

**Charter Charge Committee of the Legislative Council
Wednesday, January 9, 2013
3 Primrose Street, Newtown, CT**

PRESENT: Jeff Capeci, George Ferguson, Daniel Honan, Kathy Fetchick, Dan Wiedemann

Chairman Wiedemann called the meeting to order at 7:50.

PROPOSED CHARGES: After reviewing the requested revisions it was determined that there is further review / research needed. Next meeting to be announced shortly.

One email from Michelle Embry Ku. After much discussion it was decided that Charter Section 6-13(b)(2) is unambiguous as to the intent.

Having no further business, the meeting was adjourned at 9:50 p.m.

These are draft minutes and as such are subject to correction by the Legislative Council at the next regular meeting. All corrections will be determined in minutes of the meeting at which they were corrected.

Proposed Charter Revisions

The following are a list of suggested changes from various Boards and Commissions:

Board of Selectman:

The Board of Selectmen recommends that a review commission consider the following modifications in their comprehensive review of our current charter language.

Boards/Commissions (add new language; modify existing language)

- Add language for Pension Board; Employee Medical Benefits Board
- Change/update language for Board of Fire Commissioners

Disposition of Property (modify current language)

- Eliminate sealed bid, public auction
- See Ridgefield Charter page 9, section 3-9

Budget not approved by end of fiscal year... (add new language)

“The Town shall operate under the budget authorization of the previous fiscal year until a new budget is passed by the referenda.”

Appropriations (modify existing language)

- Move action on special appropriations to the annual budget referendum for items that are at or exceed the current CIP limit of \$250,000.
- Eliminate Town Meeting except for Emergency Appropriations
- Define/differentiate Special Appropriations vs. Emergency Appropriations

Commission on Aging:

The only change we would like to have made is in Section 21-16, Focus of Commission. This Section presently reads as follows:

"In exercising its powers and carrying out its duties, the Commission on Aging shall place primary (but necessarily exclusive) emphasis on the needs of persons 50 years or older."

We wish to have this changed to:

"In exercising its powers and carrying out its duties, the Commission on Aging shall place primary (but necessarily exclusive) emphasis on the needs of persons 60 years or older."

As you will note, the only change is the age of persons on whom we should place primary emphasis in carrying out our duties from 50 to 60. The reason for this is that:

- the State of Connecticut defines an elderly person as being 60 years of age or older,
- the last paragraph of ARTICLE I of our bylaws states that we are to place our primary emphasis on the needs of person 60 years of age or older, and
- the Senior Center's informational pamphlet, which is readily available there, states that "any senior 60 years old, or 55 and disabled, is eligible to come to the Center".

Public Buildings and Site:

We feel that the Charter is too ambiguous and a much more defined application is needed. I believe that we have shown a clear and appropriate methodology to allow town projects to be delivered on time and within an appropriate budget. We need to be brought into the projects on day one.

PUBLIC BUILDINGS & SITE COMMISSION RECOMMENDATIONS FOR ROLES AND RESPONSIBILITIES

Types of Projects

1. New construction, renovations or maintenance projects regardless of costs; Public Works projects such as roads and sewers are excluded;
2. Projects which have a high visibility in Town regardless of cost;
3. Projects which require the coordination of two or more Town departments or agencies;
4. School projects which will obtain reimbursement from the State;
5. School projects which fall within the State guidelines requiring an independent Building Commission for oversight;
6. Projects on Brownfield sites;
7. All projects at FHH Campus;

Referral of Projects

1. Projects are referred to the PB&S Commission through the Board of Selectman. The BoS may make the determination of the projects to be referred directly or following a request by another Town agency.

Receipt of Projects

1. Projects should be referred to the PB&S Commission at the earliest possible time. The project does not necessarily need a confirmed funding source or all potential approvals. These may be developed through the PB&S process.
2. Potential projects should be presented to and reviewed by the BoS and if the project is deemed as a possible reality, referred to the PB&S Commission immediately for implementation.

Management of Projects

1. Each potential project will be reviewed by the PB&S Commission to determine if it is appropriate for management by PB&S.
2. If it is accepted, the project will be assigned to one of the Commission members who will take the lead in following the path of the project through the Town process. The lead member will make reports to the full Commission on the status of the project. The member will attend appropriate Town meetings, meetings with the project sponsors to obtain a thorough understanding on the scope and complexities of the project. The Commission will determine if an Ad Hoc committee of the Commission is required.
3. The Commission may determine that the project is not appropriate for the Commission. If this is the case, the lead will make a presentation to the BoS with the rationale for the determination. The BoS may then either keep the project with the Commission or determine that the Commission is not required for the project.

General Responsibilities

1. Review reports, preliminary studies, etc presented to Town agencies to request a project; make appropriate recommendations based on the reports;
2. Assist the Town or agencies in the selection of professional services firms required for the project. This would include architects, engineers, contractors, construction managers, and other consultants appropriate to the project; Prepare the Requests for Proposal or Qualifications (RFP and RFQ); Assist the Town with the preparation of the advertisement for bids;
3. Make a recommendation for selection; PB&S will chair the A/E/C interview process and document the interviews;
4. Review programs, plans, design documents, construction documents, cost estimates etc to determine if they are in keeping with the approved project scope;
5. Review bid documents;
6. Review construction bids and make recommendations in conjunction with the project professional consultants;
7. Review the progress and status of construction through a Clerk of the Works engaged by the Town;
8. Recommend payment of construction Application and Certifications of Payment in amount commensurate with the progress of construction;
9. Recommend acceptance of projects as Substantially Complete;
10. Recommend projects as ready for occupancy and acceptable to the Town;

Economic Development Commission

The only changes discussed were possible ones in Section 7-90—Acquisition or Disposition of Real Property controlled by the town.

It seems to us that the present process is much too cumbersome and outdated to be effective. As you know, that section of the charter provides that any such acquisition taken for non-payment of taxes may only be “reserved for 90 days.” That would be especially difficult to do in three months if the town acquired parcels (such as Batchelder or Sandy Hook Auto-Marine) with the intent of cleansing the property of pollution (via state or federal grants) before selling it for return to the tax rolls.

Beyond that problem -- and of much more concern-- is the process for selling or leasing town-owned land such as the Newtown Tech Park and those portions of the Fairfield Hills campus earmarked for commercial-industrial development. The present procedure demands that such real property shall be sold only by “sealed bid...or public auction.”

The EDC is tasked in our new Plan of Conservation and Development, as approved by the selectmen and Legislative Council in 2011, to raise the C-I portion of the Grand List within five years by one percent. That will be much more difficult if we have to encourage private developers interested in acquiring town-owned lands to work through the labyrinth of existing town regulations, procedures and permits required for those, and other such properties, with the hope that they can compete against latecomers to buy the property by sealed bid or auction. Potential buyers have expressed interest in the Tech Park and FFH only to walk away from the current situation.

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There has to be a better way for the town to dispose of unneeded property while protecting residents' rights and we hope that a charter panel will be tasked with doing that.

Appointive Boards Not Listed In The Charter:

- Pension Board
- Employee Medical Benefits Board
- Commission on Aging
- Borough Officials
- Charter Communications
- Charter Revision Commission(s)