

Town of Greenwich

Selectmen's Board of Education Section 66/67 Charter Revision Committee

Meeting 20 November 2017

5:00 p.m.

Town Hall – Cone Room

1. The meeting was called to order at 5:15 PM, followed by the Pledge of Allegiance.

Attendance: Committee members: Barry Rickert (Chair), Alexis Voulgaris, William Finger, Peter von Braun – Present, Brian Peldunas (Secretary) – Arrived at 5:20.

Mr. von Braun made a motion to move Item #7 (approval of previous minutes) to the second item on the agenda. William Finger seconded this motion. Vote 4-0 to move Item #7 to the second item on the agenda

2. Review and approval of previous minutes

Mr. Finger made a motion to approve the minutes from 10 August 2017. Mr. von Braun seconded. Minutes adopted by unanimous consent. 4-0

Mr. Finger made a motion to approve the minutes from 27 June 2017. Mr. von Braun seconded. Minutes adopted by unanimous consent. 4-0.

Motion by Mr. von Braun to approve minutes from 14 November 2017. There was a discussion about the number of speakers at the Public Forum and the opinions of those speakers. In the original meeting minutes circulated, the “Remain with the RTM” count was represented as 24, however, Mr. Finger suggested that that figure was actually closer to 33. Mr. Finger made a motion to change the minutes to reflect the revised count; Ms. Voulgaris seconded that motion, and the revised minutes were accepted by unanimous consent. Vote 4-0.

3. Discussion of input from Public Forum.

The Committee discussed the input from the Public Forum. Mr. Finger indicated that he felt the statements at the meeting were helpful relating to possible changes to Sections 66 and 67 of the charter. Mr. Peldunas indicated the Forum was also helpful in to understanding sentiment for the overall picture. Ms. Voulgaris related the comments back to the question on how to get more unaffiliated voters involved. Mr. von Braun asked about the specific charge relating to sections 66 and 67, and any potential change.

It was clarified that a change would give authority to the Board of Selectmen, but not the obligation, to propose changes to section 38.

4. Additional Questions for Law Department.

Mr. Peldunas had asked a clarifying question (whether it was possible for the change to section 66 and/or 67 be sent directly to referendum prior to approval by the RTM) to the Law Department but no response had been received. Mr. Rickert and Mr. Finger indicated that they felt the previous path laid out by the Law Department was clear on this point. NOTE: a response (see attached) was subsequently received supporting this view.

5. Additional Discussion and Vote on recommendation on Charge.

Mr. von Braun made a motion to recommend to the Board of Selectmen that the Board of Education be added to section 66 of the Town Charter. Mr. Peldunas seconded. Mr. Rickert asked for comments.

Mr. Peldunas indicated that to inform his view he looked at the history of a full vote of the people versus a vote by a legislative body, citing the Electoral College mechanism, the change to direct election of US Senators, and the development of primaries versus political party controlled nominations. Mr. Finger indicated he was opposed, and that the current path for such a change (approval by the RTM) was appropriate. Mr. Rickert indicated the motion would allow more input from unaffiliated voters, and was in favor of voter input overall for important changes. Ms. Voulgaris questioned whether the motion would result in more unaffiliated candidates for the Board of Education. Mr. von Braun stated his belief that the quality of education had been declining, and the motion would be a first step to changes to address that decline.

The motion passed by a vote of 3-2 (Mr. Rickert, Mr. von Braun, Mr. Peldunas voting in favor; Ms. Voulgaris, Mr. Finger voting against).

Mr. Peldunas asked if there were any motions relating to section 67. No motions were made.

6. Assignment of drafting of results.

The Committee discussed the best means of communicating the results to the Board of Selectmen. It was determined that a note be sent as soon as possible with the results of the discussion, and that the note also indicate that a detailed report would follow. Mr. von Braun made a motion to formalize this path, seconded by Ms. Voulgaris. The vote

was 4-0-1, with Mr. Finger abstaining. Mr. Peldunas was asked to prepare and send the note, and to prepare the report.

7. Adjourn.

By motion of Mr. von Braun, seconded by Mr. Finger, the meeting was adjourned at approximately 5:50 PM.

Barry Rickert, Chair

Prepared by Brian Peldunas, Secretary

DRAFT

RESPONSE FROM TOWN OF GREENWICH LAW DEPARTMENT (Attorney Fox)

I am sorry that I am late in getting to your inquiry. If I was not clear previously let me say that the outline previously provided is still accurate. For many reasons, including Home Rule, we cannot go directly to a referendum. The process goes from the BOS, the RTM and then a referendum if approved by the RTM. All three steps are necessary including the referendum in light of what is proposed.

Sent from my iPad

On Nov 16, 2017, at 3:21 PM, Brian Peldunas <bpeldunas@optimum.net> wrote:

Wayne:

Please see below one additional point we would like to clarify. Is there any possible way of bypassing the RTM on the way to a referendum?

Brian

From: Barry Rickert [<mailto:barry.rickert.rtm@gmail.com>]
Sent: Thursday, November 16, 2017 10:41 AM
To: Brian Peldunas <bpeldunas@optimum.net>
Cc: Wrfinger@aol.com; voulgarisrtm@gmail.com; petervonbraun@verizon.net
Subject: Re: Next Meeting

I don't believe Wayne's response is ambiguous, but wouldn't hurt to confirm. Would you mind sending him a note? I am in meetings until early afternoon.

Are we set on Notice?

Sent from my iPhone

On Nov 16, 2017, at 8:48 AM, Brian Peldunas <bpeldunas@optimum.net> wrote:

Barry:

We had originally asked Wayne the question below, to understand the pathway to implement a change.

“We assume that the pathway to adding the BOE to Section 67 (or 66 and 67) is a proposal by the BOS under Section 67(a) based in part on the findings of this committee, approval by the RTM under Section 67(b), concurrence by the BOS under Section 67(c) if amended by the RTM, and approval by the voters under Section 66. Is that correct? What language would need to be added to Sections 66 and 67?”

His response was:

“Should your committee recommend a change to Section 66, or for that matter Section 67, then the matter would be returned to the Board of Selectmen. If, in fact, the matter received approval by the majority vote of selectmen, the matter would be transmitted to the Town clerk and then would be included in the call of the next RTM meeting. The RTM could then adopt or amend the proposal by an affirmative vote of the majority of the entire RTM. Should the RTM amend such proposal, it cannot become affective until the initiating board, the Board of Selectmen, shall have concurred in the amendment by the same vote as required for initiation.”

Section 66 (in part): No home rule action which would affect the existence, mode of selection, composition, rights, powers, privileges or duties of the Representative Town Meeting, the Selectmen or the Board of Estimate and Taxation shall become effective unless such action is approved at a referendum held not later than one (1) year after completion of all actions required by Section 67 hereof. The Board of Selectmen shall submit such home rule action to the electors at a regular or special election, as it shall determine.

This seems fairly prescriptive. Others however, have raised the possibility, because of the wording in Section 66, that the BOS could go to a referendum first and then present the results of that vote to the RTM for approval. I am not a lawyer, and I don't see the ambiguity raised, but I would like to verify that this is not possible.

Brian