

Ryan Knapp, Chair  
Chris Smith, Vice Chair  
Judit DeStefano  
Chris Eide  
Jordana Bloom  
Jay Mattegat



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## TOWN OF NEWTOWN

### Minutes of the Legislative Ordinance Committee Meeting

The Ordinance Committee met on Wednesday January 16th, 2019 in the Council Chambers of the Municipal Center, 3 Primrose Lane, Newtown. Committee Chairman Ryan Knapp called the meeting to order at 7:00 pm.

Present: Mr. Eide, Ms. Bloom, Mr. Mattegat, Ms. DeStefano (7:20) and Mr. Knapp. Also Council Chair Mr. Lundquist, First Selectman Rosenthal, Fred Hurley of Public Works, 9 members of the public.

Absent: Mr. Smith

### MINUTES:

Mr. Eide moved to approve the minutes of 10/25/18. Ms. Bloom seconded.  
All in favor (4-0)

### PUBLIC COMMENT:

Lynn Hungaski, 29 Valley View Rd. - noted that when this process began there was only one town, now there are 6 and 12 others considering. These are hybrid bans with a 10 cent charge on paper. She encouraged urgency.

Joanna Rosen, 60 Sugar Lane, spoke to the human impact on the environment, referencing her family trip to the Galapagos where it was stressed that we as humans need to reduce plastic consumption. She presented alternatives to plastic for use in our daily lives.

Barbra Donahue, 1 Eagle Trail, spoke against paper bags as some stored double bag paper and felt it would eliminate the cost of a giveaway to the retailers. She feels it must be a hybrid ban and there is a financial benefit.

Jack (John) Thatcher, 14 Antler Pine Rd, explained his love of nature and worries where the planet will be in 100 years. Mr. Thatcher explained this is an environmental and human issues, and the environment is often forgotten amidst other interests and priorities. Green decisions can create jobs such as windmills and feels fear of change should not prevent action. In his opinion this is a tiny simple change and that the committee should copy Norwalk and Stamford and just do it. Mr. Thatcher feels marketing "bag free" as a strength will draw people and turn a negative into a positive.

Jennifer Kellerman, 71 Sugar Lane, said many bans are available to copy and while people may grumble, they will not stop shopping, noting that Costco offers no bags and it is not an inconvenience.

### Old Business

Review and recommendation regarding the update to the solid waste and recycling ordinance per the charge set forth by the Legislative Council on October 3rd, 2018

Mr. Hurley indicated that this has been put on hold for a few months as recycling mix, separating glass and other changes are likely coming. Newtown's ordinance has stood for 29 years and has been very good. The region is exploring a pilot program right now and there is no urgent risk of having an inadequate

ordinance. There will be more information coming including on market changes and structure, and this may have a budget impact.

Mr. Lundquist asked who was causing the delay.

Mr. Hurley indicated it was self-imposed as the changes that will be needed require more clarity from the discovery period and there is no consequence of waiting at this point for more direct from HRA.

Mr. Rosenthal indicated that Bethel, Ridgefield and Redding are in a pilot program to recycle glass separately. The concern being that it will go into the waste streams rather than a separate glass collection.

Review and Recommendation regarding the proposed Plastic Bag Ban Reduction Ordinance per the charge set forth by the Legislative Council on April 18<sup>th</sup>, 2018.

Mr. Knapp began with an enforcement summary of current language.

Mr. Rosenthal explained the challenges of expanding a current Town employee's job description, that this task does not fit cleanly into a particular department and would come with costs. Designating a group of volunteers would mean the Council would need to expand their charge. Newtown does not have a Code Enforcement Officer.

Mr. Knapp said that hopefully this would not be a heavy lift, with spot checks, rather it would be used re-actively, and imagined there would be many local volunteers to be watchdogs and report, however the Town would still need to administer fines and collections. Many other ordinances were requested by groups like how Alarms was requested from the PD, however this would be a new task for our municipal resources.

Ms. DeStefano noted that the Health Department is a district and would involve other towns. She discussed making the language to reflect the "Selectman's designee" as the person responsible and allow the executive to make that determination. She then asked would the Police Department not enforce our laws?

Mr. Eide noted that "enforcement" is not defined and if it would include spot checks. He asked if this was something volunteer could do.

Mr. Knapp does not think volunteers should be the ones collecting money. He then suggested the language in 104-14 B be included to reference our standard appeals procedure. He also suggested defining "violation" to ensure the the employees or patrons are not the ones fined.

The groups discussed language regarding how to describe the responsible party such as "business," "purveyor" and "proprietor," all of which will need to be defined, and agreed that David Grogins should be consulted.

Mr. Eide asked how exceptions are handled in other towns. He noted some are handled in the definitions Mr. Knapp felt the ordinance should include exemptions in its own section or the definitions, but it currently has both.

Mr. Mattegat felt that requiring this of retailers but not restaurants did not seem fair. He noted restaurant bags are just as bad and if the intention is to reduce the number of bags, this would go a long way.

Ms. Bloom asked about what constitutes a product bag in practice vs a check out bag. She noted many restaurants use paper.

Mr. Rosenthal felt the ordinance needs to be clear on food including take out.

Mr. Lundquist commented this this needs to be clear and warned of letting perfection get in the way of good.

Ms. Bloom noted that other towns include restaurants, but knows of one town Subway franchise that still uses plastic bags, perhaps considering it a product bag. California exempts restaurants from the paper bag fee.

Mr. Knapp commented that if this is going forward, he would be inclined to treat all bags as environmental risks, but is receptive to the idea of exempting paper charge at restaurants.

Ms. Bloom asked about hardware store bags for bolts and screws.

Mr. Knapp commented that those would be product bags and could clarify that by adding "fasteners" or "hardware" to the definition of product bags.

Ms. Bloom asked about gift bags and at what point they are product bags or carry out bags. She had concern about stores that use their bags for marketing purposes saying your bag is your brand and had concern

about telling businesses they could not be handing those out. The group discussed scenarios around decorative bags.

Mr. Rosenthal spoke about a business owner who was concerned about losing discretion and being compelled to charge a customer who they may want to give the bag to after a large purchase.

Ms. DeStefano commented that if they were to allow one group to not charge, everyone would need be allowed.

Mr. Rosenthal asked if a fee is enough to change behavior or if people will just pay the 10 cents.

Ms. DeStefano said yea and that it is proven to change behavior, citing the 92 percent conversion to reusable bags in England.

Ms. Bloom noted that there is an included six-month implementation.

Mr. Knapp said the next draft should clearly define gift bags.

Ms. DeStefano commented that the ban needs to apply across the board and the goal is to stop paper and plastic use.

Review and Recommendation regarding the issue of discrepancy between the Charter Revision Commission intent and the applicable State Statute regarding Board of Education candidate composition per the charge set forth by the Legislative Council on April 18<sup>th</sup>, 2018.

Mr. Eide indicated he had no response from the Secretary of State's office after a long period of trying.

Mr. Rosenthal will reach out to a contact there.

Mr. Knapp commented that strategically the group could do both the ordinance as a short-term solution and work on a Charter change

PUBLIC COMMENT: None.

Ms. DeStefano moved to adjourn the meeting at 9:30PM, Mr. Eide seconded. All in favor (5-0)

Respectfully Submitted,

Ryan W. Knapp  
Ordinance Committee Chairman

Plastic Bag Reduction Ordinance  
Part II: General Ordinances - Health  
Chapter XXX: Reusable Checkout Bag Initiative

## Section 1: Purpose

The purpose of this ordinance is to improve the environment in Newtown and the health, safety, and welfare of its residents by reducing the use of plastic bags and paper bags for checkout and purchased goods and encouraging the use of reusable carryout bags.

## Section 2: Definitions

- “Checkout bag” means a carryout bag that is provided to a customer at the point of sale.
- “Retail sales establishment” is any retail store selling products to the public. The term "retail sales establishment" does not include sales of goods at yard sales, tag sales, other sales by residents at their home, and sales by non-profit organizations.
- “Checkout bag” means a carryout bag used by consumers at checkout for the purpose of removing products purchased from or provided by a business establishment.
- “Product bag” means a single-use plastic or paper non-checkout bag to include, but not limited to, newspaper bags, door-hanger bags, laundry dry cleaning bags, bags sold in packages containing multiple bags intended for use as garbage, pet waste bags, yard waste bags, and bags that are used by consumers inside stores to: Package bulk items such as fruit, vegetables, mushrooms, nuts, grains, candy; contain or wrap foods, meat, or fish, whether packaged or not; contain or wrap flowers, potted plants or other items where dampness may be a problem; contain unwrapped prepared foods or bakery goods; contain pharmacy prescriptions; or safeguard public health during the transportation of hospital waste.
- “Recyclable paper bag” means a paper bag that should have the following characteristics:
  - o (1) One-hundred (100) percent recyclable overall and contains a minimum of forty (40) percent post-consumer recycled content; and
  - o (2) Displays the word “reusable” and “recyclable” on the outside of the bag.
- “Reusable checkout bag” means a bag that is specifically designed and manufactured for multiple reuse and is made of cloth or other fabric, or plastic that is a minimum thickness of twelve (12) mil. Plastic reusable bags may not contain lead, cadmium, or any other toxic material that may pose a threat to public health;
- “Business” means...

## Section 3: Restriction on the distribution of checkout bags

- A. No business establishment shall provide or sell a plastic checkout bag to a consumer in the Town of Newtown.
- B. No business establishment shall provide or sell a plastic checkout bag at any Town facility, Town-managed concession, Town-sponsored or Town-permitted event unless otherwise permitted by the Conservation Commission.

## Section 4: Acceptable checkout bags

- A. Any retail sales establishment engaged in retail sale is permitted to provide to customers:
  - a. Reusable bags; and/or,
  - b. Recyclable paper bags
    - i. Each paper bag shall be assessed at minimum ten-cent (10 ¢) user fee
    - ii. All revenue from paper bags sold shall be retained by retail sales establishment.
- B. The charge for each paper bag sold in quantity and per bag rate shall be indicated on the customer's itemized receipt.
- C. Nothing in this section shall preclude any establishment from making reusable checkout bags available for sale to customers or utilize recyclable paper bags as defined previously.
- D. Nothing in this Ordinance shall prohibit consumers from using bags or containers, of any type, at the point of checkout that they have brought to a business establishment for the purpose of carrying away goods.

## Section 5: Exemptions

- A. Nothing in this Ordinance shall prohibit consumers from using or establishments from making available product bags as defined above. How do restaurants handle it?
- B. Gift bag?
- C. Restaurant bags - how do other towns handle?

## Section 6: Operative Date

This ordinance shall become operative six (6) months following its effective date to allow retail establishments to dispose of their existing inventory of non-compliant checkout bags and convert to alternative packaging materials.

## Section 7: Enforcement

A. This ordinance shall be implemented, administered and enforced by the town of Newtown and any town department or division designated by the First Selectman. \*Note: Talk to Health Dept through Selectman's office. Can Conservation Commission be tasked with assessing violations.

B. Upon being made aware of a potential violation of this ordinance, the applicable Newtown Department or designee shall investigate and determine whether a violation has occurred.

C. If the investigation confirms that a violation has occurred, then the Newtown Town Department or other designee shall give written notice to the owner of the property, the owner's agent, or the person performing such violation that the violation is occurring and must stop.

D. Such notice shall be in writing and may be served upon a person to whom it is directed, either by delivering it personally to him or her or by posting same upon a conspicuous portion of the property and sending a copy of same by certified mail to the person to whom the notice is directed.

E. The owner, the owner's agent, or the person performing the violation is responsible for confirming, in writing, that the violation has ceased to the Newtown Town Health Department or other designee within fourteen (14) days of receipt of the notice.

F. A second violation after the fourteen-day response period of the first violation and within one year of the receipt of the confirmation that the violation had ceased shall incur a penalty of one hundred dollars (\$100).

G. A third violation within one year of the second and any subsequent violations shall incur a penalty of two hundred fifty dollars (\$250).

H. Each occurrence of a violation after the first, and each day that such violation continues, shall constitute a separate violation and may be cited as such.

I. If the Town of Newtown collects no monetary penalty within a thirty (30) day period, after such penalty shall be issue, there shall be a twenty-five (\$25.00) a day fine for noncompliance every thirty (30) days, until such penalty is paid. (Legal?)

## Section 7: Non-Compliance

In the event that compliance with the effective date of this ordinance is not feasible for a retail service establishment because of either unavailability of alternative checkout bags or economic hardship, the First Selectman may grant a waiver of not more than six (6) months upon application of the owner or owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continue infeasibility as set forth above.

Offered by Councilors Matt O'Malley and Michelle Wu



## CITY OF BOSTON

IN THE YEAR TWO THOUSAND SEVENTEEN

IN CITY COUNCIL

### **AN ORDINANCE REGARDING THE REDUCTION OF PLASTIC BAGS IN BOSTON**

**WHEREAS:** The production, use and disposal of single-use plastic bags have significant adverse impacts on the environment and their light weight makes them particularly susceptible to air currents that land them in the streets, gutters, abandoned lots, and trees throughout the City; and

**WHEREAS:** The City of Boston desires to conserve resources, reduce greenhouse gas emissions, waste, and marine pollution and to protect the public health and welfare of its residents; and

**WHEREAS:** Plastic bags contribute to a significant burden on the City's solid waste disposal and single stream recycling systems.

*NOW THEREFORE,*

*Be it Ordained by the City Council of Boston as follows:*

City of Boston Code, Ordinance Chapter XVII is hereby amended by adding at the end thereof, the following new sections and subsections.

#### **CHAPTER 17-19 REDUCTION OF CHECKOUT BAGS BY RETAIL ESTABLISHMENTS**

##### **17-19.1 Purpose**

The purpose of this ordinance is to reduce the use of disposable checkout bags by Retail Establishments in the City of Boston, curb litter on the streets, protect marine environment, waterways, reduce greenhouse gas emissions, and solid waste, and to promote the use of Reusable Bags by Retail Establishments located in the City.



## 17-19.2 Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- a. “City” means the City of Boston and its legal limits and all rights of access and easements in and licenses to use land areas outside of its legal limits as to which it has the right or obligation to maintain.
- b. “Chief” means the Chief of Environment, Energy and Open Space or his/her designee.
- c. “Checkout Bag” means a carryout bag with handles provided by a retail establishment to a customer at the point of sale. Checkout Bags shall not include:
  - 1. Bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a Retail Establishment; or
  - 2. Laundry or dry-cleaner bags; or
  - 3. Newspaper bags; or
  - 4. Bags used to contain or wrap produce, frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.
- d. “Compostable Plastic Bag” means a plastic bag that (1) conforms to the current ASTM D6400; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.
- e. "Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable; (2) contains at least 40% post-consumer recycled paper content; and (3) displays the words "Recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.
- f. “Retail Establishment” means any person, corporation, partnership, business venture, or vendor that sell or provide merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores; however the term Retail Establishment does not include bazaars or festivals operated by nonprofit organizations or religious institutions.

- g. "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness.

### **17-19.3 Requirements**

- a. If any retail establishment provides a checkout bag to customers, the bag shall comply with the requirements of being a Reusable Bag, a Recyclable Paper Bag, or a Compostable Plastic Bag.
- b. A retail establishment that provides any type of checkout bag shall sell them for no less than five cents (\$0.05) per bag. All moneys collected pursuant to this ordinance shall be retained by the retail establishment.
- c. Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "checkout bag charge" thereon.
- d. The Chief of Environment, Energy and Open Space may promulgate rules and regulations to implement this section.

### **17-19.4 Enforcement**

- a. If it is determined that a violation has occurred the Office of Environment, Energy and Open Space shall issue a warning notice to the Retail Establishment for the initial violation.
- b. If an additional violation of this Ordinance has occurred within one year after a warning notice has been issued for an initial violation, the Chief shall issue a notice of violation and shall impose a penalty against the retail establishment.
- c. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
  - 1. \$50 for the first offense
  - 2. \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the state District Court.
- d. Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the Chief of Environment, Energy and Open Space or his/her designee shall be the enforcing person.

### **17-19.5 Exemption**

- a. The Chief may exempt a retail establishment from the requirements of this chapter for a period of one year upon a finding by the Chief that the requirements of this chapter would cause undue hardship to a retail establishment. An "undue hardship" shall be found only in:
  - 1. Circumstances or situations unique to the particular Retail Establishment such that there are no reasonable alternatives to bags that are not Recyclable Paper Bags, Compostable Plastic Bags or Reusable Bags; or
  - 2. Circumstances or situations unique to the Retail Establishment such that compliance with the requirements of this chapter would deprive a person of a legally protected right; or
  - 3. Circumstances where a Retail Establishment requires additional time in order to draw down an existing inventory of single-use plastic check out bags. Any Retail Establishment receiving an exemption shall file with the Chief monthly reports on inventory reduction and remaining stocks.
- b. Any Retail Establishment shall apply for an exemption to the Chief using forms provided by the department, and shall allow the Chief, or his or her designee, access to all information supporting its application.
- c. The Chief may approve the exemption request, in whole or in part, with or without conditions.
- d. The Chief by regulation, may establish a fee for exemption requests.

### **17-19.6 Effective Date**

- a. All of the requirements set forth in this by-law shall take effect within a year of passage.

### **17-19.7 Severability**

- a. It is the intention of the City Council that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain valid and enforceable.



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DAVID L. GROGINS  
Please Reply To Danbury  
e-mail: dgrogins@cohenandwolf.com

November 12, 2018

Via Email & Regular Mail

Christopher Eide  
Legislative Councilperson, District 1  
Chair, Finance and Administration Committee  
44 The Old Road  
Newtown, CT 06470

Re: Modification of Election Procedure for Board of Education

Dear Chris:

You have requested that I review a possible modification to the present procedure as prescribed by the Newtown Town Charter ("Charter") for the election of members to the Board of Education ("BOE"). The current Charter, in Sections 120(b)(1) & (2) states that the BOE shall consist of seven (7) members for terms of four (4) years. When the Charter was amended in 2008, the amendment which created the 7 man board also provided that terms of the BOE are to be staggered so that three (3) members are elected in one biennial election and four (4) members are elected in the next succeeding biennial election, and thereafter.

Originally, Section 2-30c of the 2008 Charter provided that no more than five (5) members of the BOE could be from the same political party. However, in 2016 the Charter was further amended in Section 2-10(b)(2) and now no more than four (4) members of the BOE can be from the same party.

To further complicate matters, the Town is presently governed by Section 9-204(a) of the Connecticut General Statutes which states as follows:

**Sec. 9-204a. Nomination and voting for full number of board members to be elected authorized.** Notwithstanding the provisions of sections 9-204 and 9-414 and of any special act or town charter, any town may, by charter, or by referendum vote taken at any regular election in such town pursuant to either a vote of its legislative body or a petition signed by at least five per cent of the electors of such town as established by the last-preceding registry list of such town, authorize the nomination by any political party of candidates for election as members of the board

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C. CHRISTIAN YOUNG

of education of such town equal to the number of members of said board to be elected at such election, and authorize the electors of such town to vote for the full number of such members to be elected, provided not more than one-half of the members of said board declared elected to the same term at such election shall be of the same political party if the number to be elected is even and not more than a bare majority thereof shall be members of the same political party if the number to be elected is odd. If the number of candidates, sufficient to fill the offices voted on, receiving the highest number of votes at any such election are of the same political party, those persons sufficient to fill one-half or a bare majority of such offices, as the case may be, who received the highest number of votes among such candidates shall be declared elected and those persons receiving the next highest number of votes who do not belong to such political party, sufficient in number to fill the remaining offices, shall be declared elected.

An alternative is available to C.G.S. Section 9-204(a) in C.G.S. Section 9-204(b) which provides:

**Sec. 9-204b. Optional alternative system for towns with four-year terms for board of education.** Notwithstanding the provisions of any general statute to the contrary, in any town which provides for four-year terms for members to be elected to the board of education and whose legislative body adopts the provisions of this section by charter or ordinance, and the number of members to be elected is odd or even, any elector may vote for all of that number and the persons receiving the greatest number of votes shall be elected, except that when the number of members of any one political party who would be elected without regard to section 9-167a exceeds the maximum number as determined by said section, then only the candidates of such political party with the highest number of votes up to the limit of such maximum, shall be elected. The next highest ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in such election. Each political party shall have the right to nominate as many persons as there are vacancies on the board and those names shall be placed upon the ballot.

Section 9-204b will allow the 4 member minority representation rule to remain in effect, but also allow the voters to vote for as many candidates as there are openings on the BOE at the election in question and for the political parties to put up the member of candidates as there are openings. If the results of the vote would cause a violation of the minority representation rule, only candidates of such political party with the highest number of votes up to the limit of the maximum shall be elected.

In conclusion, the proposed ordinance set forth in your memo is acceptable and legal with a few modifications as noted.

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SUZANNE B. SUTTON  
C. CHRISTIAN YOUNG

Very truly yours,



David L. Grogins

DLG/pld

## Current Setup

Newtown uses a seven (7) member Board of Education with terms of a four (4) year duration, with terms expiring in alternating biennial elections. Elections alternate between three (3) seats and four (4) seats. No political party may hold more than four (4) out of seven (7) seats. In 2015, three (3) seats' terms expired; in 2017, four (4) seats' terms expired. The current board composition is four (4) Democrats and three (3) Republicans. In 2019, two (2) Democrat seats and one (1) Republican seat will be up for election. Electors should be entitled to three (3) votes and each town committee will nominate two (2) candidates. In 2021, two (2) Democrat seats and two (2) Republican seats will be up for election.

## Relevant language from the Charter

§2-10(b)(2) - Board of Education: The number of members of any one political party who may serve on the Board of Education shall not exceed 4.

§2-120(b) - Membership and Terms:

- (1) The Board of Education shall consist of 7 members.
- (2) The term of office shall be 4 years.

§3-15(b) - At each regular Town Election members of the Board of Education, the Planning and Zoning Commission, Board of Assessment Appeals, Zoning Board of Appeals, and the Police Commission shall be elected and the number to be elected shall be determined by the number of members whose terms expire on or before the December 1st after the election.

## Problematic Language in Statute

The Town is currently operating under §9-204 of the Connecticut General Statutes (CGS), shown below. This states that no elector shall vote for more than half of the number of seats up for reelection in even years and a "bare majority" of the seats in odd years. This would mean voters would have two (2) votes in years when four (4) seats expire, and two (2) votes in years when three (3) seats expire.

### **Sec. 9-204. Minority representation on board of education**

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

(b) Any charter which (1) provides for the election of the members of a board of education at one town election for the same term, (2) incorporates section 9-167a by reference to determine minority representation for such board of education and (3) makes no reference to the number of candidates for which an elector may vote for such board of education shall be deemed to

have set the number of candidates an elector may vote for and the number of candidates who may be endorsed by any political party at the maximum levels specified in the table contained in subdivision (1) of subsection (a) of section 9-167a.

The best solution may be to adopt §9-204b of the CGS. The only possible problem with adoption of this section is that the maximum number of members in Newtown is not the same as the maximum dictated by §9-167a, which limits the majority to five (5) of seven (7) members. Since the Charter is more restrictive than the aforementioned statute, this may not be a problem.

**Sec. 9-204b. Optional alternative system for towns with four-year terms for board of education**

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

**Proposed Ordinance:**

**Chapter 124 - Elections**

**Article 1 - Board of Education Elections**

**§124-1 Purpose**

The purpose of this article is to clarify and memorialize the processes by which Board of Education members are to be elected in the Town of Newtown, pursuant to the Connecticut General Statutes.

**§124-2 Adoption of Alternative Methods of Election**

A. The Town of Newtown adopts section 9-204b of the Connecticut General Statutes to govern the process by which Board of Education members are to be elected.

B. The number of votes given to an elector in an election year shall be equal to the number of seats up for election in said year.



C. Each political party shall have the right to nominate as many persons as there are vacancies on the board and those names shall be placed upon the ballot.

D. If the number of candidates who would be elected exceeds the maximum number established in subdivision 2-10(b)(2) of the Charter, then only the candidates of such political party with the highest number of votes up to the limit of such maximum, shall be elected. The next highest ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in each election.