

**Town of Newtown Legislative Council Regular Meeting  
Wednesday, October 3, 2012  
3 Primrose Street, Newtown, CT**

**PRESENT:** Jeff Capeci, Mary Ann Jacob, George Ferguson, Joseph Girgasky, Daniel Honan, Kathy Fetchick, Dan Amaral, Mitch Bolinsky, Dan Wiedemann, Paul Lundquist, Phil Carroll **ABSENT:** Bob Merola

**ALSO PRESENT:** First Selectman Pat Llodra, Rob Sibley, Scott Sharlow, Ed Shanley, 1 member of press, Jan Andras (Clerk)

Chairman Capeci called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

**VOTER COMMENT:** None noted

**APPROVAL OF MINUTES:** Upon motion by Ms. Jacob, the minutes of the 9/19/12 Regular Meeting were unanimously approved.

**COMMUNICATIONS:** Chairman Capeci sent letters to Chairs of the Board of Finance, Board of Education and Board of Selectmen regarding a joint meeting to discuss the upcoming budget process. The meeting is being scheduled for either 10/17 or 11/7.

Boards and commissions chairs were asked for feedback on suggestions for further Charter amendments. Most of those responding did not have any recommendations. At the next Council meeting, a vote will be taken to reactivate the Charge and Appointment committees.

**COMMITTEE REPORTS:** No reports

**FIRST SELECTMAN REPORT:** Mr. Tait will be bringing to the Board of Selectmen, a proposal and specifications regarding the creation of a pension program based on defined contributions for all future at-will employees.

The forthcoming CIP requests will include a commitment for a sewer extension in Hawleyville.

Ms. Llodra sent a memo to BOE Chair Debbie Liedlein regarding the Municipal Space Needs Study (copy attached).

## **NEW BUSINESS**

### **Resolution – Agreement with South Windsor**

Ms. Jacob moved to endorse an Agreement for the joint performance of a municipal function between South Windsor and Newtown for the purpose of sharing and enhancing Resources and Technology. Motion seconded and unanimously carried.

IT Director Scott Sharlow has proposed joining with the Town of South Windsor to collaborate on the maintenance and future enhancement of South Windsor's GIS citizen service request dashboard technology and system (agreement attached). He gave a presentation on the technical and cost-saving benefits to Newtown, with no capital expenses incurred. CGS §7-148c allows and encourages towns to work together in this capacity. This collaboration will improve the services we can offer to residents, without the extra expense.

### **Open Space Presentation**

Mr. Rob Sibley, Deputy Director of Planning and Land Use gave a PPT Presentation on Newtown's efforts to conserve Open Space. (copy attached)

### **Charter Revision**

Ms. Jacob moved to change the wording of the Charter ballot question to: *Shall the proposed Charter changes be accepted? (Yes/No)* Motion seconded and unanimously carried.

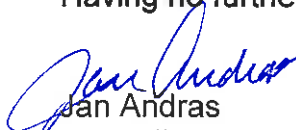
At the last meeting, the Council approved the wording of the ballot to include explanatory text. Mr. Capeci advised that the Secretary of State's office will not approve the explanatory text on the ballot. Therefore, there will be an effort to get the explanatory material to the public by as many means as possible before November 6, and posting it at the polls.

### **Resolution – Council Committees**

Ms. Jacob moved to charge the Municipal Operations, Finance and/or Education Committees to convene meetings to discuss recommendations for objectives/expectations for the 2013-14 budget season. Motion seconded and unanimously carried.

Mr. Capeci noted that these committees are not required to meet before but are authorized if they feel the need to do so before the joint meeting on the budget process.

Having no further business, the meeting was adjourned at 9:55 p.m.

  
Jan Andras  
Recording Secretary

att: Letter to Board of Education – Municipal Space Needs  
Agreement with the Town of South Windsor  
Newtown Open Space – Conserving for Newtown's Future PPT

*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.*

TO: Debbie Leidlein, Chair, Newtown Board of Education  
FROM: Pat Llodra, First Selectman, for the Board of Selectmen  
DATE: October 1, 2012

More than two years ago, the Board of Selectmen approved a plan to update the municipal space needs study done in 1999, and further, to extend that study to include current program and facilities needs. Shortly thereafter, we decided to hold off on that work until the Board of Education concluded its own space needs study knowing that the information about educational needs and building uses could influence and inform any decision about municipal facilities, whether new or repurposed. In February of this year, Board of Education member Richard Gaines presented to the Selectmen the completed educational space needs study. We understand from that report the potential for closing the Reed School should student enrollment, preK-4, drop below 1500. Further, that report suggests that a two-year planning period is needed to close a school in order that the transition be smooth and least disruptive to families and the community.

The Selectmen are ready now to proceed with the municipal space needs study. The attached document lays out in draft language the most critical of the issues we will be asking the committee to explore. The research will focus primarily on three program/facility needs: 1) Parks and Recreation Community Center; 2) Police Station; and 3) Senior Center. The group should also consider future program and facility needs for our Social Services program, now housed in Town Hall South along with Parks and Recreation offices, Police Services, and Dispatch/Communications.

We are interested in meeting together with you, the Board of Education, before we formalize a study charge and appoint persons to serve. Our hope is that we will better understand the space plans of the BoE so that uses of school buildings, if considered by the municipal group, are consistent with the thinking of your Board and are based on best information and rigorous examination of all possibilities.

We ask that you consider meeting together with us on this important issue for Newtown. Our boards may arrange to meet either during one of the regular scheduled sessions of the Board of Selectmen or the Board of Education, or we can set aside a date and time specific for this purpose. Please move forward with this discussion as soon as possible and then let us know your thinking.

C: Janet Robinson, Superintendent, Newtown School District

**AGREEMENT FOR THE JOINT PERFORMANCE  
OF A MUNICIPAL FUNCTION BETWEEN SOUTH WINDSOR AND NEWTOWN  
FOR THE PURPOSE OF SHARING AND ENHANCING GIS RESOURCES AND  
TECHNOLOGY**

**WHEREAS**, the Connecticut towns of South Windsor and Newtown (the "Towns") have agreed to collaborate on the maintenance and future enhancement of the Town of South Windsor's GIS citizen service request dashboard technology and system (the "Dashboard System"); and

**WHEREAS**, General Statutes § 148cc authorizes agreements for the purpose of jointly performing a municipal function; and

**WHEREAS**, the Towns wish to participate in an agreement authorized by General Statutes § 7-148cc; and

**WHEREAS**, this Agreement provides the structure for the Towns to share their technology and expertise in maintenance and future enhancements to the Dashboard System; and

**WHEREAS**, this Agreement will allow the Towns' staff to meet, collaborate, purchase hardware, share codes and other expertise that may improve the existing Dashboard System technology; and

**WHEREAS**, this Agreement will allow the Towns to jointly or singly, but to the ultimate benefit of both Towns, seek appropriate funding to maintain, enhance and/or expand the Dashboard System; and

**WHEREAS**, participation in this Agreement would provide mutual cost-saving benefits to the Towns.

**NOW, THEREFORE**, to accomplish the goal of sharing the Dashboard System, the Towns hereby adopt this Agreement in the form of a memorandum of understanding, according to the following terms:

1. The Town of South Windsor agrees to offer to the Town of Newtown technical support and source codes for its existing Dashboard System and all supporting enhancements for future releases and upgrades to the Dashboard System, including but not limited to, new mobile platforms.
2. The Town of Newtown agrees to offer to the Town of South Windsor technical support and codes for any future releases, enhancements and upgrades it makes to the Dashboard System, including but not limited to, new mobile platforms.

3. The Towns each agree to follow all necessary procedures to approve and adopt this Agreement as set forth in General Statutes § 7-148cc.
4. The initial term of this Agreement shall be three (3) years, commencing on October 1, 2012, and expiring, unless renewed, on September 30, 2015. This Agreement shall automatically renew for successive terms of two (2) additional years unless either South Windsor or Newtown provides written notice to the other of its election not to renew the Agreement. Such notice must be provided to the respective Town Manager or Board of Managers at least thirty (30) days prior to the scheduled expiration of the original or any renewal term of the Agreement. In no event shall the Agreement extend beyond October 1, 2032. The Towns agree to review this Agreement at least once every five (5) years to assess its effectiveness in meeting its beneficial purpose pursuant to the provisions of General Statutes § 7-148cc.
5. The Towns agree to collaborate as appropriate for the purpose of facilitating the acquisition of state and regional funding for future maintenance, support, enhancement and/or expansion of the Dashboard System. The allocation of any such funding obtained shall be mutually agreed upon by the Towns.
6. The Towns agree to be responsible for and insure themselves against all claims, loss, damage, injury, and liability of every kind, nature, and description including, but not limited to, claims by third parties to the extent that such liability arises out of the use of the Dashboard System. The Towns further agree to hold each other harmless and indemnify each other against any loss, damage, injury, and liability of any kind, nature, or description including, but not limited to, claims by third parties that arise out of each Town's own use of the Dashboard System. Each Town shall give the other prompt, written notice of any claim made or any suit instituted, coming to its knowledge, which in any way, directly or indirectly, relates to the Dashboard System or this Agreement.
7. Disputes arising from the operation or interpretation of this Agreement that cannot be resolved by the Towns shall be submitted first to non-binding mediation and then to litigation in the Connecticut courts.
8. This Agreement shall be governed by the laws of the State of Connecticut. Any changes to the Agreement shall be in writing in a document duly executed by both Towns. The parties may separately execute counterpart originals of this Agreement (and any amendments thereto,) which together shall be deemed to constitute one and the same Agreement.

**WHEREFORE**, the Towns have duly executed this Agreement on the dates set forth below to be effective for the term commencing on October 1, 2012.

TOWN OF SOUTH WINDSOR, CT

Date: \_\_\_\_\_

BY: \_\_\_\_\_

Duly Authorized

TOWN OF NEWTOWN, CT

BY: \_\_\_\_\_

Date: \_\_\_\_\_

Duly Authorized



## The Open Space Mission

To Preserve Newtown's natural diversity and scenic beauty, adding to the quality of life of its residents and ecosystems.

And,

for Newtown to remain an attractive town in which to live, work and conduct business; through balanced land conservation.

## Functional Categories for Open Space

1. **Natural Resource Protection Areas** - includes animal and vegetative habitat, river corridors, trap rock ridges
2. **Outdoor Recreation** - plazas, sitting areas, arboretums and trails
3. **Resource Management** - forests, fisheries, farmland
4. **Protection of Public Health and Safety** - floodplains, wetlands, unbuildable areas or areas with limitations for development including steep slopes, or high water tables
5. **Areas that Shape Community Character or Design** - buffer strips, front, back and side yards, urban plazas, greenways, open space dedications related to development
6. **Historic or Archeological Sites** - historic structures and grounds, historic districts, town greens

The town's prosperity and character has always depended upon its natural resources.

Natural areas and waterways - provide critical wildlife habitat, clean drinking water, and scenic natural beauty.



Forests and farms - contribute to a healthy and diverse ecosystem.

Parks and open village lands - improve the quality of life for residents and contributes to an attractive businesses environment.



## Newtown Open Space Current Process Highlights



### Highlights:

- Open Space Referendum for Bonding - \$10,000,000.00 in 2005 bonded over five years, more bonding planned into current CIP
- Current Holdings - Newtown possesses approximately 350+ parcels containing over 1,900 acres of open space
- Geographic Information System - Mapping at a whole new level
- Staff Assigned - Land Use Deputy Director given oversight responsibility
- Commissions Re-assigned - Conservation and Inland Wetland Commissions are separated in 2006
- Zoning, sharpens regulations - Referrals and requirements are refined
- There are grants? - The town has nearly \$800,000.00 in matching grants for purchase of OS

### Highlights Continued;

- Indexing - New databases created to review ownership
- Care & Custody - definitions and stewardship plans created
- New offering reviews - 74 potential offerings reviewed, walked, ranked, databases to track correspondence
- Surveying - Parcels identified for surveying
- Signage - New signage created and boundaries marked
- Parks and Recreation - New relationships formed in care of OS, new trails committee
- Better Communication - BOS, BOF, Legislative Council, Zoning, Conservation



## Techniques for Preserving Newtown Open Space



- Fee Simple -
  - Outright Purchase of full title to land
  - Owner has full control
  - Allows for permanent protection and full public access
- Development Rights or Conservation Easements -
  - Less expensive than fee simple
  - Landowner retains ownership, restriction runs with land
  - Unique to each parcel - Town does have standard language
- Donation or Bargain Sale -
  - Land or Easement sold at reduced value
  - Allows for permanent protection and may include full public access
  - Life Estate
- Planning and Zoning -
  - Subdivision set aside, 15% of buildable land
  - Conservation Subdivisions
  - Fee in Lieu for OS

## Open Space Goals and Strategies

- ◆ 21% of Newtown-owned land as Newtown OS, 33% of overall land in Newtown as OS
- ◆ Website for access and maps
- ◆ New POCD
- ◆ Fully Funded CIP
- ◆ Partnership with P&R for maintenance



## Points for Consideration

- "Buy land, they're not making it any more." *Samuel Clemens*
- Continue to support existing programs with proper staff and budget
- Continued growth of public access and ease of use
- Continue to protect, extend and enhance existing greenways and corridors



## Credits and Thanks

- ◆ Newtown GIS for excellent mapping and research
- ◆ Newtown Parks and Recreation for management support and field work
- ◆ Newtown Finance Department for access to data and ease of finances
- ◆ Conservation Commission for their tireless dedication and commitment
- ◆ The leadership of Newtown for guidance and support

## Questions?

