No quorum for meeting on petition

7/2/93 By JUNE PETERSON
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WINSTED — With a majority of the board absent, selectmen yesterday failed to act on whether a petition calling for a referendum on the budget is legal.

Only three members of the seven-member board showed up for yesterday's special meeting. Mayor William H. McCabe and selectmen James A. Pettit and Francis J. O'Neill were present. Absent were John F. Gauger Jr., Nancy P. Habbal, Walter D. Miller and Brian W. Sullivan.

Selectmen were scheduled to discuss and possibly act on a petition for the budget referendum.

McCabe, who called the meeting, promised the 10 residents at the meeting the issue will be on the board's July 19 meeting agenda. "So, it is not something we're going to forget about," he said.

Although the next referendum is tentatively scheduled for July 17, McCabe said regardless of the outcome he will still ask selectmen to consider the legality of the petition process.

The Winchester Taxpayers' Association has filed a petition with more than 200 signatures in the town clerk's office to force a third referendum on the town's fiscal 1994 spending plan.

The petition in essence removes the vote on the budget from the call of the town meeting, and brings it to a referendum.

The adjourned town budget meeting is

See PETITION, page 16

Petition meeting to be rescheduled

(Continued from page 13)

Tuesday at 8 p.m. in The Gilbert School.

McCabe has questioned whether the town budget can be voted on at a referendum. The town charter states the sole power to adopt the annual budget rests in the town meeting, when voters may adopt the plan. McCabe believes the petition denies residents the right to amend the budget at the annual budget meeting as allowed by charter.

However, in 1989, the taxpayers association filed a petition to sidestep the annual budget meeting and bring the budget to referendum. Former town attorney Judith A. Dixon issued an opinion at the time that the budget could be decided at referendum according to state statutes.

"State law takes precedence over the charter," community lawyer Charlene LaVoie said yesterday. The community lawyer's office has assisted the taxpayers association in the past with drafting petitions.

Town Attorney Kevin F. Nelligan, who attended yesterday's meeting, said he had not been officially asked to research the issue, therefore he did not have an opinion yet. Selectmen have indicated the town may seek an attorney with expertise in municipal law.