

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION  
COMMISSION

The Charter Revision Commission held a special meeting on Monday, November 16, 2015 in the Old Court Room at Edmond Town Hall, 45 Main Street, Newtown, CT. Chairman Jeff Capeci called the meeting to order at 7:00pm.

PRESENT: Jeff Capeci, Tom Long, Dan Wiedemann, Eric Paradis, Kevin Burns, Deborra Zukowski

ABSENT: George Guidera, Jim Ritchie

Also Present: Mary Ann Jacob, Phil Carroll, Dan Amaral, Dan Honan, Neil Chaudhary, Bob Merola, Eve Bermudez, George Ferguson, Paul Lundquest, and Chris Eide

**Voter Comment** – None

*Legislative Council recommendation for changes to the draft charter*

Ms. Zukowski brought prepared a reduced version of Chapter 8. There is language in the proposal to initiate an ordinance 6 month after the charter goes into effect. Attachment A is revised charter with the changes made during the meeting.

Ms. Zukowski moved that they accept this version of Chapter 8 and replace it in the current draft. Dan Wiedemann seconded, motion unanimously approved.

1-05(a) –refers to Town Department. Town Department is essentially a cost center. Town Department was deleted and Town was replaced.

2-15(d)(9) – Town Department was changed to Town Body

4-25(a) – “and its departments” was deleted and added “any Town Bodies” was added.

1-15(a)(6) – Added “Or any other body or group which is designated a Town Body by the Legislative Council” at the end of the sentence.

6-25(b)(2)(i) –Was changed to: It shall have the power by a majority of at least six (6) affirmative votes to reduce any item or increase any item up to the Recommended Board of Finance Budget. To increase any item above the Recommended Board of Finance Budget shall require a majority of at least eight (8) affirmative votes;

1-25(a)(7) Now reads “Town Department: The term “Town Department” shall include for example, the offices of Tax Collector, Town Clerk, Assessor, Registrar of Voters, The Public Works Department and Board of Education Department and each Town Body to which funds are appropriated in the Town Budget and any other body or group which is designated a Town

Department by the Legislative Council on or before October 1<sup>st</sup> in the year prior to the adoption of the Town Budget”

2-10 – Town Department was added

3-15(a)(3) Added “ A Board of Finance consisting of six members.”

Mr. Paradis moved to accept draft charter, ensuring cross references are correct and accepting all changes. Mr. Wiedeman seconded, motion unanimously approved.

Having no further business, meeting was adjourned at 10:19pm

Respectfully submitted,  
Arlene Miles, Clerk

1 **Chapter 8 - ACQUISITION OR DISPOSITION OF REAL PROPERTY**

2 **8-01 General Provisions**

3 (a) Definitions: The following terms shall have the meaning ascribed to them below.

4 (1) **Real Property:** The term "Real Property," as defined herein, shall include any town-  
5 owned parcel of land, structure, or interest in such land or structures. The term **Real**  
6 **Property** shall not include parcels with an appraised value of less than \$20,000 nor  
7 leases that have terms, with options, of less than 5 years.

8 (2) **Acquisition:** The term "Acquisition" shall include, without limitation, the

9 (i) Receipt of real property as a result of non-payment of taxes or **property exchanges**,

10 (ii) Acceptance of gifts, with or without conditions,

11 (iii) **Acceptance of a leasehold**, or

12 (iv) Purchase of real property.

13 (3) **Disposition:** The term "Disposition" shall include the sale, **exchange**, abandonment, or  
14 other disposition of **Real Property** and shall also include any decision to permit leases  
15 of **Real Property**. The **Disposition of Real Property** shall be restricted to:

16 (i) **Real Property** that is **excess land** not needed for municipal purposes now or in the  
17 foreseeable future,

18 (ii) **Real Property** that is required to facilitate the acquisition of improved or  
19 unimproved **Real Property** for a project already funded, or

20 (iii) **Real Property** that is not under the management of another **Town Body**, as  
21 provided for in this Charter.

22 (b) The **Town** shall have all the powers set forth in the General Statutes and in this Charter to  
23 acquire and dispose of **Real Property**. **Detailed processes or procedures for the**  
24 **Acquisition and Disposition of Real Property** shall be provided for in **Town** ordinances. **If**  
25 **such ordinances are not available, the Legislative Council shall initiate the creation of such**  
26 **ordinances within 60 days of the effective date of this Charter. Such ordinances shall include**  
27 **the be consistant with** requirements provided in Sections 8-05 and 8-10. **The Town shall**  
28 **also have regulations for** parcels with a value of less than \$20,000 or leases that have  
29 terms, with options, of less than 5 years **Sections 8-05 and 8-10 need not apply. If such**  
30 **regulations are not available, the Town shall provide such regulations within 180 days of**  
31 **the effective date of this Charter.**

32 (c) If the transfer of **Real Property** provides consideration, in whole or in part, for the  
33 acquisition of other real property, the appraised value of the transferred **Real Property**  
34 shall be included for the purpose of making an appropriation as if it were a cash payment.

35 **8-05 Acquisition of Real Property**

36 (a) A recommendation to acquire real property shall be initiated by the First Selectman, with  
37 the approval of the Board of Selectmen, and presented to the Legislative Council.

38 (b) The Legislative Council, subject to the availability of appropriations for the specific purpose,  
39 may authorize the **Acquisition** of real property **for all Town purposes** with **a majority**

40 consisting of at least six (6) affirmative votes. Exceptions to the power of the Legislative  
41 Council to acquire real property include the following:

- 42 (1) The Planning and Zoning Commission shall have the power to accept on behalf of the  
43 **Town** all open spaces, parks, playgrounds, real property for the purpose of widening or  
44 realignment of existing public highways, conservation easements, conservation  
45 restrictions, and easements for drainage, slope or similar purposes that it requires to be  
46 provided by a subdivider as a condition of subdivision approval. Title of said property  
47 shall be free and clear of all encumbrances that are unacceptable to the Planning and  
48 Zoning Commission.
- 49 (2) The Board of Selectmen shall have the power to acquire real property for public  
50 highways and related purposes as provided in Subsection 2-115(d)(7).
- 51 (c) Prior to a Legislative Council vote to acquire real property, the following shall be completed.
- 52 (1) The Finance Director shall prepare and submit a Financial Impact Statement to the  
53 Board of Finance and Legislative Council, as provided in Section 7-25, for all property  
54 **Acquisitions** other than those excepted in Subsection 8-05(b) and
- 55 (2) ~~The Legislative Council shall obtain a~~ An appraisal of said real property from an  
56 appraiser licensed or certified by the State of Connecticut is required.
- 57 (d) If the real property proposed to be acquired is for purposes for which a mandatory referral  
58 is required by Section 8-24 of the General Statutes, said referral shall be made before any  
59 action is taken.
- 60 (e) As provided in Section 6-35, if the real property proposed to be acquired requires an  
61 appropriation of \$1,500,000 or more, said **Acquisition** shall require approval of a  
62 referendum.
- 63 (f) Following the approval of the Legislative Council or referendum to acquire real property,  
64 the Board of Selectmen shall authorize an officer, board or commission to act on behalf of  
65 the **Town** in such **Acquisition**.

## 66 8-10 Disposition of Real Property

- 67 (a) The First Selectman, with the approval of the Board of Selectmen, and the Legislative  
68 Council by a majority vote of its membership, may propose the **Disposition of Real**  
69 **Property**.
- 70 ~~(a)(b)~~ Real property acquired for non-payment of taxes shall be sold unless the Legislative  
71 Council by a majority of at least six (6) affirmative votes to retain said property.
- 72 ~~(b)(c)~~ After the proposal to dispose of Real Property is made the Town Before any other action  
73 to is taken subsequent to the proposal to dispose of Real Property, the Town shall:
- 74 (1) Post a sign conspicuously on said **Real Property** within 14 days of the proposal and for  
75 the duration of the Disposition,
- 76 (2) Provide warning public notice of the availability of said **Real Property** according to  
77 Subsection 1-25(b) within 14 days of the proposal,
- 78 (3) Have all properties affected in the proposed **Disposition**, both before and after if  
79 properties are exchanged, appraised by an appraiser licensed or certified by the State of  
80 Connecticut. to ascertain their values both before and after the transaction.

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- 81 | (4) ~~Circulate, within 5 days, Circulate~~ the proposal for comment to all boards and  
82 | commissions having an interest in the **Disposition** of said **Real Property**.
- 83 | (5) Comply with General Statutes, when applicable, concerning the **Disposition** of public  
84 | property, including but not limited to holding a public hearing [Section 7-163e of the  
85 | General Statutes] and referring the proposed **Disposition** to the Planning and Zoning  
86 | Commission [Section 8-24 of the General Statutes].
- 87 | ~~(d)~~(d) Upon meeting said requirements of Subsection 8-05(b), the Legislative Council may vote  
88 | to sell or otherwise dispose of said **Real Property** as required by the General Statutes, if  
89 | applicable, or by majority vote.
- 90 | (1) The Legislative Council may recommend that the Board of Selectmen consider factors  
91 | other than obtaining the highest price, such as considering the buyer's binding  
92 | commitment to use the property for a specific purpose ~~deemed and where there is a~~  
93 | beneficial-benefit to the **Town**.
- 94 | ~~(d)~~(e) Where the Legislative Council votes to sell or otherwise dispose of **Real Property** having  
95 | an appraised value of \$1,500,000 or more said action shall require approval of a  
96 | referendum.
- 97 | ~~(e)~~(f) Following the approval of the Legislative Council or referendum, if needed, to dispose of  
98 | **Real Property**, the First Selectman is authorized to take all steps necessary to carry out the  
99 | sale or other disposition, including:
- 100 | (1) If the **Disposition** is to sell the **Real Property**, the First Selectman shall determine the  
101 | method of sale that is in the best interest of the **Town**, including public auction or  
102 | private sale – with or without listing the property for sale with a real estate broker. If  
103 | the decision is made to sell the **Real Property** by private sale, the price and terms of the  
104 | contract of sale shall be established by the First Selectman with the approval of the  
105 | Board of Selectmen and confirmed by an affirmative vote of at least eight (8) members  
106 | of the Legislative Council.
- 107 | (2) If the **Disposition** is to permit the lease of **Real Property**, the First Selectman shall:
- 108 | (i) Authorize an officer, board, ~~or Commission~~commission or authority, if needed, to  
109 | negotiate the term(s) of the lease(s),
- 110 | (ii) Present the negotiated lease(s) to the Board of Selectmen for approval, and
- 111 | (iii) Present the approved lease(s) to ~~(s)~~ the Legislative Council for approval.