

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION COMMISSION

The Charter Revision Commission held a meeting on Tuesday, October 7, 2014 in the Multipurpose Room at the Senior Center, 14 Riverside Road, Sandy Hook, CT. Chairman Jeff Capeci called the meeting to order at 7:30pm.

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

Absent: Deborra Zukowski, James Ritchie

Also Present: One member of the public and one member of the press

VOTER COMMENTS: NONE

MINUTES: Mr. Wiedemann moved to approve the minutes of the regular meeting of 9/30/14. Mr. Paradis seconded, motion unanimously approved, with the correction that Tom Long was not present.

COMMUNICATIONS – Jeff Capeci received an e-mail from Bob Geckel of the CH Booth Library Board of Trustees and he will speaking to the CRC at the October 28th meeting. Jeff Capeci also received an email from Paul Mangefico in response to his email with regard to the Police Commission and the constables. He spoke to Chief Kehoe and they do not know what these constables do. They will try to find out and report back their findings. As far as he understands, they have no modern police powers or authority.

NEW BUSINESS

Charter Charge Items Categorized under Board Composition –Tom Long, Eric Paradis and Dan Wiedemann will work on this category.

UNFINISHED BUSINESS

Rules of the Charter Revision Commission – Kevin Burns moved to accept the rules of the Charter Revision Commission, George Guidera seconded. Motion unanimously accepted with changes (Attachment A).

Charter Property disposition sections: 7-90 and 7-90D – Bob Hall worked on this section. He looked at how property is acquired and does the method of acquisition change how you would dispose of it. If it is open space on a subdivision, it is a special matter and needs to be treated separately. If it acquired by taxes, it is the presumption you would want to get it back on the tax roll.

He then reviewed his proposed changes (Attachment B).

George Guidera suggested that there should be a provision that says before the town sells property they shall obtain a professional appraisal.

Kevin Burns suggested that this should be sent around to the commissions that deal with it and get their input.

Tom Long questioned asked for clarity on section A, Open space, issues where there are small pieces of land under 5 acres. The presumption that was put in is that if it was 5 acres or more it has value.

Dan Wiedemann asked for clarification about the 10 year hold on subdivision open space. Bob Hall replied that the town took it at some point because it was valuable. They got the developer to give some decent land to the town. Bob Hall's thoughts was to give them 10 years of experience to see how things are going. If no one seems to care after 10 years, then let's sell it. Dan Wiedemann's concern is - do you want to handcuff EDC. He is questioning if there should be a way out of the 10 year restrictions? Jeff Capeci articulated that the trade for equal open space would be the open loophole fitting for that type of transaction.

Reorganization of the Charter – Tabled

VOTER COMMENT - NONE

ANNOUNCEMENTS – The next meeting will be held on October 29 in the Council Chambers in the Municipal Building.

Having no further business, the meeting was adjourned at 8:56pm

Respectfully Submitted,
Arlene Miles, Clerk



TOWN OF NEWTOWN

RULES OF THE NEWTOWN CHARTER REVISION COMMISSION

1. OFFICERS

- A. The Chair and Vice Chair shall be elected by a majority of the Charter Revision Commission (CRC). The Chair or, in his/her absence, the Vice Chair, shall preside at all meetings of the CRC. ~~He/she shall call the meeting to order promptly at the noticed time by requesting those present to pledge allegiance to the Flag of the United States of America.~~
- B. To avoid repetition in these rules, wherever there is reference to the Chair performing a function, said reference shall include the Vice Chair in the absence or incapacity of the Chair.

Comment [JC1]: More appropriately stated in section 3.

2. CLERK

- A. The CRC shall appoint a Clerk who is not a member of the CRC. The Clerk shall: maintain an accurate record of attendance, including the ~~time of~~ arrival and departure ~~times~~ of members ~~who are not present for the entire meeting~~; record all votes and other actions of the CRC; produce accurate minutes of each meeting; prepare the agenda and notices of all regular and special meetings or cancellations at the direction of the Chair; and perform any other administrative duty as the CRC from time to time directs.
- B. The clerk shall file the agenda for CRC meetings with the town clerk per the Connecticut Freedom of Information Act (Sec. 1-225 of CT General Statutes) and distribute it to the membership within 24 hours of the start of the meeting.
- C. The Clerk shall file motions and/or minutes with the Town Clerk per the Connecticut Freedom of Information Act and distribute them to each CRC member prior to the start of the next regular meeting.
- D. The Clerk shall also be responsible for the preparation and maintenance of a permanently bound set of CRC records, which shall be filed in the Town Clerk's office upon the completion of the CRC's work.

3. MEETINGS

- A. The chair shall call the meeting to order promptly at the scheduled meeting start time.
- B. After the meeting is called to order, the membership shall pledge allegiance to the flag of the United States of America then roll call shall be taken.
- C. ~~The first business item to be acted upon at regular meetings shall be any outstanding minutes from previous meetings.~~
- D. The order of business may be changed at the discretion of the Chair.

Comment [JC2]: Minutes from past meetings are always the first item to be acted upon in regular meetings.

RULES OF THE NEWTOWN CHARTER REVISION COMMISSION

D.E. ~~Only the business that appeared on the posted agenda can be acted upon during special meetings.~~

Comment [JC3]: Per FOIA.

4. VOTER COMMENT

~~The CRC desires to allow as much voter participation as is possible, consistent with the CRC carrying out its own responsibilities to deliberate and act, believing that voter participation should generate information and opinions, while arguments and debates shall be presented for CRC deliberation. The rules set forth below are intentionally broad in the hope that the voters' sense of responsibility, rather than the rules, will be the limiting factor in allowing the CRC to achieve a balance between the voters' contribution and its own responsibilities.~~

- A. Within the limits established herein and by the Newtown Charter, any person eligible to vote at a Town Meeting of the Town of Newtown may speak at any regular or special meeting on items on the agenda during the first voter comment and on any item they wish during the second voter comment.
- B. Participants will limit their comments to five minutes in length, unless, at the discretion of the Chair, allowed to speak longer. ~~The length of time of the Voter Participation Comment periods may extend to 30 minutes where voters shall desire to speak for the first time. The Chair, at his/her discretion, may extend the Voter participation Comment period beyond 30 minutes.~~
- C. Each voter wishing to speak shall ask the Chair to be recognized. Upon being recognized, each voter shall state his/her name and address and the item he or she will address. No voter shall be allowed to speak for a second time until all the voters wishing to speak have been heard once.
- D. The rules set forth under section 4 of these rules shall apply to CRC meetings only and not be a limitation upon the method of conducting public hearings.

Comment [JC4]: The Commission felt comfortable that the chair would be able to manage under these rules without unjustly cutting off speakers.

5. MOTIONS AND AMENDMENTS

All motions, resolutions and amendments on Agenda items shall be presented to the Clerk in writing if the Chairman or a majority of the CRC so desires.

6. DEBATE

- A. No CRC member shall speak more than once on a question until each member choosing to speak shall have had an opportunity to speak once. ~~No individual shall hold private discourse during debate, when the Chair is speaking, or while a voter is speaking during Voter Comment.~~
- B. No motion having the effect of closing debate shall be in order until every member who wishes to speak on the motion under discussion has had at least one opportunity to do so.
- C. ~~Nothing in the above rules shall prevent elected/appointed Town officials or members of boards or commissions of the Town of Newtown having an interest in an agenda item from participation after being recognized by the Chairman.~~

Comment [JC5]: Commission generally believes the individual members will be mindful not to be disruptive and quiet, respectful discourse between member can be helpful at times.

Comment [JC6]: The Commission generally had no problem with this statement and did not think there was a better section in the to move it to. Generally this paragraph means that other public officials having interest in items on the agenda will have the opportunity to engage interactively with the Commission (as opposed to one-way comment. As chair, I have invited all and we've heard from most public officials with interest in our charge. I will continue to facilitate

RULES OF THE NEWTOWN CHARTER REVISION COMMISSION

7. VOTING

It shall be the duty of every CRC member present to vote affirmatively or negatively on each question raised unless that member feels that he has an actual or possible conflict of interest that prevents him from acting. Unless the vote is unanimous, the "yeas" and "nays" of each member shall be recorded by the Clerk. Members who cannot physically attend a meeting, but are able to participate in an agenda item discussion in its entirety, and hear and can be heard by all, may participate and vote by telephone or other electronic means that allows two-way communication.

8. DISCUSSION OF MATTERS NOT ON THE AGENDA

- A. After all agenda items of a regular meeting have been completed, matters not on the Agenda may be raised by members of the CRC and discussed.
- B. ~~Upon~~ ~~At a regular meeting and upon~~ the affirmative vote of two-thirds of the members of the CRC present and voting, any subsequent business not included the ~~filed-posted~~ agenda may be considered and acted upon.

9. ROBERTS RULES OF ORDER

Except as otherwise specifically provided by these rules, all meetings shall be conducted in conformity with the latest version of Roberts Rules of Order. It shall be the responsibility of the Chair to have a copy of Roberts Rules available for each meeting.

10. AMENDMENTS

These rules may be amended at any meeting by majority of at least ~~six-five~~ affirmative votes. All CRC members shall receive a written copy of the proposed amendment prior to the vote.

11. SUSPENSION OF RULES

The rules shall not be suspended at any meeting of the CRC except upon a two-thirds vote of those present, and the motion to do so shall state specifically what rule is proposed to be suspended and for what purpose, and the question shall be decided ~~without debate or amendment.~~

Comment [JC7]: Per Roberts Rules

12. RECORDING, BROADCASTING OR PHOTOGRAPHING MEETINGS.

Pursuant to the Connecticut Freedom of Information Act, radio, recording, television, or photographic equipment may be so located within the meeting room so as to permit the recording, broadcasting, or photographing of the proceedings. The recorder, broadcaster, or photographer shall be required to handle the recording, broadcasting or photographing in as

RULES OF THE NEWTOWN CHARTER REVISION COMMISSION

inconspicuous a manner as possible and in such a manner as not to disturb the proceedings.
Therefore:

- A. Microphones must be located in a single location prior to the meeting and may not be moved within the seating area of the CRC without the permission of the Chairman. Cameras may be used outside of the seating area of the CRC.
- B. During meetings, reporters and other persons of the media and public must remain outside the seating area of the CRC and may not converse in private with members of the CRC during the meeting.

7-90 ACQUISITION OR DISPOSITION OF REAL PROPERTY

ACQUISITION OF REAL PROPERTY

The Town shall have all the powers set forth in the Connecticut General Statutes to acquire real property and any interest in real property. These powers include acquisition of:

- A. Real property, easements and any other interests in land, required to be dedicated to the town for open space or other purposes by the planning and zoning commission in connection with approval of the subdivision of land;
- B. Real property for non-payment of taxes, including by foreclosure, by summary foreclosure or by public sale by the tax collector which does not produce a bid in excess of the amount of tax, interest and fees due and owing on said parcel;
- C. Real property, easements and any other interests in land by purchase from the owner or by gift by the owner; and
- D. Real property or an interest in real property by exercise of the Town's power of eminent domain.

SALE OR DISPOSITION OF REAL PROPERTY ALREADY OWNED BY THE TOWN

The Town shall take the following steps in order to sell or otherwise dispose of real property, other than real property acquired for non-payment of taxes or for open space:

- A. The First Selectman, with the approval of the Board of Selectmen shall have the right to propose the sale or other disposition of Town owned real property. The Legislative Council shall also have the right to propose sale or disposition of Town owned real property provided that said action is by a two-thirds vote of the entire membership of the Council.

B. In order for the sale or disposition to move forward the Legislative Council must find by a two-thirds vote that (A) the real property in question is excess land not needed for municipal purposes now or in the foreseeable future, or (B) the sale or disposition of the Town owned land is for the purpose of facilitating acquisition of land for a project already funded which is more suited to accomplishing said project than the land already owned. Prior to making said finding the Legislative council shall hold a public hearing --[I would propose a public notice section of the charter to which cross references may be made--“noticed in accordance with section ____” but in the absence of such a cross reference]-- notice of which shall be given by posting a notice in the town clerk’s office and on the town website at least 15 days prior to the date of the public hearing, and by publication in a newspaper having a substantial circulation within the Town twice, the first not more than 15 nor less than 10 days prior to the date of the public hearing, and the second not less than 2 days prior to the hearing.

C. If the disposition of a parcel of land is in connection with a proposal to acquire other land of equal or greater use for municipal purposes, and the land already owned by the Town can be swapped for some or all of the land which the Town seeks to acquire, the value of the owned land being swapped shall be considered as an in-kind payment for which an appropriation is required.

D. If the Legislative Council finds that the real property is excess and not needed for town purposes, or that the sale or disposition will facilitate acquisition of land of greater use, the First Selectman shall refer the proposed sale or other disposition to the planning and zoning commission under the “mandatory referral” (Sec. 8-24 CGS) requirement of the CGS;

E. Following action by the P&Z on the mandatory referral, the Legislative Council must vote to sell or otherwise dispose of said land by the requisite number of votes, with or without conditions, and if it so votes the First Selectman is authorized to take all steps necessary to sell or otherwise dispose of said real property subject to said conditions, if any in accordance with the procedure set forth herein.

SALE OF REAL PROPERTY ACQUIRED FOR NON-PAYMENT OF TAXES

A. After title to real property has been acquired by the Town for non-payment of taxes and all periods for redemption have expired, said real property shall be sold unless, within 90 days of title becoming absolute in the Town, the Legislative Council shall find by a two thirds vote of its entire membership that said real property should be retained for a specific town purpose. Prior to making said finding the council shall refer the proposed retention of title to the P&Z as a mandatory referral pursuant to Sec. 8-24 CGS.

B. In the absence of a finding that the real property should be retained for a specific town purpose the First Selectman shall take all steps necessary to sell or otherwise dispose of said real property in accordance with the procedure set forth herein.

SALE OR DISPOSITION OF REAL PROPERTY CONSTITUTING OPEN SPACE

A. Circumstances may be found to exist where real property originally acquired as open space in connection with approval of a subdivision by the P&Z no longer has value for purposes of open space. It shall be presumed for purposes of this section of the Charter that at least ten years must have passed since the subdivision map was filed in the town clerk's office before it could be found that said open space land no longer has value for purposes of open space, and that where said open space land, or said land in conjunction with other contiguous open space land, exceeds five acres there is open space value regardless of how much time has passed since the subdivision map was filed in the town clerk's office.

B. The Town shall make and keep an inventory of all open space land which has been held as open space for at least ten years which is, or is part of a larger piece which is, less than five acres in size, and said inventory shall be available for public inspection at the office of the First Selectman and at the land use department.

C. If a person offers to purchase a parcel of land on said list the proposed purchase shall be referred to the P&Z as a mandatory referral pursuant to Sec. 8-24 CGS. Subsequent to a response from the P&Z or the expiration of the time within which a response is required without a response, the Legislative Council must find by a two-thirds vote of the entire membership that said land no longer has value as open space. If the Legislative council so votes the sale shall be conducted under the same procedure as provided for land already owned by the Town.

~~a) The First Selectman with the approval of the Board of Selectmen and with the approval of the Legislative Council may discontinue any highway and no Town meeting shall be required for such discontinuance. —~~

- b) ~~The Legislative Council, subject to there being appropriations for the specific purpose in the annual budget or by a special appropriation pursuant to Section 7-80 (a) of this Charter, may authorize the purchase or acquisition, including without limitation the acceptance of gifts, with or without conditions, of real property or interests in real property for all Town purposes other than those described in subsection 3-30 (a) (6) of this Charter, the acquisition for nonpayment of taxes described in subsection (c) of this section and open space, parks and playgrounds recommended for acceptance by the Planning and Zoning Commission but not within its power to accept by the provisions of subsection (e) of Section 2-90 of this Charter. Following a decision by the Legislative Council to acquire such real property or an interest in real property, the Board of Selectmen shall authorize an officer, board or commission to act on behalf of the Town in such acquisition. _____~~
- c) ~~Following the acquisition of real estate by the Town as a result of non-payment of taxes, the Legislative Council may, for a period of 90 days thereafter, vote to reserve said property for Town purposes, provided that if the amount of the tax, interest, lien, fees and other costs exceed \$50,000, the Legislative Council may recommend such reservation to a Town Meeting, which shall then have the power to act on such reservation for said 90 day period. _____~~
- d) ~~All sales of real property acquired for non-payment of taxes and not reserved for Town use within 90 days as set forth in subsection (c) of this section shall be sold either at public auction or by sealed bid as determined by the Tax Collector. A permanent record of each transaction involving property so acquired shall be maintained by the Tax Collector in accordance with the provisions of the General Statutes. _____~~
- e) ~~The sale, abandonment, lease or other disposition of Town-owned real property or interests in real property shall require the approval of a Town Meeting but such approval may be made only by the Town Meeting following a recommendation of such sale, abandonment, lease or disposition by the Legislative Council. Following such approval, the First Selectman shall carry out such sale, abandonment, lease or other disposition, subject to the requirements of subsections (f) to (h), inclusive, of this section. _____~~
- f) ~~All sales, leases or other disposition of real property or interests in real property authorized in accordance with subsection (e) of this section, shall be by sealed bid unless the Board of Selectmen directs that a particular sale be by public auction. If the authorization of the Town Meeting is contingent upon obtaining a particular price, no bid less than the amount approved by the Town Meeting may be accepted. _____~~

PROCEDURE FOR SALE OF REAL PROPERTY

A. The First Selectman, with the approval of the Board of Selectman, shall determine whether sale by public auction or private sale is in the best interest of the Town. ~~—— A. All sales, leases or other dispositions of real property or interests in real property conducted by sealed bid or public auction, whether of property acquired for taxes or otherwise, shall be conducted in accordance with the following procedure:~~

B. If the decision is to sell the real property at public acution, nNotice of such sale, including the terms thereof, shall be advertised in a newspaper having a substantial circulation in Newtown and the surrounding area at least twice, with the first such notice ~~not less than 14~~ at least 30 days prior to the date sealed bids are due or the auction is to be held.

1. The successful bidder at the auction shall submit a deposit of ten percent of the successful bid immediately after the auction is ended, with the balance due within 30 days of the close of the auction, which date may be extended for up to an additional 30 days by the Board of Selectmen if it finds there are extenuating circumstances. ~~All bids shall be accompanied by a deposit of 10% of the amount of the bid in cash, certified or bank check except that at sales by auction such deposit shall only be required of the successful bidder at the time his bid is accepted. In the event that the bidder who is accepted, following submission of sealed bids or at public auction, does not tender the balance of his/her bid within 30 days after the acceptance of his/her bid, the amount so deposited by him/her shall be retained by the Town as liquidated damages and the Town shall forthwith be free to re-advertise and resell said property pursuant to procedures set forth herein, without further obligation to the original successful bidder. The Board of Selectmen may extend the 30 day period for 60 additional days if it finds that such default by the acceptable bidder has occurred through no fault of said bidder. If the successful bidder at auction is unable to make such 10% deposit immediately upon acceptance of his bid, the property shall be forthwith re-auctioned until the sale can be completed in the manner prescribed herein, with such previous said bidder or and his/her agent shall be disqualified from future bidding at any re-auction of said real property anything less than his/her first successful bid. If said deposit is made but the successful bidder does not close within said time limits for any reason, time being of the essence, said deposit shall be retained by the Town as liquidated damages, and the Town shall be free to start the sale process again.~~

2. All other terms under which the sale is conducted shall be determined by the First Selectman with the concurrence of the auctioneer.

C. If the decision is made to sell the real property by private sale the price and terms of the contract of sale, subject to the terms of this paragraph, shall be established by the First Selectman with the approval of the Board of Selectmen and confirmed ~~Where the First Selectman with the approval of the Board of Selectmen finds following Town Meeting approval of sale, lease or other disposition of real property or interest therein that it is in the best interest of the Town to conduct a private sale rather than a sealed bid or auction, it may authorize the sale, lease or other disposition of such real property or interest therein by private sale after reasonable notice of such proposed~~

action, subject to approval by affirmative vote of two-thirds of the entire authorized membership of the Legislative Council. Said notice shall be published in a newspaper having substantial circulation in the Town at least twice and shall describe the property or the interest therein being sold or leased and shall contain the price of the proposed private sale. It shall be a condition of any such proposed private sale that if a higher offer or offers are received from responsible offerors during the 10 days following publication of the first legal notice, that said private sale shall not be consummated and such property shall be sold to the highest such responsible offeror subject to further publication, the 10 day waiting period and the receipt of even higher offers, and provided, prior to starting the publication process over again, the offeror, whose offer is then being accepted, shall pay all costs of the Town incurred in connection with such sale. Publication shall occur within 10 days of the expiration of the original 10 day period. The foregoing publication procedure and 10 day waiting period shall be followed for each subsequent offer accepted by the Town. Any such contract of sale shall contain a provision to the effect that if the buyer fails to close on the date set for closing in the contract (or as extended by agreement between the Town and the buyer) the Legislative Council may declare the contract terminated if not closed by a date certain, not more than 14 days from the date of the vote, time being of the essence. If the buyer fails to close by said "time of the essence" date the buyer shall be in breach of the contract and any deposit held by the town shall be retained by the Town as liquidated damages.