### 4 – 05 Finance Director

(a) This section in the charter is all about the Town Finance Director and the positions duties and responsibilities. Inserting “the finance director shall not serve the Board of Education. The Board of Education shall appoint its own finance director” makes no sense. The Finance Director does not serve the Board of Education. However, the Finance Director has served as a valuable resource for the School Business Manager.

The School Business Manager position has its own duties and responsibilities. This position, among other things, manages the Board of Education budget. It is a one sided budget. An expenditure budget only. Per State statutes, the Town is responsible for funding the BOE budget.

The general fund is the major fund reporting the Town’s governmental activities. The general fund also known as the “budget” comprises a revenue section. The revenue section funds all the Town’s major governmental activities. Among these activities is the function of Education. The Finance Director is responsible for the funding of the budget. The School Business Manager is not concerned with this (revenues are shown in the BOE budget only for presentation purposes). The other section of the general fund is the expenditure section of which the Board of Education is a part of. There is only one general fund (by definition).

The Town’s Comprehensive Annual Financial report is prepared by the Finance Director. It reports all funds of the Town including Board of Education funds (grants, etc.). The School Business Manager and staff is acknowledged as a contributor.

(c) (1) “.....other than for the Board of Education....” Is not necessary. The paragraph states “.....consistent with all State Laws.....” What else is needed?

(c) (3) “.....other than the Board of Education....” See (2), as Town Treasurer the Finance Director has custody of all funds. Currently all checks are signed by the Finance Director and First Selectman (including BOE accounts payable and payroll checks).

The Finance Director and the School Business Administrator have very distinct duties and responsibilities. See attached “School Business Officials’ Roles & Responsibilities” taken from the Connecticut Association of School Business Officials.

The Finance Director is responsible for the financial performance and condition of the Town as a whole of which the school district is part of. The School Business Manager’s responsibility is to keep student learning as the primary focus and to provide superintendents and boards of education with accurate information within the scope and context of school policies, practices and objectives.

#### Audit Partner Comment:

Although the Board of Education has a high degree of autonomy with respect to the management of the School’s fiscal and operational activities, there is a shared responsibility with the Town. The shared responsibility would seem to be eliminated by including an except for provision for the Board of Education. The charter also does not currently provide for an alternative officer to provide this oversight function.

Michael J. VanDeventer, Partner, MahoneySabol

## Andrew Buzzi Jr

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**From:** Bruce Walczak <outlook\_37F5E88FC5274F28@outlook.com>  
**Sent:** Saturday, April 9, 2022 10:09 AM  
**To:** 2021newtowncrrcchair@gmail.com  
**Subject:** Appointed Commissions

Commissioners I apologize for some confusion that my comment at the recent hearing created. Apparently my comments were interpreted to include elected Boards and Commissions. That was not my intent. Elected boards and elected Commissions represent the wish of the voters, and vacancies should be filled with members of the same party. I fully support that and the current process

My comments were directed to Commissions that are appointed by the Board of Selectman, and only those appointed bodies.

I have corrected my comments to make that clear. I apologize for the misunderstanding I created, and hope the CRC will re-evaluate my suggestion in light of the clarity I am providing.

Good evening, I want to thank the Charter Commission for all the hard work that you put in over the last year and a half. It's a very important and a complicated assignment you all agreed to take on.

I'm here tonight to talk about the Appointed Commission process. I am not addressing elected boards as they represent the wished of the voters. They process for elected boards works well and retains the wished of the voters.

Currently the appointment of registered voters to open positions on Appointed Commissions is performed by a majority vote of the Board of Selectmen, its designed to fill appointments with the best qualified candidates. The BOS is free to appoint any registered voter to Appointed commissions regardless of party affiliation and only subject to the minority representation rules of the state. It's a nonpartisan nonpolitical process. The process seems to work very well. I'm not aware of any movement to change the full-term appointment process by this commission except for the time the BOS must make an appointment, which you are recommending be increased. I support that extended time. I'm assuming from this that you like the open term appointment process to Appointed Commissions.

However, when a vacancy occurs during an appointee's term on Appointed Commission the process changes substantially. The process is no longer solely designed to appoint the best candidate, subject to minority representation. The rules no longer allow any registered voter to be appointed. The rules become partisan. If the position was originally filled with a member of a political party the replacement must be from the same party or an unaffiliated voter. The new rules eliminate any member of the other major political party from being appointed to fill the vacancy. It also prohibits, in practice, any member of any minor party from being appointed to fill the vacancy on Appointed Commissions. The pool of candidates is significantly reduced. The most qualified candidate may not be appointed. The vacancy process always disenfranchises a large portion of the registered voters in Newtown. The objective of this process appears to be to protect the representation of either of the two major parties. Its Newton's form of gerrymandering that we read so much about in the paper.

I am suggesting to the charter revision committee that this partisan process should be eliminated. My research indicates that we are the only town in northern Fairfield County to have a requirement of appointing someone from the existing party or from unaffiliated voters to vacancies on Appointed Commissions, eliminating members of the other major party and all minor parties. I'll read a partial list to reinforce that. When a vacancy occurs in these towns on Appointed Commissions the appointing authority, that's the BOS in Newtown, considers the vacancy open and are to filled without regard to political party except to ensure minority party representation. Richfield is open to anyone, Bethel is open to anyone, Brookfield is open to anyone, Southbury is open to anyone, Wilton is open to anyone. Let's go further away, Cheshire, Fairfield, New Canaan are all open to any registered voter.

I am suggested a very simple solution to this process. Simply make all vacated appointed positions to Appointed Commission open, the same as the end of term vacancies are treated. We would mirror the well-regarded process currently utilized to fill end of term open appointed positions on Appointed Commissions. It's a simple fix, it provides the largest pool of candidates to

the board of selectmen. It doesn't disenfranchise any group of registered voters and we know the process works because we currently use it to fill open positions on Appointed Commissions. Newtown should not remain an outlier on this issue and the charter Commission recommended changes should include treating all vacancies on Appointed Commission as open positions.

Thank you

Bruce Walczak

12 Glover Ave.

Newtown CT.

Sent from [Mail](#) for Windows



**Andrew Buzzi Jr**

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**From:** Bruce Walczak <outlook\_37F5E88FC5274F28@outlook.com>  
**Sent:** Wednesday, April 6, 2022 11:55 AM  
**To:** 2021newtowncrrcchair@gmail.com  
**Subject:** Vacancies

That's for your time last nights, below are my comments which I read.  
This is really a relatively small change, but one that speaks volume.

Good evening, I want to thank the Charter Commission for all the hard work that you put in over the last year and a half. It's a very important and a complicated assignment you all agreed to take on.

I'm here tonight to talk about the appointment Commission process. Currently the appointment of registered voters to open positions on Commissions is performed by a majority vote of the Board of Selectmen, Its designed to fill appointments with the best qualified candidates. The BOS is free to appoint any registered voter regardless of party affiliation and only subject to the minority representation rules of the state. It's a nonpartisan nonpolitical process. The process seems to work very well. I'm not aware of any movement to change the process by this commission except for the time the BOS has to make an appointment, which you are recommending be increased. I'm assuming from this that you like the open term appointment process.

However, when a vacancy occurs during an appointee term the process change substantially. The process is no longer are designed to appoint the best candidate, subject to minority representation. The rules no longer allow any registered voter to be appointed. The rules become partisan. If the position was originally filled with a member of a political party the replacement must be from the same party or an unaffiliated voter. The new rules eliminates a member of the other major political party from be appointed to fill the vacancy. It also prohibits in practice any member of any minor party from being appointed. The pool of candidates is significantly

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I am suggested a very simple solution to this process. Simply make all vacated appointed positions open, same as the end of term vacancies are treated. We would mirror the well-regarded process currently utilized to fill end of term open positions on boards. It's a simple fix, it provides the largest pool of candidates to the board of selectmen. it doesn't disenfranchise any group of registered voters and we know the process works because we currently use it to fill open positions. Newtown should not remain an outlier on this issue and the charter Commission recommended changes should include treating all vacancies on appointed boards as open positions.

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