

MINUTES

Town of Easton – Special Town Meeting

September 24, 2018 – 7:00 p.m.

Samuel Staples Elementary School, 515 Morehouse Road, Easton

Present: Adam Dunsby, First Selectman; Robert Lessler, Selectman; Kristi Sogofsky, Selectman; Christine Halloran, Town Clerk

Attendees: About 285 members of the public

Adam Dunsby called the meeting to order at 7:09 p.m. Mr. Dunsby reviewed in brief CGS Sec 7-6 Eligibility to vote.

The First Selectman asked for a motion to nominate a Moderator. Jim Riling nominated Tom Herrmann. The motion was seconded. The nomination was approved unanimously by voice vote.

The Town Clerk read the call of the meeting.

Pledge of allegiance.

The Moderator continued with the agenda items.

1. Discuss and possible action on a proposed ordinance submitted by petition as follows: “The Town shall not acquire any real property by sale, lease or otherwise, nor shall it dispose of any real property owned by the Town, by sale, lease or otherwise without the proper approval of the Town Meeting, its legislative body; except this ordinance shall not apply to real property with a fair market value of less than Ten Thousand (\$10,000.00) Dollars, nor to lease of duration of one (1) year or less or of total lease payments totaling less than \$10,000.00, nor to any real property acquired by tax foreclosure.”

The Moderator called for a motion to discuss the item. Peter Dacey moved on the petition that “The Town shall not acquire any real property by sale, lease or otherwise, nor shall it dispose of any real property owned by the Town, by sale, lease or otherwise without the proper approval of the Town Meeting, its legislative body; except this ordinance shall not apply to real property with a fair market value of less than Ten Thousand (\$10,000.00) Dollars, nor to lease of duration of one (1) year or less or of total lease payments totaling less than \$10,000.00, nor to any real property acquired by tax foreclosure.” Motion seconded. The Moderator indicated that he would allow Mr. Dacey to present, and in turn, the Moderator will allow the Board of Selectmen, who called the meeting, equal time to comment on the motion. Based on the number of attendees indicating an intention to speak on the proposed ordinance, the Moderator limited each speaker to three (3) minutes. Mr. Dacey gave a PowerPoint presentation for twenty-one (21) minutes. Adam Dunsby, Robert Lessler and Kristi Sogofsky, the Board of Selectmen, each commented on the proposed ordinance. The Moderator asked for members of the town to line up at the microphone to speak.

Michael Kot moved to amend the proposed ordinance to reflect the following changes (in bold), "...this ordinance shall not apply to real property with a fair market value of less than **Two Hundred Thousand (\$200,000.00)** Dollars, nor to lease of duration of **two (2) years** or less or of total lease payments totaling less than **\$200,000.00**..." Motion seconded. The Moderator asked for any comments. Two attendees commented. The Moderator called for a vote on the proposed amendment. All in favor of the motion signify by saying "aye." All those opposed signify by saying "nay." Motion did not carry by voice vote.

The Moderator proceeds with the main motion. Three attendees commented. Anne Manusky moved to amend the original proposed ordinance as follows: "The Town shall obtain approval of its legislative body, the Town Meeting, prior to any sale, lease or transfer of real Town property that is subject to public hearing as outlined in Sec. 7-163e of the General Statutes of Connecticut." The Moderator clarified that the motion was to strike the language of the proposed ordinance as outlined in the warning of the meeting and replace it with this language. Motion seconded. The Moderator called for any comments on the proposed amendment. Eight attendees commented.

Nathalie Taranto moved to call the question. Motion seconded. The Moderator called for a vote on calling the question, which requires a two-thirds majority vote. All in favor signify by saying "aye." All opposed signify by saying "nay." No abstentions. Motion carried.

The Moderator called for a vote on the proposed ordinance as amended the second time. All in favor signify by saying "aye." All opposed signify by saying "nay." Motion did not carry by voice vote.

The Moderator indicated that discussion would continue on the proposed ordinance absent any amendment. Eight attendees commented.

Ray Martin moved to call the question. Motion seconded. The Moderator called for a vote on calling the question that requires a two-thirds majority vote. Point of Order requesting paper ballot at this meeting. The Moderator denied point of order citing that there was no provision for a paper at this meeting. Point of Order indicating that Robert's Rules does reference paper ballot if majority of assembly requests. The Moderator referred to CGS 7-7 to override Robert's Rules and denied Point of Order. The Moderator will follow Connecticut General Statutes indicating a motion for a paper ballot requires the vote to be taken not less than seven (7) days, or more than fourteen (!4) days from the town meeting. There is a motion on the floor to call the question. All in favor signify by saying "aye." All opposed signify by saying "nay." Motion carried to call the question.

The Moderator proceeded to the vote on the original proposed ordinance by voice vote indicating majority rules and someone may ask for division of the room. Attendees commented. The Moderator called for a vote. All in favor signify by saying "aye." All opposed signify by saying "nay." The Moderator believed the voice vote was in favor of the nays, but he would entertain a motion to divide the room. Nancy Hansen moved to divide the room. The Moderator repeated the proposed ordinance.

All in favor signify by standing. Due to the number of members already standing, this was not a practical option. Motion on the floor to divide the room for the original proposed ordinance. All in favor signify by saying "aye." All opposed signify by saying "nay." Motion carried.

The Moderator called for a recess for five minutes.

The Moderator decided to divide the attendees on opposite sides of the room to tally the votes. All those in favor of the motion to approve the proposed ordinance on one side, and all those opposed on the opposite side. Those abstaining to remain in seats. The Moderator counted each voting member (the ayes and the nay votes). One hundred (100) in favor of the proposed ordinance and one hundred thirty (130) opposed. Motion to approve the original proposed ordinance defeated.

2. Adjournment.

The Moderator called for a motion to vote on adjournment of the Special Town Meeting. Michael Keane moved. Motion seconded. The Moderator requested that all those in favor of adjourning say "aye." Motion carried by unanimous voice vote.

The meeting adjourned at 9:18 p.m.

Submitted by,
Christine Halloran, Easton Town Clerk

EASTON

Notice – Special Town Meeting

September 24, 2018

Warning is hereby given of a Special Town Meeting to be held within and for the Town of Easton on Monday, September 24, 2018, 7:00 p.m. at the Samuel Staples Elementary School, 515 Morehouse Road, Easton, to:

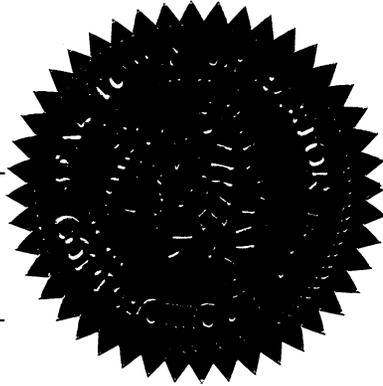
1. Discuss and possible action on a proposed ordinance submitted by petition as follows: “The Town shall not acquire any real property by sale, lease or otherwise , nor shall it dispose of any real property owned by the Town, by sale, lease or otherwise without the proper approval of the Town Meeting, its legislative body; except this ordinance shall not apply to real property with a fair market value of less than Ten Thousand (\$10,000.00) Dollars, nor to lease of duration of one (1) year or less or of total lease payments totaling less than \$10,000.00, nor to any real property acquired by tax foreclosure.”
2. Adjournment.

Per Order of the Board of Selectmen


Adam Dunsby, First Selectman


Robert H. Lessler, Selectman


Kristi L. Sogofsky, Selectman



SpecTwnMtg 09.24.2018



INSTR # M2018000555
DATE FILED 09/13/2018 11:40:44 AM
CHRISTINE HALLORAN
TOWN CLERK EASTON CT



MEMORANDUM

TO: Honorable Adam Dunsby & Members of the Board of Selectmen
FROM: Attorney Ira W. Bloom *IWB*
DATE: September 11, 2018
RE: Proposed Ordinance

I have been asked to review the following proposed ordinance:

“The Town shall not acquire any real property by sale, lease or otherwise, nor shall it dispose of any real property owned by the Town, by sale, lease or otherwise without the proper approval of the Town Meeting, its legislative body; except this ordinance shall not apply to real property with a fair market value of less than Ten Thousand (\$10,000.00) Dollars, nor to lease of duration of one (1) year or less or of total lease payments totaling less than \$10,000.00, nor to any real property acquired by tax foreclosure.”

- I. Is this a proper purpose for an ordinance to be considered by the Easton Town Meeting? My opinion is that this is in fact a proper purpose allowing the Town Meeting to consider this ordinance.

I note this type of request has been considered previously. In March 2014 a proposal was brought to the Town Meeting requiring Town Meeting action on the acquisition or disposition of real property. According to Board of Selectmen minutes (May 7, 2015), over 400 people attended the Town Meeting on this ordinance in March 2014. These minutes state that the ordinance proposal was “overwhelmingly defeated” at that time. A “functionally identical” petition was then brought to the Selectmen on May 7, 2015. On that date, the Board of Selectman deemed it improper for another consideration by the Town Meeting due to its close proximity in time to the 2014 petition.

- II. As I previously discussed in a memorandum to the Board of Selectman dated March 10, 2014, since Easton has no Town Charter we are left with statutory procedures regarding the sale or acquisition of Town property. With regard to

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sales, purchases or leases, it should be noted that there are already two (2) existing statutes that govern the sale of municipal property:

1. Connecticut General Statute §8-24: This statute requires the Planning and Zoning Commission to review proposed sales (along with purchases and leases) and to issue a report as to whether the proposal is consistent with the Town Plan of Conservation and Development.
2. Connecticut General Statute §7-163e: This statute provides that in towns where the legislative body is a town meeting, the board of selectmen shall conduct a public hearing on the sale, lease or transfer of real property owned by the municipality prior to final approval of such sale, lease or transfer.

Accordingly, there are already two (2) statutory procedures, one requiring a review by the Planning and Zoning Commission, and the other requiring a review and hearing by the Board of Selectmen.

The petitioners' proposed ordinance set forth above seeks to add an additional layer of review for municipal transactions in addition to the above statutory requirements.

- III. Does this proposed ordinance raise any practical problems? In my opinion, this ordinance could result in multiple Town Meetings throughout the year to resolve, in many cases, routine actions (especially leases) that otherwise would be decided by the Board of Selectman and the Planning and Zoning Commission. The Town Meeting should consider whether this will create an unnecessary extra step in the government process.