

**MINUTES OF THE 6/22/2009
HVCEO MEETING
AT BROOKFIELD, CT TOWN HALL**

MEMBERS AND ALTERNATES ATTENDING

Bethel.....First Selectman Robert Burke
Bridgewater.....First Selectman William Stuart
Brookfield.....First Selectman Robert Silvaggi
Danbury.....Absent
New Fairfield.....Absent
New Milford.....Mayor Patricia Murphy, Chairman
Newtown.....First Selectman Joseph Borst
Redding.....First Selectman Natalie Ketcham
Ridgefield.....First Selectman Rudy Marconi, Secretary-Treasurer
Sherman.....First Selectman Andrea O'Connor, Vice Chairman

OTHERS ATTENDING

Brookfield Probate Judge Joseph Secola, New Milford Probate Judge Martin Landgrebe, Jon Chew of the HVCEO staff.

CALL TO ORDER / PUBLIC COMMENT

The meeting was called to order by Chairman Patricia Murphy at 12:20 PM, after which attendees recited the Pledge of Allegiance. There was no public comment.

DISCUSSION HIGHLIGHTS

The meeting discussion consisted of a single topic, a review of potential scenarios for the geographic consolidation of municipal probate courts. The highlights of the discourse are recorded below:

--- The facts as conveyed by various participants are that Connecticut, with 117 probate courts serving 169 towns, will soon see that number reduced. Public Act 09-114 as recently signed by Governor Rell reduces that number, consolidating them to no fewer than 44 and no more than 50 districts.

--- The Connecticut Probate Assembly, consisting of all current judges meeting as a statewide group, is working to have suggested consolidations ready for consideration by the new 13 member Probate Redistricting Commission created by PA 09-114. That temporary Commission will make a recommendation as to consolidation to the General Assembly by September 15.

--- Public Act 09-114 states that the municipalities within each new probate court district must in the aggregate contain a minimum population of 40,000 persons, using CT DPH population estimates. The latest estimates for Greater Danbury provided at the meeting were the CT DPH figures for 7/1/2007: Bethel 18,514; Bridgewater 1,884; Brookfield 16,413; Danbury 79,226; New Fairfield 14,100; New Milford 28,439; Newtown 26,790; Redding 8,840; Ridgefield 23,872; Sherman 4,110; Region 222,188.

--- There was general agreement that the new municipal groupings for Greater Danbury should aim for a higher population total than the minimum of 40,000. This is to maximize their viability and avoid pressure for further consolidation in future years.

--- Another criteria for approval of a new consolidated court is "annual weighted workload" (WWL) of at least three thousand. Current WWL and population figures were available from an agenda attachment during the meeting and were referred to.

--- An important option to consider for some towns is to retain a satellite court open part time to avoid having residents travel out of town for probate business. This does not allow for the retention of the original town probate judge on a part-time basis, as there will be only one judge allowed per new consolidated district.

Rather, the single probate judge, or delegated clerk, of the larger consolidated district may travel one or two days per week to the outlying town as a convenience to residents there.

--- The new legislation allows for some exceptions to population and WWL minimums, if tied to limitations such as the geographic accessibility of the probate court to residents of the proposed court district, the availability of municipal facilities to house the probate court, and communities of interest among municipalities sharing a proposed probate court.

--- Attendees stated that the extent to which the CT Probate Assembly's recommendations will have influence with the new Probate Redistricting Commission is not clear. No draft of state staff's vision of consolidation is public, but there is an assumption that their map is being readied and may supersede the recommendations of both the CT Probate Assembly and the temporary Redistricting Commission.

--- Most of the discussion at the meeting focused on what the geographic consolidation options could be for the Greater Danbury Area. These discussions are summarized by town as follows:

BETHEL'S CONSOLIDATION OPTIONS: Bethel could be a host court as there is experienced staff, sufficient space, and a relatively central location for several other towns.

Ridgefield and Redding expressed interest in this option, the two towns with Bethel having a combined population of 51,226, exceeding the minimum needed of 40,000. Newtown First Selectman Joe Borst stated that he had no indication his townspeople (population 26,790) would be interested in traveling west for a consolidated probate court to Bethel.

BRIDGEWATER'S CONSOLIDATION OPTIONS: Bridgewater is already well served by its joint district with New Milford.

BROOKFIELD'S CONSOLIDATION OPTIONS: To the north, New Milford is a willing host court and Brookfield is welcome to join there. The planned New Milford – Bridgewater – New Fairfield – Sherman consolidated court has a population base of 48,533 (but insufficient WWL). The New Milford district would be assured of greater viability if the Brookfield population of 16,413 were added, reaching 64,946.

Alternatively, the Brookfield court could be consolidated into the Newtown court, which would assist Newtown (base population alone at 26,790) in reaching a higher, more viable consolidated total.

Brookfield First Selectman Bob Silvaggi suggested that orienting towards Newtown may assist with the acceptance of Brookfield's application by Newtown to be part of the multi-town Newtown Health District, a parallel area of governmental consolidation that Brookfield is pursuing.

DANBURY'S CONSOLIDATION OPTIONS: Danbury was not represented at the meeting. And its current population base, 79,226, is large enough that serving as a host court to outlying towns is not necessary under the consolidation process.

However, members commented that Danbury Judge of Probate Diane Yamin's position was that while the City was not actively seeking additional municipal partners, such cooperation could be considered if there was a strong need by an adjacent town.

NEW FAIRFIELD'S CONSOLIDATION OPTIONS: The intent of New Fairfield is to consolidate its current joint court with Sherman into the New Milford – Bridgewater court, for a combined population base of those four towns of 48,533.

NEW MILFORD'S CONSOLIDATION OPTIONS: Other towns are welcome to consolidate in New Milford. A letter to that affect dated 6/8/2009 from Mayor Pat Murphy that previously circulated was referenced.

The four committed participants at present have a total population of 48,533. However, the annual weighted work load for the combination remains short of the needed 3,000, a lesser 1,948.

NEWTOWN'S CONSOLIDATION OPTIONS: Newtown First Selectman Joe Borst stated that Newtown would prefer its court remain open as a host court. But Newtown is too small (population 26,790) to remain alone under the new consolidation criteria. New court space at Fairfield Hills is being constructed and probate judge candidates are active for the fall election as the current judge is retiring, he said.

It was noted that an option proposed by Newtown's judge and included in this meeting's agenda attachment was for Newtown to serve as the host for Bethel, Brookfield, Redding and Ridgefield. This would achieve a population base of 94,429 and a WWL of 4,661.

But Ridgefield First Selectman Rudy Marconi's stated his view that Newtown on the eastern edge of the Region is too distant to serve as a host court for Ridgefield. Bethel or Danbury are the preferred central court locations for his town, he said.

REDDING'S CONSOLIDATION OPTIONS: Redding First Selectman Natalie Ketcham stated that her residents would much prefer the shortest travel distance to consolidate, which would be Bethel and not Danbury.

Also that Redding (8,840) is being courted to consolidate south to join the current Weston – Westport combined district (already 36,708) which is seeking additional municipal partners. However, that Redding would be better served by probate services remaining within the HVCEO region rather than having residents travel to coastal Westport.

Natalie Ketcham also stated that Ridgefield, Redding, Bethel and Newtown would make a good district, and that three of the four town leaders at this point saw a Bethel location as either most desirable or acceptable.

RIDGEFIELD'S CONSOLIDATION OPTIONS: Ridgefield First Selectman Rudy Marconi states that the best consolidation options for Ridgefield would be Danbury or Bethel, and that travel further east to Newtown would be too distant. An arrangement whereby a one or two day per week satellite court, with either a judge or a clerk operating in Ridgefield, might be workable. Nearby Wilton is already combined with Norwalk.

A key concern in Ridgefield (population 23,872) is reasonable geographic accessibility to an out of town probate court. There may be an exception possible under the new law as to minimum size for a Ridgefield probate court, as that community is up against the New York State Line and consolidation options are thereby greatly curtailed.

SHERMAN'S CONSOLIDATION OPTIONS: The intent of Sherman is to consolidate its current joint court with New Fairfield into the New Milford – Bridgewater court, for a combined population base of those four towns of 48,533.

NEXT STEPS

It was agreed that the topic of geographic consolidation of probate courts will need additional attention by mayors and first selectmen. Staff was directed to forward the minutes of this meeting to area legislators so that they are briefed on this initial discussion of consolidation options.

The legislators are to be asked in the transmittal memo for any insights they may care to offer as to how best to proceed.

ADJOURNMENT

On a motion duly made and seconded the meeting was adjourned at 2:35 P.M.