

MEETING MINUTES
Easton Board of Selectmen
April 5, 2018
7:30 PM

Adam Dunsby called the meeting to order at 7:31 p.m.

Present: Adam Dunsby, Carrie Colangelo and Robert Lessler

1. Robert Lessler moved to approve the minutes of the Easton Board of Selectmen Meeting of March 1, 2018. Carrie Colangelo seconded. Motion passed unanimously.
2. Residents expressed their views on the flag and pledge of allegiance in addition to the placement of public comment and request for more detail on agenda items.
3. Carrie Colangelo moved to approve the following tax refunds as recommended by Krista Kot, Tax Collector:
1. BMW FINANCIAL SERVICES - \$283.94; 2. MICHAEL TORTORA - \$54.61; 3. CATHERINE S. BARNA - \$151.86; 4. JOSEPH SUSMEYER - \$452.61; 5. ALLY BANK - \$125.92; 6. JI TONG AND WEI QIU - \$8,103.67; 7. CORELOGIC - \$228,696.35. Robert Lessler seconded. Motion passed unanimously.
4. Robert Lessler moved to accept the resignation of Todd Pajonas from the 2017 Library Building Committee, the Library Board of Trustees, the Board of Fire Commissioners and as a Justice of the Peace, with thanks for the hard work and dedication, sentiments echoed by Carrie Colangelo. Carrie Colangelo seconded. Motion passed unanimously.
5. Robert Lessler moved to appoint Scott Charmoy as an alternate on the Zoning Board of Appeals for the unexpired term of 1/2/2017 – 1/2/2020. Carrie Colangelo seconded. Motion passed unanimously.
Carrie Colangelo moved to appoint Thomas Maisano as an alternate on the Planning and Zoning Commission for the unexpired term of 1/2/2015 – 1/2/2018. Robert Lessler seconded. Motion passed unanimously.
Carrie Colangelo moved to appoint Melinda O'Brien as a member on the Commission for the Aging for the unexpired term of 1/2/2017 – 1/2/2020. Robert Lessler seconded. Motion passed unanimously.
Carrie Colangelo moved to appoint Jim Yeotsas as a member of the Board of Fire Commissioners for the unexpired term of 1/2/2016 – 1/2/2021. Robert Lessler seconded. Motion passed unanimously.
Carrie Colangelo moved to appoint Peter Lannigan as a member on the Board of Ethics for the unexpired term of 1/2/2018 – 1/2/2020. Robert Lessler seconded. Motion passed unanimously.
Robert Lessler moved to appoint Linda Dollard as a member of the 2017 Library Building Committee. Carrie Colangelo seconded. Motion passed unanimously.
6. After discussion and review of the memo from Berchem Moses (attached to these minutes) the budget, as recommended by the Board of Finance, will go directly to a machine vote. Robert Lessler moved to warn the Annual Town Meeting scheduled for April 30, 2018 at 7:00 p.m. at Samuel Staples Elementary School, 515 Morehouse Road, Easton with agenda items as described on the attached Notice which is made part of these minutes. Carrie Colangelo seconded. Motion passed unanimously.
7. Robert Lessler presented a synopsis of his proposed Easton Ordinance Regarding Firearms. (attached to these minutes). In order to have time to review, this item will be discussed at a future meeting.
8. Carrie Colangelo moved to enter into executive session for the purpose of discussing lease negotiations regarding 660 Morehouse at 8:15 p.m. Robert Lessler seconded. Motion passed unanimously. The Board requested Christine Calvert and Ed Nagy to join executive session.
The Board returned from executive session at 9:10 p.m. having taken neither action nor voting on any motions.

Adam Dunsby moved to add agenda item 8A. Discussion and possible action on appointment of legal counsel. Robert Lessler seconded. Motion passed unanimously.

8A. Adam Dunsby moved to appoint Berchem Moses as counsel to review Easton Country Day lease documents; to review Town Meeting Budget Process; and to review the Recycling Interlocal Agreement. Robert Lessler seconded. Carrie Colangelo abstained. Motion passed.

9. Carrie Colangelo mentioned that some towns are drafting ordinances dealing with a moratorium on fracking waste in Connecticut. More information will be forwarded before the next meeting.
10. Carrie Colangelo moved to adjourn the meeting at 9:15 p.m. Robert Lessler seconded. Motion passed unanimously.

3A~04-05-18

NOTICE - EASTON

Annual Town Meeting
April 30, 2018 – 7:00 p.m.

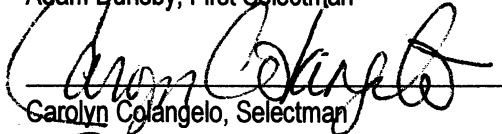
Warning is hereby given of the Annual Town Meeting to be held within and for the Town of Easton on April 30, 2018 at 7:00 p.m. at Samuel Staples Elementary School, 515 Morehouse Road, Easton to discuss and act upon the following:

1. Discussion and possible action on approval of the Town of Easton's participation in the Greater Bridgeport Regional Recycling Interlocal Agreement.
2. Discussion and possible action on the special appropriation of \$1,480,000 for the South Park Bridges.
3. Discussion and possible action on the special appropriation of \$51,000 for Easton Police dashboard cameras. (contingent upon State Grant)
4. Discussion of the proposed Annual Town Budget of \$44,157,632 for fiscal year 2018-2019 as recommended by the Board of Finance.
5. Acceptance of the five-year capital project plan.
6. Set July 1, 2018 - January 2, 2019 for the 2017 grand list bills.
7. Adjournment of the Town Meeting to a machine vote to be held on Tuesday, May 8, 2018, 6:00 a.m. to 8:00 p.m. at Samuel Staples Elementary School to vote on the Annual Budget for 2018-2019.

Per Order of the Easton Board of Selectmen



Adam Dunsby, First Selectman



Carolyn Colangelo, Selectman



Robert Lessler, Selectman

3A-04-30-18



MEMORANDUM

To: Ira W. Bloom, Esq.
From: Nicholas R. Bamonte, Esq. *NRB*
Date: 4/3/18
Re: Easton - Entertaining Motions at Budget Meeting
(30027-0013)

Issues:

During the town meeting on the proposed budget, is the Town obligated to entertain motions from the public to adjust budget appropriations proposed by the Board of Finance ("BOF")? Does adjourning the town meeting to a machine vote on the budget affect such potential obligation?

Short Answer:

It is my belief that the Town is not obligated to entertain any motions to adjust the budget as proposed by the BOF, regardless of whether or not the Town has adjourned to a machine vote. Under C.G.S. § 7-344, the public's opportunity to provide substantive input is during the preliminary budget development hearing before the BOF; only the BOF is authorized to recommend appropriations for final approval.

Discussion:

In an area of local concern, such as local budgetary policy, general statutory provisions must yield to municipal charter provisions governing the same subject matter. Bd. of Educ. of

Town & Borough of Naugatuck v. Town of Borough of Naugatuck, 268 Conn. 295, 308–09 (2004). Conversely, because the Town of Easton does not have a charter, C.G.S. § 7-344 controls the Town's budget adoption process.

Under C.G.S. § 7-344, the BOF must first hold a public hearing at least two weeks prior to the annual town meeting and present its estimates of town expenditures for the next year. At the hearing, all members of the public have an opportunity to speak for or against any potential appropriation. Next, the BOF must hold an open meeting to further detail its proposed budget recommendations and generate a report for publication in the newspaper. The resulting budget estimated and recommended by the BOF may then be submitted to the town meeting for approval. Significantly, the ensuing town meeting “shall take action upon *such* estimate and recommendations, and make *such* specific appropriations as appear advisable”. The budget proposed by the BOF may be submitted to the town meeting by machine vote.

The language of C.G.S. § 7-344 only authorizes the town meeting to approve or deny each appropriation as proposed by the BOF; it does not grant the public an ability to adjust or reduce the proposed appropriations. This interpretation is consistent with the later provision that allows, in the event of a “vote by voting tabulator¹”, inclusion of a question whether the “budget is too high or too low”, but states that the vote on such question is advisory only and not binding on the BOF. At most, voters may reject a budget and indicate whether they believe it is too high or too low. See Naugatuck at 314–15; C.G.S. § 7-344. Upon a rejection as too high or too low, the BOF would readjust the budget in accordance with the vote and resubmit to the voters. Id. Therefore, under C.G.S. § 7-344, the opportunity for public input on the proposed budget is during the preliminary public hearing before the BOF, and the BOF has the final authority to determine the recommended appropriation amounts subject to vote at the town meeting.

¹ “voting tabulator” means a machine, including, but not limited to, a device which operates by electronic means, for the registering and recording of votes cast at elections, primaries and referenda.” C.G.S. § 9-1

Although C.G.S. § 7-344 expressly prohibits the town meeting from increasing the recommended appropriations or creating new appropriations, it does not prohibit the town meeting from reducing appropriations. Conceivably, this language may provide grounds for a challenge asserting that the public does in fact have the authority to substantively adjust BOF budget recommendations by motion. Further, at least two Superior Court cases mention potential budget reductions resulting from a town meeting. See State ex rel. Feigl v. Raacke, 32 Conn. Supp. 237, 243 (1975) (“the town meeting may reduce a specific recommendation...”); Winchester Bd. of Educ. v. W.L. Gilbert Sch. Corp., 1997 WL 585763, at *4 (1997) (“the [town] and its electors have the authority to reduce, and in practice have reduced, the educational budget that is submitted to the Town...”). Yet in my opinion, the hypothetical reductions referenced by the courts above contemplate BOF-initiated reductions after voter rejection, not reductions by motion of the voters themselves.

Ultimately, neither the statutes nor the case law expressly obligate the town to allow public amendment of budget appropriations recommended by the BOF and submitted to the town meeting. Absent charter provisions to the contrary, the BOF is the sole entity with authority to adjust such appropriations under C.G.S. § 7-344.

Lastly, I do not believe that Chapter 90 of the General Statutes, regarding “Town and other Community Meetings”, affects the present analysis. Given that § 7-344 is silent as to the procedure for holding a machine vote, § 7-7 could potentially apply insofar as it establishes the selectmen’s general authority to submit a town meeting proposal to a machine vote and provides further balloting details in such an event. If § 7-7 does apply, then in theory the budget vote could be considered a referendum under § 9-1: “a proposal which is submitted to a vote...pursuant to section 7-7”. Such an interpretation would not affect the question presented, but would subject the Town to additional requirements such as absentee ballots and involve the Secretary of State. But given the nature of the budget approval as an extension of the town

meeting, I do not believe that the election law requirements applicable to referenda also apply here.

Chapter 365

Easton Ordinance Regarding Firearms

Section 365-1. Legislative findings; purpose and intent

Connecticut General Statutes Section 7-148(c)(7)(H)(xiii), charges the Board of Selectmen with the responsibility to “promote the peace, safety, good government and welfare of the municipality and its inhabitants”. The Board of Selectmen believes that the use of firearms by individuals not properly trained and qualified to use them, or discharged in a manner that would annoy or frighten persons or animals, or discharged in a manner likely to cause damage to property endangers public health, personal safety, rural character, and quiet enjoyment of life in our town. The Board of Selectmen further encourages the use of safe storage practices of firearms and ammunition, including gun locks and locked gun cabinets so as to insure the public safety.

Section 365-2. Definitions

- A. Firearm – shall have the meaning as provided by state law in Connecticut General Statutes Section 53a-3(19).
- B. Assault Weapon – shall have the meaning as provided by state law in Connecticut General Statutes Section 53-202a.
- C. Landowner – The legal or beneficial owner of a parcel of land, or a tenant of such owner, or an authorized agent or invited guest of such owner or of such tenant.
- D. Peace Officer – shall have the meaning as provided by state law in Connecticut General Statutes Section 53a-3(9).

Section 365-3. Discharge of Firearms or Assault Weapons Near Buildings Prohibited

No person shall, at any time, discharge a firearm or assault weapon within 500 feet of any building which is occupied by persons or domesticated animals, unless they have within their possession the prior written permission of the landowner, unless said person is the landowner of such building. Any such written permission must be dated within six months of the date on which the firearm is discharged. For purposes of this ordinance, a building is presumed to be occupied unless it appears from a reasonable inspection of the interior portions thereof that it is, in fact, unoccupied.

Any person discharging a firearm shall take all necessary precautions to insure that any bullet, pellet, or projectile is confined strictly to the land from which it is discharged.

Section 365-4. Discharge on Land Posted As Hunting Prohibited

No person shall, at any time, discharge a firearm or assault weapon within the boundaries of land the landowner has posted against hunting unless they have within their possession the

prior written permission of the person so posting the land. Any such written permission must be dated within six months of the date on which the firearm is discharged.

Section 365-5. No Discharge for Target Practice

No person shall discharge any firearm for target practice in the town of Easton, except that target shooting, trapshooting, skeet shooting and shooting at clays with a shotguns, is permissible exclusively at duly organized shooting clubs or ranges or other locations as approved by the Chief of Police and the Board of Selectmen.

Section 365-6. Discharge of Machine Gun or Assault Weapon Prohibited

No person shall possess or discharge any machine gun or assault weapon or any detachable magazine capable of storing more than ten rounds of ammunition within the town of Easton.

Section 365-7. Discharge of Firearms or Assault Weapons By Persons Under 18

No person under the age of eighteen years shall discharge any firearm or assault weapon anywhere in the town of Easton, except persons between the ages of twelve years and eighteen years may discharge a firearm for target practice, provided such firearm is discharged in the physical presence and under the direct supervision of the person's parent, legal guardian, or a peace officer.

Section 365-8. Possession or Discharge of a Firearm or Assault Weapon on Town Property

No person shall carry or discharge a firearm assault weapon on any property or buildings owned by or leased by or from the town of Easton.

Section 365-9. Storage

No person shall store or keep any firearm on any premises under his or her control within the town of Easton unless such person keeps the firearm in a securely locked box constructed of steel or similar material. The foregoing shall not apply at any time during which such person carries the firearm on his or her person or within such close proximity thereto that he or she can readily retrieve and use it as if carried on his or her person.

Section 365-10. Exceptions

- A. The provisions of this chapter shall not apply to any peace officer when acting within the scope of their duties.
- B. The provisions of this chapter shall not apply to any persons, when acting to defend themselves or a third person from physical force in a manner consistent with state law.

Section 365-11. Penalty

Any person violating this ordinance shall have committed an infraction pursuant to Connecticut General Statutes Section 51-164n and shall be subject to a fine of \$500.00 for each violation or to the maximum penalty authorized by law for each violation, whichever is greater. Each discharge of a weapon shall constitute a separate violation of this ordinance. This penalty shall apply to the parent or legal guardian of any minor who violates this ordinance.

Section 365-12. Severability

If any one or more sections, subsections or sentences of this ordinance are held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect.

Adopted by the Board of Selectmen on _____.

Adopted by the Town Meeting on _____.

Published on _____.

Effective on _____.