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Referendum discussion canceled at last minute

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WINSTED — Selectmen were expected to discuss Thursday whether holding budget referendums violates the town charter, but the meeting never took place.

About a dozen residents were there, but only three of the seven selectmen showed up for the 5:30 p.m. session in town hall. The meeting, which had been called by Republican Mayor William H. McCabe, was canceled for lack of a quorum.

Meanwhile Thursday, the required 200 signatures were verified on petitions filed in the town clerk's office, forcing Tuesday's budget meeting to adjourn to the third referendum this year on the proposed 1993-94 spending plan.

The petitions were filed by the Winchester Taxpayers Association, which since 1989 has forced budget referendums by petitioning under a provision of the state statutes.

McCabe said Wednesday calling such referendums may violate the town charter, including a section that says, "The sole power to adopt the annual budget of the town shall rest in the town of Winchester acting by annual town budget meeting at which the electors shall vote upon the budget as presented by the board of selectmen."

McCabe said Wednesday he would offer a motion at the Thursday selectmen's meeting to hire a lawyer to give an opinion on whether holding a budget referendum violates the town charter. But as the time passed for the start of the special meeting, McCabe said at 5:35 p.m., "I apologize, we didn't have a quorum for this meeting."

But of the question whether budget referendums violate the town charter, he said: "It is not something we are going to forget about."

McCabe said he will put the question on the agenda for the July 19 selectmen's meeting.

Town Attorney Kevin F. Nelligan was at the Thursday session. Asked whether budget referendums violate the town charter, Nelligan said, "I don't have an opinion."

"The board of selectmen has not asked my opinion on this," he said.

Charlene LaVoie, a lawyer representing the public who is hired by the Shafeek Nader trust, was among those who showed up for the meeting.

Referendums are legal, she said, because "state law takes precedence over a [town] charter."

John F. Gauger Sr., president of the taxpayers association, also planned to attend the meeting, but declined comment.

Besides McCabe, Democratic Selectman James A. Pettit and Selectman Francis J. O'Neill Jr., an unaffiliated voter, showed up. Absent were Democrats Nancy P. Habbal, John F. Gauger Jr. and Brian W. Sullivan and Walter D. Miller, an unaffiliated voter.

Sullivan, Gauger and Miller had worked successfully to defeat the town budget at two referendums earlier this year.

Sullivan had said Wednesday of the Thursday meeting that, "If in any way, shape or form they try to challenge the people's right to have a referendum, they should resign their public office."

The latest budget proposal for 1993-94, a $20.6 million spending plan for general government and education, calls for a tax increase of 0.72 mills, or 72 cents for each $1,000 of assessed property. It will be discussed at the budget meeting Tuesday at 8 p.m. in Gilbert School.

The annual budget meeting will adjourn to a referendum seven to 14 days from the date of the meeting.