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## TOWN OF NEWTOWN

### LEGISLATIVE COUNCIL

#### TOWN OF NEWTOWN LEGISLATIVE COUNCIL MEETING

WEDNESDAY, OCTOBER 21, 2015

NEWTOWN MUNICIPAL CENTER, NEWTOWN, CT

**PRESENT:** George Ferguson, Joe Girgasky, Eva Bermudez, Paul Lundquist, Bob Merola, Ryan Knapp, Neil Chaudhary, Mary Ann Jacob, Dan Amaral, Phil Carroll, Dan Honan

**ABSENT:** Tony Filiato

**ALSO PRESENT:** First Selectman Pat Llodra, Director of Finance Bob Tait, Director of Land Use George Benson, Charter Revision Commission members Jeff Capeci, Bob Hall, Eric Paradis, Deborra Zukowski and Kevin Burns, Attorney Barbara Schellenberg, and 1 press.

**CALL TO ORDER:** Ms. Jacob called the meeting to order at 7:33pm with the Pledge of Allegiance.

**VOTER COMMENT:** None

**MINUTES:** MR. GIRGSKY MOTIONED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 7, 2015. MOTION SECOND BY MR. CARROLL. APPROVED. MR. HONAN AND MR. KNAPP ABSTAINED.

**COMMUNICATIONS:** None

**COMMITTEE REPORTS:** Mr. Knapp stated the Alarm Ordinance and Updated Purchasing Regulations have been noticed for a Public Hearing on October 28<sup>th</sup> at 7:00pm. The notice of the adoption of the updated Sustainable Energy Ordinance and 100% Disabled Veterans Ordinance has been posted in the Bee and they will go into effect on October 30, 2015.

**FIRST SELECTMAN'S REPORT:** First Selectman Llodra reported she has received a number of questions regarding the disposition of the Riverside pavilion located on Alpine Dr. She explained the history of the property, the potable water issues and how the town received possession of the property. Residents in the area have expressed concern the town was planning to condemn the property, demolish the pavilion and restrict access. Mrs. Llodra stated the town had no plans for the property other than Park & Recs plan to make it a "pocket park". She is encouraging the residents, if interested, to re-create their Association and explore the co-owning and managing the property. Ms. Bermudez, a resident of Riverside/Alpine, stated residents don't want to lose access to the property and feels the best action if the residents to form the Association. If the town retains ownership of the property, it becomes open to all town residents, and the liability insurance is borne by the town. *Attachments*

#### NEW BUSINESS

**Charter Revision:** Attorney Schellenberg spoke on process of reviewing the draft charter. They now have 15 days to make any recommendations to the Charter Revision Commission. The Council and Commission may hold a joint meeting to discuss recommendations. The Commission will then decide on the recommendations and bring its final draft back to the Council within 30 days of receiving the recommendations. The Council will then take action within 15 days.

Rec'd. for Record  
10/23/2015  
Town Clerk of Newtown @ 1:42 PM  
Debbie Lunnell Holstad

LEGISLATIVE COUNCIL

MR. CHAUDHARY MOTIONED TO APPROVE THE REVISED CHARTER AS PRESENTED BY THE CHARTER REVISION COMMISSION. SECOND BY MR. KNAPP. The Council reviewed Chapters 1 & 2. MR. CHAUDHARY MOTIONED TO POSTPONE ACTION ON THE CHARTER UNTIL OCTOBER 28, 2015. MOTION SECOND AND APPROVED.  
*Attachment*

**Debt expenditures past, present and future:** Carried forward.

**VOTER COMMENT:** None

EXECUTIVE SESSION: MR. GIRGASKY MOTIONED TO MOVE INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION A PROPOSED SETTLEMENT OF A LIEN ON 31 GREAT HILL ROAD AND INVITED FIRST SELECTMAN LLODRA. MOTION SECOND MR. CARROLL AND APPROVED. Council entered executive session at 10:00pm.

The Council returned to public session at Out of exec session at 10:12. MR. CHAUDHARY MOVED TO AUTHORIZE THE FIRST SELECTMAN TO SETTLE THE LIEN ON 31 GREAT HILL ROAD FOR NO LESS THAN \$15,000. SECOND BY JOE GIRGASKY. MOTION UNANIMOUSLY APPROVED.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 10:15pm.

Respectfully Submitted,

  
Carey Schierloff, Clerk

Attachments: Report on Riverside/Alpine Beach, Charter Items Reviewed

*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.*





















Pat Llodra <pat.llodra@newtown-ct.gov>

## Fwd: Pavilion description

1 message

**Pat Llodra** <pat.llodra@newtown-ct.gov>

To: "Llodra, Pat" <pat.llodra@newtown-ct.gov>

Wed, Oct 21, 2015 at 2:04 PM

----- Forwarded message -----

From: **Rob Sibley** <rob.sibley@newtown-ct.gov>

Date: Wed, Oct 21, 2015 at 7:31 AM

Subject: Re: Pavilion description

To: "Llodra, Pat" <pat.llodra@newtown-ct.gov>

Cc: "Culbert, Donna." <donna.culbert@newtown-ct.gov>

Good Morning,

Around 2007 Donna first approached a group of us, Myself, George, Ron, and Health District staff, to help figure out how to solve the problem of potable water for Alpine and the surrounding area. That area has a centralized water system served by multiple low yield wells. The District, the local Water Company(Olmstead Water) and the State had identified this risk. We also understood that if this system failed it would be the town picking up the pieces per state statute.

There were multiple wells serving the system spread throughout the Alpine /Underhill area. Each unable by itself, or in conjunction, to provide adequate water. One of those wells was located on the pavilion property.

Because the area had no connection to any other portion of the town's water system, new wells were the only solution. Olmstead Water had identified the small sand lot at the corner of Alpine and Bancroft to test for water. The state agreed to this path of work and we began to research what type of easement would be necessary to accomplish this work.

After some research I discovered that it would be advantageous to consider acquiring the parcel. Dave Grogins and Carol Mahoney were brought on board to help guide this process. It was discovered that the entire sandlot, all well locations, and all surrounding private roads were owned by the Riverside Association which was behind in their taxes.

Knowing that Public Works for years had wanted to be able to improve road access and conditions, we contacted Fred. The group, with Dave's guidance agreed that acquiring the parcels through a friendly foreclosure would be the best for the imminent issue of potable water and the road access.

We retained a surveyor to create a map showing all Riverside Association property. Dave had the last known representative, Marge Piazza, endorse the foreclosure and he filed the map upon its closing.

With the town's ownership of the parcels, the well drilling commenced and the new system went online quickly afterwards. Of course this is a general summary and there are many details I'm sure I might be missing, but I hope this helps.

-Rob

**Rob Sibley**, Deputy Director of Planning, Land Use and Emergency Management  
**Town Of Newtown**

3 Primrose St.  
Newtown, CT 06470  
Office 203-270-4351  
Cell 203-364-7090

**NEWTOWN PARKS AND RECREATION DEPARTMENT**

TO: Patricia Llodra, First Selectman

FROM: Amy Mangold

DATE: 10/20/2015

RE: Future plans for Alpine Drive Waterfront

The Newtown Parks and Recreation Department was made aware of the Town of Newtown's ownership of the waterfront property referred to as tax lot 43-16-145, in May of 2011 through a DPH order and Land Transfer Agreement with Olmstead Water to the Town of Newtown CT. Upon visiting the site, The Newtown Parks and Recreation staff and Commission identified this property as a location for value added recreation for the surrounding community in the form of a future "Pocket" Park

Although it has great potential, the site is currently in a state of disrepair; suffering from a dilapidated pavilion and inadequate waterfront access for either swimming or launching of watercraft. Furthermore, the parcel is currently overrun with illegally stored boat trailers and watercraft which further exacerbates the already inadequate parking facilities. Historically, faced with other budget and staffing priorities, Parks and Recreation Department activity at the site has been restricted to seasonal site inspections.

Nonetheless, The Parks and Recreation Department plans to embark on a series of improvements at the park which would include a new pavilion, additional dry storage rental for canoes and kayaks, landscaping/parking improvements and an ongoing maintenance program (supported either through contracted services or the Parks & Recreation operating budget). Funds for the physical improvement to the Park have been requested by Parks & Recreation in its "Waterfront Improvements" request submitted for inclusion in Newtown's Capital Improvement Plan. The CIP request states that Alpine Park waterfront area is in dire need of clean up and restoration since it is now a town- owned parcel. We have requested a \$500,000 CIP appropriation in fiscal year 2018/2019, of which a portion would be used for the Alpine Road Park improvements. Currently, the request is not approved as part of Newtown's CIP plan (currently under consideration) although we are hopeful that it might later be included in the approved CIP plan.

Future vision of Alpine Park Waterfront Pocket Park  
New pavilion

Rental of Dry storage racks for canoe/kayaks

No swimming facility

No motorized boat launches facility

Maintained and Landscaped by Parks and Recreation or contractor under Parks and Recreation

**Pocket park**

From Wikipedia, the free encyclopedia **pocket park** (also known as a **parkette**, **mini-park**, **vest-pocket park** or **vesty park**) is a small park accessible to the general public. Pocket parks are frequently created on a single vacant building lot or on small, irregular pieces of land. They also may be created as a component of the public space requirement of large building projects.

Pocket parks can be urban, suburban or rural, and can be on public or private land. Although they are generally too small for physical activities, pocket parks provide greenery, a place to sit outdoors, and sometimes a children's playground. They may be created around a monument, historic marker or art project.

Small parks can increase the value of nearby homes. Attractively maintained small and medium parks have a positive influence on neighboring property values."



- Line 155: All property interests, both real and personal, all actions, causes of action, defenses thereto and rights of every description and all liens vested or **inchoate** which the Town possesses as **Replace word**
- Line 201 Collector, Town Clerk, Assessor, Registrar of Voters or the **Legislative Council**, or each Town Body to which Town Department: The term "**Town Department**" shall include the offices of Tax funds are appropriated in the Town Budget, or the Public Works Department which shall be considered a separate department from the remainder of the functions for which appropriations are expended by the Board of Selectmen and any other body or group which is designated a Town Department by the Legislative Council on or before October 1st in the year prior to the adoption of the Town Budget.  
**Refer to legal: Legislative Council a Town Department?**  
**Does this include Fire Commissioners, CAC, any who receive funds**
- Line 256 Legislative Council: **No member of the Legislative Council shall hold or be appointed to any other office or Town Body.** Except as provided for in Subsection **Error! Reference source not found.**, members of the Legislative Council shall reside in the Legislative Council District from which they were elected.  
**Legal Question: Why can council members work for the town or Board of Ed and Selectmen cannot?**
- Line 261 member or officer of the **Police Department**, the Chief of Police, or a member of any **Add Newtown before Police Department**
- Line 265 Building Appeals Board: Members shall be **qualified by training and experience** on matters pertaining to building construction.  
**Further debate on requirements**
- Line 270 Minority Representation  
**Further debate on the Board of Education. Should the charter be specific on the Board of Education and should the maximum for one party be 4.**
- Line 285 Board of Fire Commissioners: Provided members are appointed as set forth in this Charter, **Is the Board of Fire Commissioners a "Town Body"?**
- Line 304 Term Limits  
the terms of office of members of all appointive Town Bodies shall commence on January 7th except for the Trustees of the Cyrenius H. Booth Library whose terms shall commence on July 1st, or as otherwise required by law.  
**Is the definition of "Town Body" to inclusive**  
**How is the Fairfield Hills Authority affected**  
**How will the Library Trustees, some are appointed, some are not. Section 2-280**
- Line 320 The First Selectman **shall not hold office** on the Legislative Council or any other Town Body  
**Clarity: "chair or vice chair as ex officio"**
- Line 322 It shall be the duty of every member present at a **Legislative Council** or other Town Body  
**Strike Legislative Council**
- Line 326 Vacancies on the Legislative Council, Town Boards and Commissions  
**Add "and Authorities"**
- Line 378 members' place. **Alternates shall be chosen in rotation** so that they shall act as nearly equal  
**Replace with alternate of same party?**
- Line 394 Clerk's salary shall be set from **time to time** by the Legislative council.
- Line 395 The Registrars of Voters shall receive a salary as set from **time to time** by the Board of  
**Be more specific than "time to time"**



- Line 448 Not less than 80 Resident Electors of the Town. Any such request filed by 80 Resident Electors shall contain the resolution or ordinance on which action is sought. Prior to appearing on an agenda, the resolution or ordinance shall be submitted to the Town Attorney, by the chairman of the Legislative Council, for his opinion as to the power of the Legislative Council to act thereon.  
*Clarity on language of the process.*  
*Why 80? Should the number be increased due to the increase of our town population?*
- Line 480 The emergency declaration may be extended by an affirmation by the Legislative Council that a state of emergency exists. Any proposed actions necessary to deal with such emergency shall be approved by the Legislative Council.  
*Clarification on proposed action/process*
- Line 494 The Board of Selectmen shall consist of the First Selectman and two Selectmen.  
*Question on increasing the number of Selectmen to five*
- Line 508 Institute, prosecute or compromise any legal action or proceeding by or against the Town, subject to the approval of the Legislative Council and, when relevant, the affected department or Town Body,  
*Clarification on when approval is needed.*
- Line 515 Take, purchase, lease, sell, or convey personal property of or for the Town  
*Clarify the term personal property and the relation to Section 8*
- Line 527 Such committees shall be subject to Minority Representation as set forth in Section Error! Reference source not found.  
*Strike sentence*
- Line 535 It shall be the affirmative obligation of the members of such other Town Bodies to attend such joint meetings.  
*Further discussion on striking sentence*
- Line 539 quality public elementary and secondary schools and shall provide such educational  
*Strike "quality". It is subjective*
- Line 555 Board of Finance:  
The term of office shall be evenly split among two and four year seats following the 2017 election as provided in Subsection Error! Reference source not found.. Thereafter, the term of office for each seat shall be four years.  
*Further Discussion on terms. Should it be left at 2 years?*
- Line 609 Board of Managers: The term of office shall be six years.  
*Reference Special State Act*
- Line 611 of the 1931 session by which it was created, as amended by Special Act No. 517 of the 1953  
*Add "of the Connecticut General Assemble"*
- Line 673 Commission on Aging  
The term of office shall be three years for regular members and two years for alternate members  
*Why not 3 years for alternates? Is this ordinance related?*
- Line 680 The term of office shall be five years.  
*Add this is an exception to the rule*
- Line 708 EDC: No person shall be appointed to more than two consecutive full terms  
*Term limits: What term limits are in the charter and what are in ordinances?*
- Line 719 Board of Ethics: Members shall serve no more than two consecutive terms. In no event may any member serve said Board more than eight years in succession. Any member having served said Board for eight years in succession shall be ineligible for reappointment for two years after last serving on said Board.  
*Further discussion on years served. Is 8 too many?*



- Line 722 Each member shall serve until his/her successor has been appointed.  
*Why? Legal opinion.*
- Line 799 Summary of General Responsibilities: The Public Building and Site Commission shall have control of supervision and construction of building projects including the improvement of lands, major new construction, alterations or extensions, furnishing or equipping of a building to be used for public purposes.  
*Review language on responsibility. Clarity on projects overseen.*
- Line 832 Sustainable Energy Commission: The term of office shall be four years.  
*The ordinance states 3 years.*
- Section 2-280 Trustees of the Cyrenius H. Booth Library, Board of
- Line 840 The Board of Trustees shall consist of 16 members of which eight shall be appointed by the First Selectman with the approval of the Board of Selectmen. The remainder shall be elected by the vote of the remaining Trustees present and voting at a meeting warned for the purpose.  
*How will the transition from 18 members to 16 members happen?*
- Line 842 of the remaining Trustees present and voting at a meeting warned for the purpose.  
*Define "warned" verses "noticed"*
- Line 860 Lake Authorities  
*Reference state statutes*