

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION COMMISSION

The Charter Revision Commission held a meeting on Tuesday, September 30, 2014 in the Council Chambers at the Municipal Center, 3 Primrose Street, Newtown, CT. Chairman Jeff Capeci called the meeting to order at 7:30pm.

Present: George Guidera, Kevin Burns, Jeffery Capeci, Robert Hall, Tom Long, James Ritchie, Deborra Zukowski, Dan Wiedemann, Eric Paradis

Also Present: Town Attorney David Grogins and two members of the press

VOTER COMMENTS: NONE

MINUTES: Mr. Paradis moved to approve the minutes of the regular meeting of 9/9/14. Mr. Weidemann seconded, motion unanimously approved.

COMMUNICATIONS – Jeff Capeci emailed Bob Geckel, Chairman of the Cyrenius H. Booth Library-Board of Trustees. They will be coming to a meeting at a near future

NEW BUSINESS

Charter Property disposition Sections: 7-90 and 7-90D – Mr. Capeci explained that the charge is to look at 7-90 and 7-90D. Attorney Grogins explained that there is no particular problem he has come across concerning this section of the charter. There are situations where there are town owned properties acquired over the years, some has been small lots in summer communities. People who lived next to the property have wanted to acquire it. They had to go through an elaborate sealed bid and that person was the only bidder. The real time that they had issues, the town came up with an elaborate procedure to resolve it was for FFH with the proposed leasing of the properties. Under the 7-90 rule, they would have had to go to a sealed bid or public auction to dispose of those properties. Sealed bids and public auction relates to the idea that the monetary consideration the town would receive would be the primary factor. When it comes to FFH, the function that the prospective tenant would serve in terms in the overall concept at FFH was more important than the monetary compensation. The solution was the passage of the special act of the legislature. It works but it is more elaborate than it needs to be. Charter revision commissions are not done every year, it was not possible to amend the charter. Attorney Grogins explained that he has worked with other towns where the procedures were much less elaborate. Ridgefield's charter is very simple and works very well. He is involved in a sale of a substantial piece of property in Ridgefield. The town did not put it out to public bid and put forth an RFP asking for concepts for proposals. Once they narrowed it down, they had further discussions with bidders because simple monetary compensation was not an issue. The purpose of acquiring the property was to control it. He is in favor of a simple solution rather than an elaborate one.

Bob Hall asked Attorney Grogins what his opinion is whether a town can sell land that it acquired in open space in a subdivision. Attorney Grogins explained that normally what happens is that the town acquires property for open space. It can adopt an ordinance to allow the open space controlled by the Conservation Commission or Wetlands and they are given jurisdiction of the property. They can vote to dispose of the property.

Deborra Zukowski stated that Ridgefield uses a town meeting. She asked for other examples that do not use town meetings. Attorney Grogins said that most towns he has dealt with do use a Town meeting for the disposition of property. He doesn't advocate Town Meetings. Most are attended by a very few interested parties.

Dan Weidemann asked if one of the reasons for a sealed bid was to eliminate the illusion of sweet heart deals. Attorney Grogins replied that any disposition of town owned land needs to go to a public hearing. That was the legislatures fix on that issue.

Kevin Burns asked if Newtown has every sold any property pursuant to 7-90. Attorney Grogins replied that all the property on Queen Street and Mile Hill south were sold at public auction. A few small properties have been done by public auction but there was only one bidder.

Deborra Zukowski stated the special act that was created for FFH, it said in it - until such time as the charter is able to handle the dispositions. If the charter handles it, will that make the special act null and void? Attorney Grogins replied that that is not correct. In general rule, charters take precedence but you would have to see conflict. If this body would adopt a charter provision to allow disposition in a different manner, it would be not trump the special act.

George Guidera asked Attorney Grogins if there is a procedure that he can recommend to them that would simplify. Attorney Grogins replied that he recommends a simple procedure, after public hearing allow the disposition of property at the direction of BOS or LC in a particular manor. If people felt uncomfortable with the disposition of substantial property, they could put in a floor under it over which they would have to have more general consensus, town meeting or referendum.

Jeff Capeci explained that they need to protect the public's interests to assure that a sale is made openly and in the best interest of the town, but we also don't want to tie the leader's hands to make the best decisions at the public interest. Bob Hall will work on section 7-90. There will be some dispositions that wouldn't require all the rigmarole and others that do. Taxable land should be put back on the rolls as soon as possible.

Reorganization of the Charter – Deborra Zukowski and Kevin Burns will look at the reorganization of the charter so it flows better and makes more sense.

UNFINISHED BUSINESS

Rules of the Charter Revision Commission - tabled

VOTER COMMENT - NONE

ANNOUNCEMENTS – Deborra Zukowski expressed disappointment in public attendance of the meetings. She suggested social media such as a Face Book Page or a website to try to get more people to provide their two cents and have the public understand where the commission is coming from.

George Guidera articulated that his guess would be the vast majorities of citizens are happy with the charter as it. You are not going to get much input or comments until the time changes are proposed. He is not against broadcasting but thinks sticking with the town website is the way to go.

Jeff Capeci explained that the majority of the meetings that occur are recorded and posted on-line. Finding a way to let more residence know that we are being recorded, that they can call us, or e-mail us. That would attract people from all demographics to participate in this charter revision process.

The October 7 meeting will be held at the senior center.

Having no further business, the meeting was adjourned at 8:45pm

Respectfully Submitted,
Arlene Miles, Clerk