

Ryan Knapp, Chair
Judit DeStefano, Vice Chair
Neil Chaudhary
Dan Honan
Mary Ann Jacob
Chris Eide



3 Primrose Lane
Newtown, CT. 06470
Tel. (203) 270-4210
www.newtown-ct.gov

TOWN OF NEWTOWN

Minutes of the Legislative Ordinance Committee Meeting

The Ordinance Committee met on Thursday September 7th, 2017 in Meeting Room 3 of the Municipal Center, 3 Primrose Lane, Newtown. Committee Chairman Ryan Knapp called the meeting to order at 7:00 pm.

Present: Mr. Honan, Ms. DeStefano, Ms. Jacob and Mr. Knapp.

Absent:
Mr. Chaudhary, Mr. Eide

MINUTES:

Ms. Jacob moved to approve the minutes of 8/16/17. Mr. Honan seconded. All in favor (4-0)

PUBLIC COMMENT:

None

Old Business

Review and Recommendation regarding Pension Committee ordinance language.

Ms. Jacob summarized her discussions with the Town Attorney about the Commission roles, repealing OPEB and incorporating it into one ordinance. There was a lot of simplification and the document reflects the Ordinance Committee's intentions.

Mr. Knapp said not that Legal has reviewed this document we could possibly bring it to the next LC meeting. This document closes some gaps, clarifies the roles and reads in a way that reflects the practice of having one commission with three roles rather than three commissions made of one group of people. He also likes that it is flexible for changing agreements.

Ms. DeStefano raised a question about B(3) where it says First Selectman and not "with the approval of BOS"

Ms. Jacob will add that language.

Ms. Jacob moved to recommend to the Legislative Council, pending the First Selectman's final approval, to repeal the existing OPEB Ordinance and replace it with the proposed new Pension and OPEB Ordinance, Mr. Honan seconded. All in favor (4-0)

Review and Recommendation regarding acquisition and disposition of real property ordinance.

Mr. Knapp noted Mr. Eide went through the Ordinance and formatted the content into a more readable way.

The group did a line by line read through, striking much of what is duplicated in the Charter. 456-4i will be moved to 456-6. 456-5 fills in behind 8-10(f)(2).

Mr. Knapp noted that this was a collection of suggestions and a lot of this content is covered in the Charter and much of the acquisition and disposition language can be struck leaving this focused on licenses and property under \$20K.

Ms. Jacob discussed licensing and how to deal with that. Perhaps as a separate ordinance.

Mr. Knapp suggested we ask George Benson if there is anything in the sections we feel are duplicative that need be included. Much is covered by the Charter and Statute.

Mr. Honan would like to see "define" used rather than "detail" in the purpose.

Ms. DeStefano will work with Mr. Edie to capture these changes, circulate a draft and possibly send it to Legal.

PUBLIC COMMENT:

None.

Ms. Jacob moved to adjourn the meeting at 9:00, Mr. Honan seconded. All in favor (4-0)

Respectfully Submitted,

Ryan W. Knapp
Ordinance Committee Chairman

§ 456-1 Purpose

A. The purpose of this chapter is to provide detail on the limitations and requirements associated with the acquisition, disposition, and leasing of real property as defined in the Charter, CHAPTER 8 ACQUISITION OR DISPOSITION OF REAL PROPERTY. Exceptions detailed, meant to supplement section 8 of the charter. Also addressing properties of value under \$20,000 or leases of duration less than 5 years.

§ 456-2 Definitions

Definitions: The following terms shall have the meaning ascribed to them below.

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

B. Acquisition: The process by which real property is obtained.

C. Disposition: The process by which real property is disposed of. The term “Disposition” shall include the sale, exchange, abandonment, or other disposition (replace with disposal?) of Real Property and shall also include any decision to permit leases of Real Property.

§ 456-3 Procedure for the Acquisition of Real Property

A. The purpose of this section is to address exceptional circumstances not defined in Section 8-05 of the Newtown Charter.

B. Exceptional circumstances not defined in Charter:

(1) Regarding property acquired for non-payment of taxes:

(a) If the Legislative Council so votes there shall be a waiting period of 180 days after the vote to permit the Legislative Council to make a final determination whether or not to retain said real property. The Legislative Council may vote at any time to terminate the waiting period.

(b) Before making a final determination to retain said real property for a specific town purpose the Legislative Council shall follow the same procedure set forth in section 8-05(c) of the Charter as if it were an acquisition of real property rather than a retention.

(c) Upon a vote to terminate the waiting period, or upon the expiration of the waiting period without action by the Legislative Council to retain said real

property, the First Selectman shall sell said property, taking all steps required by Section 8-10 of the Charter.

- (2) Regarding acceptance of gifts, with or without conditions,
- (3) Real property required to be dedicated in connection with the subdivision of real property
- (4) Acquisition of real property for public highways and related purposes.
- (5) Acceptance of a leasehold (Not an acquisition. Should be own section?)

C. In acquiring real property the following procedure shall be used:

- (1) The Legislative Council, subject to appropriations for the specific purpose and following the recommendation of the First Selectman with the approval of the Board of Selectmen, and if applicable, in accordance with Section 8-24 of the General Statutes, may authorize the purchase or acquisition, including without limitation the acceptance of gifts, with or without conditions, of real property for all Town purposes. Exceptions include:

(2) Someone should figure out this level of detail but it should not be defined in the ordinance:

- (3) The subdivision map showing said real property, restrictions and easements shall not be filed in the Town Clerk's office until all deeds, easements and restrictions have been properly executed, title is free and clear of all encumbrances, the town attorney has notified the Town Clerk that said deeds, easements and restrictions meet said conditions and accomplish the purposes for which they are required, and said deeds, easements and restrictions, except for a deed for the road which is to become a public highway, are recorded concurrently with filing the subdivision map. Approval by the commission is not subject to any right of appeal. Title to real property shall be conveyed by warranty deed.

§ 456-4 Disposition of Real Property

A. The purpose of this section is to address exceptional circumstances not defined in Section 8-10 of the Newtown Charter.

B. The Disposition of Real Property shall be restricted to:

- (1) Real Property that is not needed for municipal purposes now or in the foreseeable future,
- (2) Real Property that is required to facilitate the Acquisition of improved or unimproved Real Property for a project already funded, or
- (3) Real Property that is not under the management of another Town Body, as provided for in this Charter.

C. The First Selectman, with the approval of the Board of Selectmen, and the Legislative Council by a majority vote of its entire membership, may propose the sale, exchange or other disposition of town- owned real property.

D. Before any other action is taken on the proposal, the Town shall have notice of the availability of said real property for sale warned according to Subsection 1-25(b); and the property appraised by a licensed real property appraiser who shall submit a written copy of the appraisal to the First Selectman and the Legislative Council in confidence. If the proposal is to sell to, or exchange town-owned land with, an adjacent property owner the impact of the acquisition of the town-owned land on the value of the real property already owned by said owner shall be included in the appraisal in addition to the value of the land being exchanged. If the town- owned property being sold or exchanged is only part of a tract of contiguous land owned by the Town, the appraisal shall also include the impact on the value of the remaining property. The appraisal shall not be disclosed to any other person while negotiations are ongoing. The appraisal shall be open for public inspection if the proposal becomes the subject of a hearing or meeting open to the public.

E. The Legislative Council shall hold a hearing on the proposal as required by Section 7-163e of the General Statutes. Notice of such hearing shall be given by posting a notice in the Town Clerk's office and on the town website, and on a sign located on the property, at least 15 days prior to the date of the public hearing, and noticed twice according to Subsection 1-25(b), 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 after the first publication and not less than 2 days prior to the hearing.

F. Upon meeting said requirements of section 8-15(c) of the Charter, the Legislative Council may vote to sell or otherwise dispose of said real property by the requisite number of votes, with or without conditions. This vote must include a finding that:

- (1) The real property in question is excess land not needed for municipal purposes now or in the foreseeable future, or
- (2) The sale or disposition of the town-owned real property is for the purpose of facilitating acquisition of improved or unimproved real property for a project already funded which is more suited to accomplishing said project than the real property already owned

G. If the decision is made to sell the real property at public auction such sale, including the terms thereof, shall be noticed twice according to section 1-25(b) of the Charter, with the first such notice at least 30 days prior to the auction date and the last not more than 15 days prior to the auction date.

- (1) The successful bidder at the auction shall submit a deposit of ten percent (10%) 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 the successful bidder at auction is unable to make such ten percent (10%) deposit immediately upon acceptance of his bid, said bidder and his/her agent shall be disqualified from future bidding at any re-auction of said real property. 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.

H. 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 subsection, shall be established by the First Selectman with the approval of the Board of Selectmen and confirmed by an affirmative vote of at least eight (8) members of the Legislative Council. In setting the price the First Selectman shall consider the appraisal required by Subsection 8-15(a). 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 paid shall be retained by the Town as liquidated damages.

I. The requirements of Subsections 8-15(a) through (h) inclusive shall not apply to private sales of town-owned land where a written appraisal by an appraiser certified or licensed by the State of Connecticut has been obtained and neither the value of the property being sold or transferred nor the benefit to the purchaser exceeds \$20,000.00.

J. If the transfer of town-owned real property provides consideration, in whole or in part, for the acquisition of other real property, said transfer is an in-kind payment, and the value thereof must be included for purposes of making an appropriation as if it were a cash payment. (Included for context, this is in existing charter)

§ 456-5 Leasing of Real Property

A. All leases shall be negotiated by the First Selectman, with the final, written version subject to approval by the Board of Selectmen. The proposed lease shall be executed by the First Selectman and the tenant or the landlord, as the case may be, conditioned on the actions set forth in Subsections 8-20(c) and (d) taking place.

B. Before negotiations are undertaken, the First Selectman shall obtain a written opinion by a licensed real estate appraiser of the fair market rent for the real property in question for the proposed term and a financial impact statement from the Finance Director. The opinion of fair market rent shall be confidential. Where the term of the proposed lease and all options to renew is for 5 years or less, it shall be optional with the First Selectman whether or not to obtain an opinion of fair market rent.

C. If the Board of Selectmen vote to approve the proposed lease, an outline of the lease including, without limitation, the rent and term, including all options, shall be circulated to the boards and commissions listed in section 8-15(b) for comment. Where the proposed lease is of town-owned real property, and following receipt of said comments or after 35 days without

receiving comments, a public hearing on said proposed lease shall be held by the Legislative Council pursuant to Section 7-163e of the General Statutes.

D. If the Planning and Zoning Commission approves the lease following the Section 8-24 hearing and the term of the proposed lease, including all options to renew, is for 5 years or less, the Legislative Council may vote to reject the proposed lease if it acts within 20 days of the close of the public hearing; otherwise the proposed lease shall take effect as written. A majority vote of the Legislative Council to enter into the proposed lease is required if the term of the proposed lease, including all options to renew, is for more than 5 years unless the Planning and Zoning Commission votes to disapprove the lease following the Section 8-24 hearing. If disapproved by the Planning and Zoning Commission, any such lease shall require the affirmative vote of at least eight (8) members of the Legislative Council.

E. The power to enter into leases of space in the Edmond Town Hall is governed by Special Act 98 of the 1931 session of the Connecticut General Assembly.

§ 456-6 Procedure for property valued under \$20,000 or leaseholds under 5 years in duration

A. Transferred property valued less than \$20,000 is exempt from procedures outlined in 8-05 and 8-10 of the Charter; therefore, the following procedures shall be followed for properties valued under \$20,000 or leaseholds under 5 years in duration.

1. The proposed acquisition or deposition of property transfers valued under \$20,000 shall include a review and approval of A-2 surveys and property value assessments by the Land Use Agency, with final approval of transfer by the First Selectman.
2. If the transfer of land between two properties is equal then the determination of the transferred property value shall be zero.
3. If the transfer of land between two properties is not equal and there is no new conforming lot created, the value of the land shall be determined by the net increase or decrease in the assessment of the property.
4. If the transfer of land between two properties is not equal and results in a new lot or creates a conforming lot from a non-conforming lot, the value of the resulting properties shall be determined by an appraisal of the land being transferred.
4. If the Acquisition or Disposition of property involves the transfer of a lot that is in compliance with zoning regulations, the property value shall be determined by an appraisal of the transferred lot.

§ 456-1 Purpose

A. The purpose of this chapter is to provide detail on the limitations and requirements associated with the acquisition, disposition, and leasing of real property as defined in the Charter, CHAPTER 8 ACQUISITION OR DISPOSITION OF REAL PROPERTY. Exceptions detailed, meant to supplement section 8 of the charter. Also addressing properties of value under \$20,000 or leases of duration less than 5 years.

§ 456-2 Definitions

Definitions: The following terms shall have the meaning ascribed to them below.

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

B. Acquisition: The process by which real property is obtained.

C. Disposition: The process by which real property is disposed of. The term “Disposition” shall include the sale, exchange, abandonment, or other disposition (replace with disposal?) of Real Property and shall also include any decision to permit leases of Real Property.

§ 456-3 Procedure for the Acquisition of Real Property

A. The purpose of this section is to address exceptional circumstances not defined in Section 8-05 of the Newtown Charter.

B. Exceptional circumstances not defined in Charter:

(1) Regarding property acquired for non-payment of taxes:

(a) If the Legislative Council so votes there shall be a waiting period of 180 days after the vote to permit the Legislative Council to make a final determination whether or not to retain said real property. The Legislative Council may vote at any time to terminate the waiting period.

(b) Before making a final determination to retain said real property for a specific town purpose the Legislative Council shall follow the same procedure set forth in section 8-05(c) of the Charter as if it were an acquisition of real property rather than a retention.

(c) Upon a vote to terminate the waiting period, or upon the expiration of the waiting period without action by the Legislative Council to retain said real

property, the First Selectman shall sell said property, taking all steps required by Section 8-10 of the Charter.

- (2) Regarding acceptance of gifts, with or without conditions,
- (3) Real property required to be dedicated in connection with the subdivision of real property
- (4) Acquisition of real property for public highways and related purposes.
- (5) Acceptance of a leasehold (Not an acquisition. Should be own section?)

C. In acquiring real property the following procedure shall be used:

(1) The Legislative Council, subject to appropriations for the specific purpose and following the recommendation of the First Selectman with the approval of the Board of Selectmen, and if applicable, in accordance with Section 8-24 of the General Statutes, may authorize the purchase or acquisition, including without limitation the acceptance of gifts, with or without conditions, of real property for all Town purposes. Exceptions include:

(2) Someone should figure out this level of detail but it should not be defined in the ordinance:

(3) The subdivision map showing said real property, restrictions and easements shall not be filed in the Town Clerk's office until all deeds, easements and restrictions have been properly executed, title is free and clear of all encumbrances, the town attorney has notified the Town Clerk that said deeds, easements and restrictions meet said conditions and accomplish the purposes for which they are required, and said deeds, easements and restrictions, except for a deed for the road which is to become a public highway, are recorded concurrently with filing the subdivision map. Approval by the commission is not subject to any right of appeal. Title to real property shall be conveyed by warranty deed.

§ 456-4 Disposition of Real Property

A. The purpose of this section is to address exceptional circumstances not defined in Section 8-10 of the Newtown Charter.

B. The Disposition of Real Property shall be restricted to:

- (1) Real Property that is not needed for municipal purposes now or in the foreseeable future,
- (2) Real Property that is required to facilitate the Acquisition of improved or unimproved Real Property for a project already funded, or
- (3) Real Property that is not under the management of another Town Body, as provided for in this Charter.

C. The First Selectman, with the approval of the Board of Selectmen, and the Legislative Council by a majority vote of its entire membership, may propose the sale, exchange or other disposition of town- owned real property.

D. Before any other action is taken on the proposal, the Town shall have notice of the availability of said real property for sale warned according to Subsection 1-25(b); and the property appraised by a licensed real property appraiser who shall submit a written copy of the appraisal to the First Selectman and the Legislative Council in confidence. If the proposal is to sell to, or exchange town-owned land with, an adjacent property owner the impact of the acquisition of the town-owned land on the value of the real property already owned by said owner shall be included in the appraisal in addition to the value of the land being exchanged. If the town- owned property being sold or exchanged is only part of a tract of contiguous land owned by the Town, the appraisal shall also include the impact on the value of the remaining property. The appraisal shall not be disclosed to any other person while negotiations are ongoing. The appraisal shall be open for public inspection if the proposal becomes the subject of a hearing or meeting open to the public.

E. The Legislative Council shall hold a hearing on the proposal as required by Section 7-163e of the General Statutes. Notice of such hearing shall be given by posting a notice in the Town Clerk's office and on the town website, and on a sign located on the property, at least 15 days prior to the date of the public hearing, and noticed twice according to Subsection 1-25(b), 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 after the first publication and not less than 2 days prior to the hearing.

F. Upon meeting said requirements of section 8-15(c) of the Charter, the Legislative Council may vote to sell or otherwise dispose of said real property by the requisite number of votes, with or without conditions. This vote must include a finding that:

- (1) The real property in question is excess land not needed for municipal purposes now or in the foreseeable future, or
- (2) The sale or disposition of the town-owned real property is for the purpose of facilitating acquisition of improved or unimproved real property for a project already funded which is more suited to accomplishing said project than the real property already owned

G. If the decision is made to sell the real property at public auction such sale, including the terms thereof, shall be noticed twice according to section 1-25(b) of the Charter, with the first such notice at least 30 days prior to the auction date and the last not more than 15 days prior to the auction date.

- (1) The successful bidder at the auction shall submit a deposit of ten percent (10%) 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 the successful bidder at auction is unable to make such ten percent (10%) deposit immediately upon acceptance of his bid, said bidder and his/her agent shall be disqualified from future bidding at any re-auction of said real property. 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.

H. 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 subsection, shall be established by the First Selectman with the approval of the Board of Selectmen and confirmed by an affirmative vote of at least eight (8) members of the Legislative Council. In setting the price the First Selectman shall consider the appraisal required by Subsection 8-15(a). 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 paid shall be retained by the Town as liquidated damages.

I. The requirements of Subsections 8-15(a) through (h) inclusive shall not apply to private sales of town-owned land where a written appraisal by an appraiser certified or licensed by the State of Connecticut has been obtained and neither the value of the property being sold or transferred nor the benefit to the purchaser exceeds \$20,000.00.

J. If the transfer of town-owned real property provides consideration, in whole or in part, for the acquisition of other real property, said transfer is an in-kind payment, and the value thereof must be included for purposes of making an appropriation as if it were a cash payment. (Included for context, this is in existing charter)

§ 456-5 Leasing of Real Property

A. All leases shall be negotiated by the First Selectman, with the final, written version subject to approval by the Board of Selectmen. The proposed lease shall be executed by the First Selectman and the tenant or the landlord, as the case may be, conditioned on the actions set forth in Subsections 8-20(c) and (d) taking place.

B. Before negotiations are undertaken, the First Selectman shall obtain a written opinion by a licensed real estate appraiser of the fair market rent for the real property in question for the proposed term and a financial impact statement from the Finance Director. The opinion of fair market rent shall be confidential. Where the term of the proposed lease and all options to renew is for 5 years or less, it shall be optional with the First Selectman whether or not to obtain an opinion of fair market rent.

C. If the Board of Selectmen vote to approve the proposed lease, an outline of the lease including, without limitation, the rent and term, including all options, shall be circulated to the boards and commissions listed in section 8-15(b) for comment. Where the proposed lease is of town-owned real property, and following receipt of said comments or after 35 days without

receiving comments, a public hearing on said proposed lease shall be held by the Legislative Council pursuant to Section 7-163e of the General Statutes.

D. If the Planning and Zoning Commission approves the lease following the Section 8-24 hearing and the term of the proposed lease, including all options to renew, is for 5 years or less, the Legislative Council may vote to reject the proposed lease if it acts within 20 days of the close of the public hearing; otherwise the proposed lease shall take effect as written. A majority vote of the Legislative Council to enter into the proposed lease is required if the term of the proposed lease, including all options to renew, is for more than 5 years unless the Planning and Zoning Commission votes to disapprove the lease following the Section 8-24 hearing. If disapproved by the Planning and Zoning Commission, any such lease shall require the affirmative vote of at least eight (8) members of the Legislative Council.

E. The power to enter into leases of space in the Edmond Town Hall is governed by Special Act 98 of the 1931 session of the Connecticut General Assembly.

§ 456-6 Procedure for property valued under \$20,000 or leaseholds under 5 years in duration

A. Transferred property valued less than \$20,000 is exempt from procedures outlined in 8-05 and 8-10 of the Charter; therefore, the following procedures shall be followed for properties valued under \$20,000 or leaseholds under 5 years in duration.

1. The proposed acquisition or deposition of property transfers valued under \$20,000 shall include a review and approval of A-2 surveys and property value assessments by the Land Use Agency, with final approval of transfer by the First Selectman.
2. If the transfer of land between two properties is equal then the determination of the transferred property value shall be zero.
3. If the transfer of land between two properties is not equal and there is no new conforming lot created, the value of the land shall be determined by the net increase or decrease in the assessment of the property.
4. If the transfer of land between two properties is not equal and results in a new lot or creates a conforming lot from a non-conforming lot, the value of the resulting properties shall be determined by an appraisal of the land being transferred.
4. If the Acquisition or Disposition of property involves the transfer of a lot that is in compliance with zoning regulations, the property value shall be determined by an appraisal of the transferred lot.

§ 456-1 Purpose

A. The purpose of this chapter is to provide detail on the limitations and requirements associated with the acquisition, disposition, and leasing of real property as defined in the Charter, CHAPTER 8 ACQUISITION OR DISPOSITION OF REAL PROPERTY. Exceptions detailed, meant to supplement section 8 of the charter. Also addressing properties of value under \$20,000 or leases of duration less than 5 years.

§ 456-2 Definitions

Definitions: The following terms shall have the meaning ascribed to them below.

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

B. Acquisition: The process by which real property is obtained.

C. Disposition: The process by which real property is disposed of. The term “Disposition” shall include the sale, exchange, abandonment, or other disposition (replace with disposal?) of Real Property and shall also include any decision to permit leases of Real Property.

§ 456-3 Procedure for the Acquisition of Real Property

A. The purpose of this section is to address exceptional circumstances not defined in Section 8-05 of the Newtown Charter.

B. Exceptional circumstances not defined in Charter:

(1) Regarding property acquired for non-payment of taxes:

(a) If the Legislative Council so votes there shall be a waiting period of 180 days after the vote to permit the Legislative Council to make a final determination whether or not to retain said real property. The Legislative Council may vote at any time to terminate the waiting period.

(b) Before making a final determination to retain said real property for a specific town purpose the Legislative Council shall follow the same procedure set forth in section 8-05(c) of the Charter as if it were an acquisition of real property rather than a retention.

(c) Upon a vote to terminate the waiting period, or upon the expiration of the waiting period without action by the Legislative Council to retain said real

property, the First Selectman shall sell said property, taking all steps required by Section 8-10 of the Charter.

- (2) Regarding acceptance of gifts, with or without conditions,
- (3) Real property required to be dedicated in connection with the subdivision of real property
- (4) Acquisition of real property for public highways and related purposes.
- (5) Acceptance of a leasehold (Not an acquisition. Should be own section?)

C. In acquiring real property the following procedure shall be used:

- (1) The Legislative Council, subject to appropriations for the specific purpose and following the recommendation of the First Selectman with the approval of the Board of Selectmen, and if applicable, in accordance with Section 8-24 of the General Statutes, may authorize the purchase or acquisition, including without limitation the acceptance of gifts, with or without conditions, of real property for all Town purposes. Exceptions include:

(2) Someone should figure out this level of detail but it should not be defined in the ordinance:

- (3) The subdivision map showing said real property, restrictions and easements shall not be filed in the Town Clerk's office until all deeds, easements and restrictions have been properly executed, title is free and clear of all encumbrances, the town attorney has notified the Town Clerk that said deeds, easements and restrictions meet said conditions and accomplish the purposes for which they are required, and said deeds, easements and restrictions, except for a deed for the road which is to become a public highway, are recorded concurrently with filing the subdivision map. Approval by the commission is not subject to any right of appeal. Title to real property shall be conveyed by warranty deed.

§ 456-4 Disposition of Real Property

A. The purpose of this section is to address exceptional circumstances not defined in Section 8-10 of the Newtown Charter.

B. The Disposition of Real Property shall be restricted to:

- (1) Real Property that is not needed for municipal purposes now or in the foreseeable future,
- (2) Real Property that is required to facilitate the Acquisition of improved or unimproved Real Property for a project already funded, or
- (3) Real Property that is not under the management of another Town Body, as provided for in this Charter.

C. The First Selectman, with the approval of the Board of Selectmen, and the Legislative Council by a majority vote of its entire membership, may propose the sale, exchange or other disposition of town- owned real property.

D. Before any other action is taken on the proposal, the Town shall have notice of the availability of said real property for sale warned according to Subsection 1-25(b); and the property appraised by a licensed real property appraiser who shall submit a written copy of the appraisal to the First Selectman and the Legislative Council in confidence. If the proposal is to sell to, or exchange town-owned land with, an adjacent property owner the impact of the acquisition of the town-owned land on the value of the real property already owned by said owner shall be included in the appraisal in addition to the value of the land being exchanged. If the town- owned property being sold or exchanged is only part of a tract of contiguous land owned by the Town, the appraisal shall also include the impact on the value of the remaining property. The appraisal shall not be disclosed to any other person while negotiations are ongoing. The appraisal shall be open for public inspection if the proposal becomes the subject of a hearing or meeting open to the public.

E. The Legislative Council shall hold a hearing on the proposal as required by Section 7-163e of the General Statutes. Notice of such hearing shall be given by posting a notice in the Town Clerk's office and on the town website, and on a sign located on the property, at least 15 days prior to the date of the public hearing, and noticed twice according to Subsection 1-25(b), 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 after the first publication and not less than 2 days prior to the hearing.

F. Upon meeting said requirements of section 8-15(c) of the Charter, the Legislative Council may vote to sell or otherwise dispose of said real property by the requisite number of votes, with or without conditions. This vote must include a finding that:

- (1) The real property in question is excess land not needed for municipal purposes now or in the foreseeable future, or
- (2) The sale or disposition of the town-owned real property is for the purpose of facilitating acquisition of improved or unimproved real property for a project already funded which is more suited to accomplishing said project than the real property already owned

G. If the decision is made to sell the real property at public auction such sale, including the terms thereof, shall be noticed twice according to section 1-25(b) of the Charter, with the first such notice at least 30 days prior to the auction date and the last not more than 15 days prior to the auction date.

- (1) The successful bidder at the auction shall submit a deposit of ten percent (10%) 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 the successful bidder at auction is unable to make such ten percent (10%) deposit immediately upon acceptance of his bid, said bidder and his/her agent shall be disqualified from future bidding at any re-auction of said real property. 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.

H. 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 subsection, shall be established by the First Selectman with the approval of the Board of Selectmen and confirmed by an affirmative vote of at least eight (8) members of the Legislative Council. In setting the price the First Selectman shall consider the appraisal required by Subsection 8-15(a). 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 paid shall be retained by the Town as liquidated damages.

I. The requirements of Subsections 8-15(a) through (h) inclusive shall not apply to private sales of town-owned land where a written appraisal by an appraiser certified or licensed by the State of Connecticut has been obtained and neither the value of the property being sold or transferred nor the benefit to the purchaser exceeds \$20,000.00.

J. If the transfer of town-owned real property provides consideration, in whole or in part, for the acquisition of other real property, said transfer is an in-kind payment, and the value thereof must be included for purposes of making an appropriation as if it were a cash payment. (Included for context, this is in existing charter)

§ 456-5 Leasing of Real Property

A. All leases shall be negotiated by the First Selectman, with the final, written version subject to approval by the Board of Selectmen. The proposed lease shall be executed by the First Selectman and the tenant or the landlord, as the case may be, conditioned on the actions set forth in Subsections 8-20(c) and (d) taking place.

B. Before negotiations are undertaken, the First Selectman shall obtain a written opinion by a licensed real estate appraiser of the fair market rent for the real property in question for the proposed term and a financial impact statement from the Finance Director. The opinion of fair market rent shall be confidential. Where the term of the proposed lease and all options to renew is for 5 years or less, it shall be optional with the First Selectman whether or not to obtain an opinion of fair market rent.

C. If the Board of Selectmen vote to approve the proposed lease, an outline of the lease including, without limitation, the rent and term, including all options, shall be circulated to the boards and commissions listed in section 8-15(b) for comment. Where the proposed lease is of town-owned real property, and following receipt of said comments or after 35 days without

receiving comments, a public hearing on said proposed lease shall be held by the Legislative Council pursuant to Section 7-163e of the General Statutes.

D. If the Planning and Zoning Commission approves the lease following the Section 8-24 hearing and the term of the proposed lease, including all options to renew, is for 5 years or less, the Legislative Council may vote to reject the proposed lease if it acts within 20 days of the close of the public hearing; otherwise the proposed lease shall take effect as written. A majority vote of the Legislative Council to enter into the proposed lease is required if the term of the proposed lease, including all options to renew, is for more than 5 years unless the Planning and Zoning Commission votes to disapprove the lease following the Section 8-24 hearing. If disapproved by the Planning and Zoning Commission, any such lease shall require the affirmative vote of at least eight (8) members of the Legislative Council.

E. The power to enter into leases of space in the Edmond Town Hall is governed by Special Act 98 of the 1931 session of the Connecticut General Assembly.

§ 456-6 Procedure for property valued under \$20,000 or leaseholds under 5 years in duration

A. Transferred property valued less than \$20,000 is exempt from procedures outlined in 8-05 and 8-10 of the Charter; therefore, the following procedures shall be followed for properties valued under \$20,000 or leaseholds under 5 years in duration.

1. The proposed acquisition or deposition of property transfers valued under \$20,000 shall include a review and approval of A-2 surveys and property value assessments by the Land Use Agency, with final approval of transfer by the First Selectman.
2. If the transfer of land between two properties is equal then the determination of the transferred property value shall be zero.
3. If the transfer of land between two properties is not equal and there is no new conforming lot created, the value of the land shall be determined by the net increase or decrease in the assessment of the property.
4. If the transfer of land between two properties is not equal and results in a new lot or creates a conforming lot from a non-conforming lot, the value of the resulting properties shall be determined by an appraisal of the land being transferred.
4. If the Acquisition or Disposition of property involves the transfer of a lot that is in compliance with zoning regulations, the property value shall be determined by an appraisal of the transferred lot.

§ 456-1 Purpose

A. The purpose of this chapter is to provide detail on the limitations and requirements associated with the acquisition, disposition, and leasing of real property as defined in the Charter, CHAPTER 8 ACQUISITION OR DISPOSITION OF REAL PROPERTY. Exceptions detailed, meant to supplement section 8 of the charter. Also addressing properties of value under \$20,000 or leases of duration less than 5 years.

§ 456-2 Definitions

Definitions: The following terms shall have the meaning ascribed to them below.

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

B. Acquisition: The process by which real property is obtained.

C. Disposition: The process by which real property is disposed of. The term “Disposition” shall include the sale, exchange, abandonment, or other disposition (replace with disposal?) of Real Property and shall also include any decision to permit leases of Real Property.

§ 456-3 Procedure for the Acquisition of Real Property

A. The purpose of this section is to address exceptional circumstances not defined in Section 8-05 of the Newtown Charter.

B. Exceptional circumstances not defined in Charter:

(1) Regarding property acquired for non-payment of taxes:

(a) If the Legislative Council so votes there shall be a waiting period of 180 days after the vote to permit the Legislative Council to make a final determination whether or not to retain said real property. The Legislative Council may vote at any time to terminate the waiting period.

(b) Before making a final determination to retain said real property for a specific town purpose the Legislative Council shall follow the same procedure set forth in section 8-05(c) of the Charter as if it were an acquisition of real property rather than a retention.

(c) Upon a vote to terminate the waiting period, or upon the expiration of the waiting period without action by the Legislative Council to retain said real

property, the First Selectman shall sell said property, taking all steps required by Section 8-10 of the Charter.

- (2) Regarding acceptance of gifts, with or without conditions,
- (3) Real property required to be dedicated in connection with the subdivision of real property
- (4) Acquisition of real property for public highways and related purposes.
- (5) Acceptance of a leasehold (Not an acquisition. Should be own section?)

C. In acquiring real property the following procedure shall be used:

(1) The Legislative Council, subject to appropriations for the specific purpose and following the recommendation of the First Selectman with the approval of the Board of Selectmen, and if applicable, in accordance with Section 8-24 of the General Statutes, may authorize the purchase or acquisition, including without limitation the acceptance of gifts, with or without conditions, of real property for all Town purposes. Exceptions include:

(2) Someone should figure out this level of detail but it should not be defined in the ordinance:

(3) The subdivision map showing said real property, restrictions and easements shall not be filed in the Town Clerk's office until all deeds, easements and restrictions have been properly executed, title is free and clear of all encumbrances, the town attorney has notified the Town Clerk that said deeds, easements and restrictions meet said conditions and accomplish the purposes for which they are required, and said deeds, easements and restrictions, except for a deed for the road which is to become a public highway, are recorded concurrently with filing the subdivision map. Approval by the commission is not subject to any right of appeal. Title to real property shall be conveyed by warranty deed.

§ 456-4 Disposition of Real Property

A. The purpose of this section is to address exceptional circumstances not defined in Section 8-10 of the Newtown Charter.

B. The Disposition of Real Property shall be restricted to:

- (1) Real Property that is not needed for municipal purposes now or in the foreseeable future,
- (2) Real Property that is required to facilitate the Acquisition of improved or unimproved Real Property for a project already funded, or
- (3) Real Property that is not under the management of another Town Body, as provided for in this Charter.

C. The First Selectman, with the approval of the Board of Selectmen, and the Legislative Council by a majority vote of its entire membership, may propose the sale, exchange or other disposition of town- owned real property.

D. Before any other action is taken on the proposal, the Town shall have notice of the availability of said real property for sale warned according to Subsection 1-25(b); and the property appraised by a licensed real property appraiser who shall submit a written copy of the appraisal to the First Selectman and the Legislative Council in confidence. If the proposal is to sell to, or exchange town-owned land with, an adjacent property owner the impact of the acquisition of the town-owned land on the value of the real property already owned by said owner shall be included in the appraisal in addition to the value of the land being exchanged. If the town- owned property being sold or exchanged is only part of a tract of contiguous land owned by the Town, the appraisal shall also include the impact on the value of the remaining property. The appraisal shall not be disclosed to any other person while negotiations are ongoing. The appraisal shall be open for public inspection if the proposal becomes the subject of a hearing or meeting open to the public.

E. The Legislative Council shall hold a hearing on the proposal as required by Section 7-163e of the General Statutes. Notice of such hearing shall be given by posting a notice in the Town Clerk's office and on the town website, and on a sign located on the property, at least 15 days prior to the date of the public hearing, and noticed twice according to Subsection 1-25(b), 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 after the first publication and not less than 2 days prior to the hearing.

F. Upon meeting said requirements of section 8-15(c) of the Charter, the Legislative Council may vote to sell or otherwise dispose of said real property by the requisite number of votes, with or without conditions. This vote must include a finding that:

- (1) The real property in question is excess land not needed for municipal purposes now or in the foreseeable future, or
- (2) The sale or disposition of the town-owned real property is for the purpose of facilitating acquisition of improved or unimproved real property for a project already funded which is more suited to accomplishing said project than the real property already owned

G. If the decision is made to sell the real property at public auction such sale, including the terms thereof, shall be noticed twice according to section 1-25(b) of the Charter, with the first such notice at least 30 days prior to the auction date and the last not more than 15 days prior to the auction date.

- (1) The successful bidder at the auction shall submit a deposit of ten percent (10%) 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 the successful bidder at auction is unable to make such ten percent (10%) deposit immediately upon acceptance of his bid, said bidder and his/her agent shall be disqualified from future bidding at any re-auction of said real property. 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.

H. 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 subsection, shall be established by the First Selectman with the approval of the Board of Selectmen and confirmed by an affirmative vote of at least eight (8) members of the Legislative Council. In setting the price the First Selectman shall consider the appraisal required by Subsection 8-15(a). 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 paid shall be retained by the Town as liquidated damages.

I. The requirements of Subsections 8-15(a) through (h) inclusive shall not apply to private sales of town-owned land where a written appraisal by an appraiser certified or licensed by the State of Connecticut has been obtained and neither the value of the property being sold or transferred nor the benefit to the purchaser exceeds \$20,000.00.

J. If the transfer of town-owned real property provides consideration, in whole or in part, for the acquisition of other real property, said transfer is an in-kind payment, and the value thereof must be included for purposes of making an appropriation as if it were a cash payment. (Included for context, this is in existing charter)

§ 456-5 Leasing of Real Property

A. All leases shall be negotiated by the First Selectman, with the final, written version subject to approval by the Board of Selectmen. The proposed lease shall be executed by the First Selectman and the tenant or the landlord, as the case may be, conditioned on the actions set forth in Subsections 8-20(c) and (d) taking place.

B. Before negotiations are undertaken, the First Selectman shall obtain a written opinion by a licensed real estate appraiser of the fair market rent for the real property in question for the proposed term and a financial impact statement from the Finance Director. The opinion of fair market rent shall be confidential. Where the term of the proposed lease and all options to renew is for 5 years or less, it shall be optional with the First Selectman whether or not to obtain an opinion of fair market rent.

C. If the Board of Selectmen vote to approve the proposed lease, an outline of the lease including, without limitation, the rent and term, including all options, shall be circulated to the boards and commissions listed in section 8-15(b) for comment. Where the proposed lease is of town-owned real property, and following receipt of said comments or after 35 days without

receiving comments, a public hearing on said proposed lease shall be held by the Legislative Council pursuant to Section 7-163e of the General Statutes.

D. If the Planning and Zoning Commission approves the lease following the Section 8-24 hearing and the term of the proposed lease, including all options to renew, is for 5 years or less, the Legislative Council may vote to reject the proposed lease if it acts within 20 days of the close of the public hearing; otherwise the proposed lease shall take effect as written. A majority vote of the Legislative Council to enter into the proposed lease is required if the term of the proposed lease, including all options to renew, is for more than 5 years unless the Planning and Zoning Commission votes to disapprove the lease following the Section 8-24 hearing. If disapproved by the Planning and Zoning Commission, any such lease shall require the affirmative vote of at least eight (8) members of the Legislative Council.

E. The power to enter into leases of space in the Edmond Town Hall is governed by Special Act 98 of the 1931 session of the Connecticut General Assembly.

§ 456-6 Procedure for property valued under \$20,000 or leaseholds under 5 years in duration

A. Transferred property valued less than \$20,000 is exempt from procedures outlined in 8-05 and 8-10 of the Charter; therefore, the following procedures shall be followed for properties valued under \$20,000 or leaseholds under 5 years in duration.

1. The proposed acquisition or deposition of property transfers valued under \$20,000 shall include a review and approval of A-2 surveys and property value assessments by the Land Use Agency, with final approval of transfer by the First Selectman.
2. If the transfer of land between two properties is equal then the determination of the transferred property value shall be zero.
3. If the transfer of land between two properties is not equal and there is no new conforming lot created, the value of the land shall be determined by the net increase or decrease in the assessment of the property.
4. If the transfer of land between two properties is not equal and results in a new lot or creates a conforming lot from a non-conforming lot, the value of the resulting properties shall be determined by an appraisal of the land being transferred.
4. If the Acquisition or Disposition of property involves the transfer of a lot that is in compliance with zoning regulations, the property value shall be determined by an appraisal of the transferred lot.

PENSION AND OTHER POST-EMPLOYMENT BENEFITS (OPEB) ORDINANCE

Chapter 33, Article I of the Code of the Town of Newtown is repealed and the following is substituted in lieu thereof:

§ 33-1. Title, Purpose and Severability

A. This article is enacted pursuant to § 2-255 of the Newtown Town Charter and § 7-450(b) of the Connecticut General Statutes, and shall be known and may be cited as the “Pension and Other Post-Employment Benefits (OPEB) Ordinance”.

B. The purpose of the pension, retirement or other postemployment health and life benefit systems of the Town of Newtown are to provide retirement benefits to eligible Town of Newtown officers and employees and their beneficiaries.

C. As used in this article, the term “Pension and OPEB Committee” shall be defined as the Pension Committee for purposes of section 2-255 of the Newtown Town Charter, and the Other Post-Employment Benefits Committee for the Other Post-Employment Benefits Trust created and established by the Town of Newtown in Ordinance No. 92 adopted by the Legislative Council on or about October 7, 2009 (the “OPEB Trust”), which shall continue to exist and, except as specifically provided for herein, shall not be affected by the enactment of this article.

A.D. The provisions of this article are declared to be severable and the invalidity of any portion thereof shall not affect the validity of the remainder.

§33-2 Pension ~~Committee, OPEB Trust~~ and OPEB Committee; Duties

A. Pension Committee

i. ~~Pursuant to § 2-255 of the Newtown Town Charter and § 7-450(b) of the Connecticut General Statutes, the existing Pension Committee is hereby designated the Pension Commission for purposes of the Newtown Town Charter and this article (the “Pension Committee”).~~

B.A. The Pension and OPEB Committee ~~shall be appointed by the First Selectman with the approval of the Board of Selectmen to~~ serve in an advisory role with respect to the administration and investment oversight of assets of the pension, retirement or other postemployment health and life benefit systems of the Town of Newtown. The members of the Pension and OPEB Committee shall receive no compensation for serving.

C.B. The Pension and OPEB Committee ~~providesshall provide~~ guidance and insight into the provisions of the retirement benefits system plans (the “Plans”) and ~~monitorsmonitor~~ and ~~reportsreport~~ to the trustees (the “Trustees”) of trusts established to hold and invest the assets of such retirement benefits systems- (the “Trusts”).

D. OPEB TrustThe Pension and OPEB Committee

i. ~~Pursuant to the authority granted to the Legislative Council of the Town of Newtown, Connecticut, in the Newtown Town Charter and § 7-450(b) of the Connecticut General Statutes, the Other Post-Employment Benefits Trust created and established by the Town of Newtown in Ordinance No. 92 adopted by the Legislative Council on or about October 7, 2009 (the~~

PENSION AND OTHER POST-EMPLOYMENT BENEFITS (OPEB) ORDINANCE

~~“OPEB Trust”) shall continue to exist and, except as specifically provided for herein, shall not be affected by the enactment of this article.~~

- ~~ii. The Pension Committee shall constitute the Other Post Employment Benefits Committee (“OPEB Committee”) for the OPEB Trust. The members of said OPEB Committee shall receive no compensation for serving and shall serve terms coextensive with their respective terms as members of the Pension Committee.~~

C. ~~The OPEB Committee~~ shall perform the duties set forth in the Pension and OPEB trust agreement~~agreements~~, as amended from time to time, relating to the management of the assets held in the ~~OPEB Trust. Trusts.~~

E.D. The Chairman of the Pension and OPEB Committee and the Town's Personnel Administrator, as co-trustees of the OPEB Trust, shall perform the duties set forth in the OPEB ~~trust~~Trust agreement, as amended from time to time, relating to the care and custody of all funds held in the OPEB Trust, and shall have the power, with the approval of the OPEB Trust, and shall have the power, with the approval of the Pension and OPEB Committee, to invest such funds in securities legal for investment for such trust fund.

§33-3 Responsibilities, Composition of Pension and OPEB Committee; Duties Composition and Meetings

- A. The members of the Pension and OPEB Committee shall have the following responsibilities:
- i. Serve as advisors to the Trustees with respect to the selection of appropriate investment vehicles in line with the relevant investment policy statement for each Plan.
 - ii. Evaluate investment vehicles and their risk parameters, monitor investment returns, make recommendations to the Trustees regarding expanding or decreasing investment selections as appropriate to protect the assets of the Plans and periodically report the investment performance of Plans and trusts established to hold and invest the assets of the Town of Newtown retirement benefits systems.
 - iii. Ensure that the relevant investment policy statement for each Plan, along with other policy guidance and directives outlined by the Trustees, are properly implemented.
 - iv. Review quarterly reports of the Plans and trusts established to hold and invest the assets of the Town of Newtown retirement benefits systems with respect to the status and value of each Plan's assets and report any exceptions or major variances to the Board of Selectmen.
 - v. Monitor the performance of each Plan's investments quarterly. Meet with the investment consultant of each Plan to review and discuss Plan performance and report to the Board of Selectmen.
 - vi. Discharge their duties with the care, skill, prudence and diligence appropriate to the circumstances then prevailing and to comply with the

PENSION AND OTHER POST-EMPLOYMENT BENEFITS (OPEB) ORDINANCE

ERISA fiduciary standards and the prudent investor rule as set forth in *Conn. Gen. Stat.* § 45a-541 to § 45a-541l, inclusive.

- vii. Meet with the Board of Selectmen, not less than annually, to review the status of the Plans' investments, performance, ~~investment policy statement, actuarial assumptions, funding policy -and-~~ any changes that the Pension and OPEB Committee, in consultation with the Plans' actuary, investment consultant and/or Trustees, might feel appropriate to suggest.
 - viii. Establish procedures, with approval of the Trustees, for coordinating a search for actuary(s), custodians(s), investment manager(s), consultant(s), and other service providers as necessary and advisable in consultation with the Plans' investment consultant and the Trustees.
- B. Composition of Pension and OPEB Committee Members; Appointment; Terms;
- i. There shall be six volunteer members of the Pension OPEB Committee appointed by the First Selectman, with the approval of the Board of Selectman with a preference for those volunteers who have relevant expertise and backgrounds in one or more of the following disciplines: finance, healthcare, employee benefits, human resources, insurance, legal, investments and trustee/custodian.
 - ii. A seventh volunteer member of the Pension and OPEB Committee shall be a representative of the Newtown Police Union, Local #3152, Council #15, AFSCME, AFL-CIO (the "Police Union"). The member representative of the Police Union shall be appointed by the Board of Selectmen after receiving recommendations from the Police Union. The Pension and OPEB Committee, including the member representative of the Police Union, shall constitute the "Police Pension Committee" under the collective bargaining agreement between the Town of the Newtown and the Police Union, as the same may be amended from time-to-time. If at any time such agreement does not require a member representative of the Police Union on the Pension and OPEB Committee, then the preceding provisions of this paragraph (B)(ii) shall have no legal affect and the seventh member of the Pension Committee shall be appointed pursuant to the preceding paragraph (B)(i).
 - iii. Members of the Pension and OPEB Committee shall be appointed to serve a two-year term. Upon the enactment of this Article, the First Selectman shall appoint three members for a one-year term in January 2018, and three members for a two-year term. The member representative of the Police Union shall serve a two-year term.

C. Pension and OPEB Committee Chairman, Vice Chairman, Clerk

- i. The Pension and OPEB Committee shall elect a Chairman and a Vice Chairman to serve for a term of one-year.

PENSION AND OTHER POST-EMPLOYMENT BENEFITS (OPEB) ORDINANCE

- ii. The Chairman shall preside at meetings and public hearings. The Vice Chairman shall preside at all meetings and public hearings in the Chairman's absence.
- iii. The Pension [and OPEB](#) Committee shall utilize a clerk whose responsibility is the taking of minutes at all meetings, type and file minutes with the Town Clerk, distribute to Pension [and OPEB](#) Committee members and perform all other clerical or recording services for the Pension [and OPEB](#) Committee.

PENSION AND OTHER POST-EMPLOYMENT BENEFITS (OPEB) ORDINANCE

~~E.D.~~ Pension and OPEB Committee Meetings

~~ii.i.~~ The Pension and OPEB Committee shall meet quarterly and at other times as the Chairman deems necessary.

~~iii.ii.~~ The Chairman shall prepare an agenda prior to each meeting of the Pension and OPEB Committee. The Clerk shall distribute the agenda to each Pension and OPEB Committee member.

PENSION AND OTHER POST-EMPLOYMENT BENEFITS (OPEB) ORDINANCE

Chapter 33, Article I of the Code of the Town of Newtown is repealed and the following is substituted in lieu thereof:

§ 33-1. Title, Purpose and Severability

- A. This article is enacted pursuant to § 2-255 of the Newtown Town Charter and § 7-450(b) of the Connecticut General Statutes, and shall be known and may be cited as the “Pension and Other Post-Employment Benefits (OPEB) Ordinance”.
- B. The purpose of the pension, retirement or other postemployment health and life benefit systems of the Town of Newtown are to provide retirement benefits to eligible Town of Newtown officers and employees and their beneficiaries.
- C. As used in this article, the term “Pension and OPEB Committee” shall be defined as the Pension Committee for purposes of section 2-255 of the Newtown Town Charter, and the Other Post-Employment Benefits Committee for the Other Post-Employment Benefits Trust created and established by the Town of Newtown in Ordinance No. 92 adopted by the Legislative Council on or about October 7, 2009 (the “OPEB Trust”), which shall continue to exist and, except as specifically provided for herein, shall not be affected by the enactment of this article.
- D. The provisions of this article are declared to be severable and the invalidity of any portion thereof shall not affect the validity of the remainder.

§33-2 Pension and OPEB Committee; Duties

- A. The Pension and OPEB Committee shall serve in an advisory role with respect to the administration and investment oversight of assets of the pension, retirement or other postemployment health and life benefit systems of the Town of Newtown. The members of the Pension and OPEB Committee shall receive no compensation for serving.
- B. The Pension and OPEB Committee shall provide guidance and insight into the provisions of the retirement benefits system plans (the “Plans”) and monitor and report to the trustees (the “Trustees”) of trusts established to hold and invest the assets of such retirement benefits systems (the “Trusts”).
- C. The Pension and OPEB Committee shall perform the duties set forth in the Pension and OPEB trust agreements, as amended from time to time, relating to the management of the assets held in the Trusts.
- D. The Chairman of the Pension and OPEB Committee and the Town's Personnel Administrator, as co-trustees of the OPEB Trust, shall perform the duties set forth in the OPEB Trust agreement, as amended from time to time, relating to the care and custody of all funds held in the OPEB Trust, and shall have the power, with the approval of the OPEB Trust, and shall have the power, with the approval of the Pension and OPEB Committee, to invest such funds in securities legal for investment for such trust fund.

§33-3 Pension and OPEB Committee; Duties Composition and Meetings

- A. The members of the Pension and OPEB Committee shall have the following responsibilities:

PENSION AND OTHER POST-EMPLOYMENT BENEFITS (OPEB) ORDINANCE

- i. Serve as advisors to the Trustees with respect to the selection of appropriate investment vehicles in line with the relevant investment policy statement for each Plan.
 - ii. Evaluate investment vehicles and their risk parameters, monitor investment returns, make recommendations to the Trustees regarding expanding or decreasing investment selections as appropriate to protect the assets of the Plans and periodically report the investment performance of Plans and trusts established to hold and invest the assets of the Town of Newtown retirement benefits systems.
 - iii. Ensure that the relevant investment policy statement for each Plan, along with other policy guidance and directives outlined by the Trustees, are properly implemented.
 - iv. Review quarterly reports of the Plans and trusts established to hold and invest the assets of the Town of Newtown retirement benefits systems with respect to the status and value of each Plan's assets and report any exceptions or major variances to the Board of Selectmen.
 - v. Monitor the performance of each Plan's investments quarterly. Meet with the investment consultant of each Plan to review and discuss Plan performance and report to the Board of Selectmen.
 - vi. Discharge their duties with the care, skill, prudence and diligence appropriate to the circumstances then prevailing and to comply with the ERISA fiduciary standards and the prudent investor rule as set forth in *Conn. Gen. Stat. § 45a-541 to § 45a-541l, inclusive*.
 - vii. Meet with the Board of Selectmen, not less than annually, to review the status of the Plans' investments, performance, investment policy statement, actuarial assumptions, funding policy and any changes that the Pension and OPEB Committee, in consultation with the Plans' actuary, investment consultant and/or Trustees, might feel appropriate to suggest.
 - viii. Establish procedures, with approval of the Trustees, for coordinating a search for actuary(s), custodians(s), investment manager(s), consultant(s), and other service providers as necessary and advisable in consultation with the Plans' investment consultant and the Trustees.
- B. Composition of Pension and OPEB Committee Members; Appointment; Terms;
- i. There shall be six volunteer members of the Pension OPEB Committee appointed by the First Selectman, with the approval of the Board of Selectman with a preference for those volunteers who have relevant expertise and backgrounds in one or more of the following disciplines: finance, healthcare, employee benefits, human resources, insurance, legal, investments and trustee/custodian.
 - ii. A seventh volunteer member of the Pension and OPEB Committee shall be a representative of the Newtown Police Union, Local #3152, Council #15, AFSCME, AFL-CIO (the "Police Union"). The member

PENSION AND OTHER POST-EMPLOYMENT BENEFITS (OPEB) ORDINANCE

representative of the Police Union shall be appointed by the Board of Selectmen after receiving recommendations from the Police Union. The Pension and OPEB Committee, including the member representative of the Police Union, shall constitute the "Police Pension Committee" under the collective bargaining agreement between the Town of the Newtown and the Police Union, as the same may be amended from time-to-time. If at any time such agreement does not require a member representative of the Police Union on the Pension and OPEB Committee, then the preceding provisions of this paragraph (B)(ii) shall have no legal affect and the seventh member of the Pension Committee shall be appointed pursuant to the preceding paragraph (B)(i).

- iii. Members of the Pension and OPEB Committee shall be appointed to serve a two-year term. Upon the enactment of this Article, the First Selectman shall appoint three members for a one-year term in January 2018, and three members for a two-year term. The member representative of the Police Union shall serve a two-year term.

C. Pension and OPEB Committee Chairman, Vice Chairman, Clerk

- i. The Pension and OPEB Committee shall elect a Chairman and a Vice Chairman to serve for a term of one-year.
- ii. The Chairman shall preside at meetings and public hearings. The Vice Chairman shall preside at all meetings and public hearings in the Chairman's absence.
- iii. The Pension and OPEB Committee shall utilize a clerk whose responsibility is the taking of minutes at all meetings, type and file minutes with the Town Clerk, distribute to Pension and OPEB Committee members and perform all other clerical or recording services for the Pension and OPEB Committee.

D. Pension and OPEB Committee Meetings

- i. The Pension and OPEB Committee shall meet quarterly and at other times as the Chairman deems necessary.
- ii. The Chairman shall prepare an agenda prior to each meeting of the Pension and OPEB Committee. The Clerk shall distribute the agenda to each Pension and OPEB Committee member.