

TOWN OF BETHEL  
TOWN CLERK

2012 APR 30 7:10:11

## **SPECIAL TOWN MEETING MINUTES**

RECEIVED

Tuesday, April 24, 2012

7:30 p.m.

CJH Municipal Center – Meeting Room “A”

Recessed to Senior Center Cafeteria

**PRESENT:** First Selectman Knickerbocker and Selectman Szatkowski. Also in attendance were Town Counsel Martin J. Lawlor and Acting Clerk Wendy Smith.

First Selectman Knickerbocker called the Special Town Meeting to order at 7:30 p.m. in Meeting Room “A” and immediately recessed the Special Town Meeting to the Senior Center Cafeteria.

First Selectman Knickerbocker called the Special Town Meeting back into session at 7:45 p.m. in the Senior Center Cafeteria.

First Selectman Knickerbocker appointed Wendy Smith as the Acting Clerk for tonight’s Special Town Meeting.

First Selectman Knickerbocker asked the Acting Clerk to read the call for tonight’s Special Town Meeting:

### **WARNING – NOTICE OF SPECIAL TOWN MEETING TOWN OF BETHEL, CONNECTICUT**

The Legal Voters of the Town of Bethel, Connecticut, and those persons entitled to vote therein, are notified to assemble at a Special Town Meeting to be held in the Clifford J. Hurgin Municipal Center – Meeting Room “A”, 1 School Street, Bethel, Connecticut 06801 on Tuesday, April 24, 2012, at 7:30 p.m. for the following purpose, to wit:

1.) Per citizens’ petition, to consider and recommend to the Board of Selectmen that the Board of Selectmen enact an ordinance that requires the Town of Bethel forward to all postal patrons of the Town of Bethel via U. S. mail, the same notification/advisory information of an upcoming referendum that any agency of the Town of Bethel has forwarded by any means to parties outside the agency itself, where the agency is publicly funded by the Town of Bethel. Excluded from the recommended ordinance will be publicly financed notifications for such

referendum which are required by law, including but not limited to federal and state laws, Town of Bethel Ordinances and Charter provisions.

2.) To take any and all action which may be legally necessary or appropriate in order to accomplish the above named purposes?

Dated at Bethel, CT, this 3<sup>rd</sup> day of April 2012

**BOARD OF SELECTMEN**

Matthew S. Knickerbocker, First Selectman

Richard C. Straiton, Selectman

Paul R. Szatkowski, Selectman

Billy Michael made a motion, which was seconded by William Hillman to accept the call. Vote, all in favor, motion unanimously approved.

Billy Michael made a motion, which was seconded by Nick Ellis, to nominate J. Philip Gallagher as Moderator for tonight's Special Town Meeting.

Larry Craybas made a motion, which was seconded by William Michael, to nominate Matthew S. Knickerbocker as Moderator for tonight's Special Town Meeting.

Nominations were closed.

Vote in favor of J. Philip Gallagher as moderator – 81

Vote in favor of Matthew S. Knickerbocker as moderator – 60.

J. Philip Gallagher as Moderator asked Town Counsel Martin J. Lawlor to read the Resolution. Town Counsel Martin J. Lawlor stated prior to the reading of the resolution that tonight's Special Town Meeting, regardless of the outcome, would only result in a recommendation to the Board of Selectmen, the Board of Selectmen has the ultimate authority in creating an ordinance.

**SHALL THE TOWN OF BETHEL** recommend to the Board of Selectmen that the Board of Selectmen enact an ordinance that requires the Town of Bethel forward to all postal patrons of the Town of Bethel via U. S. mail, the same notification/advisory information of an upcoming referendum that any agency of the Town of Bethel has forwarded by any means to parties outside the

agency itself, where the agency is publicly funded by the Town of Bethel. Excluded from the recommended ordinance will be publicly financed notifications for such referendum which are required by law, including but not limited to federal and state laws, Town of Bethel Ordinances and Charter provisions.

Michael Duff made a motion, which was seconded by William Michaels, to amend the main motion to remove "*consider and recommend*" and replace it with "*to compel and urge*". This motion and second were withdrawn. Motion and second were withdrawn to correct the intention of the motion that it is to recommend.

Michael Duff made a motion, which was seconded by Billy Michaels, to amend the main motion to read:

**SHALL THE TOWN OF BETHEL** compel and urge the Board of Selectmen that the Board of Selectmen enact an ordinance that requires the Town of Bethel forward to all postal patrons of the Town of Bethel via U. S. mail, the same notification/advisory information of an upcoming referendum that any agency of the Town of Bethel has forwarded by any means to parties outside the agency itself, where the agency is publicly funded by the Town of Bethel. Excluded from the recommended ordinance will be publicly financed notifications for such referendum which are required by law, including but not limited to federal and state laws, Town of Bethel Ordinances and Charter provisions.

**Discussion on amendment:**

Billy Michael, Fleetwood Avenue: Among other comments, offered that he started the petition drive months ago, received the necessary 544 signatures, expressed concern that his petition wording included "urge and compel" and the legal notice reads "consider and recommend".

Ted Stevenson, Sunset Hill Road: Requested Town Counsel comment on the legality of the proposed amendment.

Town Counsel Martin J. Lawlor Among other comments advised that he had spoken with Mr. Michaels regarding the fact that the town meeting can only act as a recommending body; the Board of Selectmen has the sole authority to create an ordinance. He felt the wording for the legal notice was clearer to the intent of what the town meeting could do.

Robert Fand, Kayview Avenue: Among other comments, questioned the change to the wording. Town Counsel Martin J. Lawlor reiterated that

the town meeting does not have the authority to create this ordinance, only the Board of Selectmen can create the ordinance.

Cynthia McCorkindale, Elgin Avenue: Among other comments, questioned how the wording from the petition changed to the wording on the legal notice.

Town Counsel Martin J. Lawlor reiterated that it is the Board of Selectmen that is the sole ordinance creating authority. The legal notice wording more accurately reflected the purpose of tonight's meeting, that the town meeting/legislative body could only recommend.

Robert Crnic, Old Hawleyville Road: Among other comments, offered that he interprets the Charter differently from town counsel and that the town meeting can enact an ordinance.

David Glahn, Elizabeth Street: Among other comments, offered that the legislative body should have rights, not just the Board of Selectmen.

Vote in favor of the amendment: 91

Vote opposed to the amendment: 68

Amendment passes.

### **Discussion on Main Motion:**

Bill Hillman, Walnut Hill Road: Among other comments, questioned how many people were here in attendance due to an email from the Superintendent of Schools. The Moderator ruled this question out of order. Mr. Hillman advised the cost of a mailing would be .07 cents per person.

First Selectman Knickerbocker: Among other comments, clarified that cost to mail a postcard to postal patrons is actually higher, 7,466 postal patrons plus the cost of printing, etc. is actually \$3,000 to \$3,600.

Michael Duff, Long Meadow Lane: Among other comments, offered that that there should be an informed electorate, this proposal would be to everyone's benefit.

Dominic Ippoliti, Linda Lane: Among other comments, offered that this motion needs to be approved, can't use a publicly funded system to advise only a certain group of people.

Larry Craybas, Kellogg Street: Among other comments, explained that SEEC law that already exists, i.e. no public funds to be used to advocate a position, the Board of Education offers factual information to parents, anyone can sign up for the newsletter, urged the Board of Selectmen to turn down this proposed ordinance, many methods available to keep residents informed.

Dionne Craig, Whipporwill Road: Among other comments, offered that people communicate differently, many use the computer, email, electronic media, many different forms available to keep informed.

Tom Canfield, Katrina Circle: Among other comments, offered that a postcard system could be utilized to inform residents.

Marian Binder, Codfish Hill Road: Among other comments, offered that she relies on emails; doesn't want a postcard.

Kitty Grant, Quaker Ridge Road: Among other comments, questioned why we can't use the reverse 911 telephone system to alert residents.

First Selectman Knickerbocker: Among other comments, clarified that the reverse 911 "Everybridge" telephone system, operated by the town, separate from the school system, can only be utilized for public safety issues. Using the system for other means would nullify the exemption from FOI. This would mean that all of the telephone numbers associated with the system would be subject to Freedom of Information. He noted that he is in favor of an "ALL" system - notification to all residents and expressed intent that the town would be mailing out postcards to residents.

Mary Lou Strano, Walnut Hill Road: Among other comments, offered that some residents do not use the computer and is asking for the same right to information that those who do use a computer get.

Al Vargas, Reservoir Street: Among other comments, suggested that we ask residents what type of media they would like to receive.

William Duff, Long Meadow Lane: Among other comments, offered that he supports the Superintendent's newsletter as a great source of information, but favors equal access to information, in particular, when it is time to vote on items.

Brian Terzian, Long Meadow Lane: Among other comments, offered that he advocates an "ALL" notification.

Bruce Tibbatts, Kayview Avenue: Among other comments, offered that everyone should get the same notification, reads postcards, and was here tonight because he received a postcard.

Cynthia McCorkindale, Elgin Avenue: Among other comments, offered that political action committees are the ones who can advocate a position, town/school can't, SEEC rules haven't always been adhered to, if the cost to mail notifications is prohibitive then they shouldn't mail, she doesn't want to have to read the whole school newsletter just to find out when to vote.

Billy Michaels, Fleetwood Avenue: Among other comments, offered that town agencies should not advocate a position using public funds.

Bill Michaels made a motion, which was seconded by Robert Fand, to move the question. Vote – ayes have it.

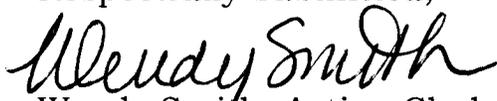
Voting in favor of the main motion: 87

Voting against the main motion: 57

Motion passed.

The Special Town Meeting was adjourned at 9:25 p.m.

Respectfully submitted,

  
Wendy Smith, Acting Clerk