

A. Jeffrey Capeci, Chairman  
Mary Ann Jacob, Vice Chair  
Dan Amaral  
Jan Andras  
Kathy Fetchick  
James S. Belden



Gary Davis  
George T. Ferguson  
Kevin Fitzgerald  
Bob Merola  
Ben Spragg  
Richard Woycik

## TOWN OF NEWTOWN

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**Minutes of the Regular Meeting of the Legislative Council  
Held in the Board Room in the Newtown Municipal Center,  
3 Primrose Street, Newtown, Connecticut  
Tuesday, May 18, 2011**

***\* 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 which they were corrected.***

Chairman Jeffrey Capeci called the meeting to order at 7:33 pm.

**PRESENT:** George Ferguson, Dan Amaral, Jan Andras, Gary Davis, Rich Woycik, Kevin Fitzgerald, Bob Merola, Kathy Fetchick, Mary Ann Jacob, and Chairman Jeff Capeci

**ABSENT:** Jim Belden and Ben Spragg

**ALSO PRESENT:** First Selectman Patricia Llodra, Finance Director Bob Tait, Board of Finance Chairman John Kortze, Warden of the Borough James Gaston, 1 members of the press and 4 members of the public.

### **Approval of the Minutes:**

**March 2, 2011** - Ms. Jacob moved to approve the minutes from the *March 2, 2011* regular meeting, as corrected. Mr. Ferguson seconded and the minutes were unanimously approved. Corrections: Chairman Capeci noted that the comments attributed to Ms. Schierloh and were that of Mr. Golden, and those attributed to Mr. Golden were that of Ms. Schierloh. Mr. Fitzgerald asked that the dialogue he submitted from the video of the meeting be attached to the minutes to get the message out there as to exactly what was said.

**April 6, 2011** - Ms. Jacob moved to approve the minutes from *April 6, 2011* regular meeting. Ms. Fetchick seconded and the motion unanimously carried.

**April 27, 2011** - Ms. Jacob moved to approve the minutes of the Special Meeting *April 27, 2011* as corrected. Ms. Fetchick seconded and the motion was unanimously carried. Mr. Merola stated that the budget requests of the BOE and BOS are \$1.5M and \$400,000 respectively - a 4:1 ratio; and offered his amendment to change the ratio in the original motion to 80% /20% instead of 70%/30%. Mr. Davis suggested the following corrections: Page 4, Mr. Davis said he appreciated the perspectives of his fellow Council members. He said the state is to blame for putting Newtown in a difficult position. The state forces the town to rely on the property tax to generate almost all of its revenue to support the budget. He noted that there has been a lot of discussion around the second high school expansion. Based on the current enrollment projections, Newtown knows now that it has a high school expansion that will last for many years, as compared to the prior high school expansion, which was outmoded immediately. He added that the

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community supported the high school expansion. Mr. Davis said that he appreciates looking into rising costs, but stressed that he does want to have services.

Mr. Davis told his fellow Council members that they owe it to the voters to present this budget and let the voters decide. He added that he is not ready to support the amendment. Mr. Davis noted that this is a “same services” budget. He also indicated that he was interested in pressuring the state to allow the town to pursue other ways of raising revenue other than the property tax.

Page 6, Mr. Davis said he thought this was a great idea, but said he had questions about the 9% debt cap. He noted that Newtown has had a 10% debt cap for a long time. Mr. Davis expressed two primary concerns with the town lowering the debt cap: does Newtown box itself in with the rating agencies; and can the town achieve the same impact without changing the 10% debt cap policy.

Mr. Ferguson indicated that in his comments around the budget he indicated that in the original minutes it merely indicated he was behind the budget. He asked that be explained.

Regarding his comments around the budget, Mr. Ferguson indicated that he spoke about the significant taxes that have been levied at the state level totaling \$1.8 million and the increases to sales, income, state, real estate, transfer and 14 new taxes, noting that in light of that climate they should get behind the local budget and get it passed because there were in difficult times.

May 3, 2011 - Ms. Jacob made the motion to approve the minutes of the regular meeting *May 3, 2011* as corrected and amended. Ms. Fetchick seconded and the motion unanimously carried. Corrections: Page 8 – Mr. Merola noted that the number of students should be: 1688 instead of 688 and 1729 instead of 729. Amendment- Mr. Davis asked that the discussion around an amendment that never was be removed the minutes (Page 9, following the bottom line vote by Mr. Spragg to the call for a roll call vote by Chairman Capeci.)

### **UNFINISHED BUSINESS:**

**Discussion and possible action on: 2011-2012 Town of Newtown Budget** – Chairman Capeci noted there was no unfinished business that evening as the Budget had passed.

### **NEW BUSINESS:**

**Discussion and possible action on: the Blight Ordinance** – Ms. Jacob made a motion to direct the Ordinance Committee to research the need for a town Blight Ordinance and return recommendations to the full council. Ms. Fetchick seconded; and after a brief discussion with Mr. Gaston, the motion was unanimously approved.

According to Mr. Gaston, the reasons for pursuing such an ordinance were:

- 1) A number have people have asked him if we have a Blight Ordinance.
- 2) The number of properties in disrepair.

The Warden of Borough suggested that Town and Borough officials discuss the issue together and indicated he had sent letters out to the First Selectman and Chairman Capeci.

Mr. Gaston explained that 3 to 5 years ago zoning had a discussion regarding a Blight Ordinance. He indicated that the Chairman thought it should be brought up as a zoning issue and he believed it should be brought up as an ordinance. For the moment, Mr. Gaston believes the Town is far away from proposing anything or passing a Blight Ordinance. To help the Council get an idea of a working ordinance, the Warden of the Borough passed out copies of the Town of Seymour’s Blight Ordinance. He suggested the Council send the topic to its Ordinance Committee and the Borough will work with them so that the entire Council can decide if it wants a Blight Ordinance. Mr. Gaston noted that Seymour’s ordinance has some broad language. He indicated that properties in disrepair can bring down the values of surrounding properties, but noted that such an ordinance would be legislating to people what they should be doing with their properties. However, the Warden of the Borough added that the Council can decide what it wants and what it limits the ordinance to.

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Mr. Gaston stressed that the pros of having a Blight Ordinance would be that it can promote the safety, health and moral welfare, and prevent illegal activity and the devaluing of the neighborhood. He added the effect of having such an ordinance would be that someone has to enforce it and there has to be an appeal process which will add costs to effectuate it.

### **COMMUNICATIONS:**

Ms. Fetchick informed the Council that she and Ms. Jacob had sent out a survey to voters asking them about the budget moving forward. She indicated that they had received about 70 responses and forwarded the results to the Council. Ms. Fetchick asked that the results be posted with the minutes.

Chairman Capeci commended their efforts but asked that in the future they to do so within the guidelines of the council.

Mr. Fitzgerald supported the idea of reaching out and said he thought it should continue. He informed the Council that he had received about 45 responses posing the very same suggestions Ms. Jacob and Ms. Fetchick had.

### **COMMITTEE REPORTS:**

**Administration Committee** – Mr. Davis reported that for the last two meetings the Committee had reviewed regulations of the Council modifications. He indicated he had several to recommend to the Council and will put them forward for the next agenda of the Legislative Council.

### **FIRST SELECTMAN'S REPORT:**

Mrs. Llodra reported that she had a number of things for the Council regarding topics were coming up now or were recently dealt with. To better provide the Council with information, the First Selectman passed out a couple of packets.

First, Mrs. Llodra passed out a Financial Impact Statement accepted by the Board of Selectman regarding the Water and Sewer Authority (WSA). She noted that the WSA had received a grant for a 90kw system that will generate 30% of the electricity for the plant – the impact is a savings of \$20,000 in cost for the WSA.

Second, Mrs. Llodra passed out an update on the status of the collaboration study between Mr. Tait and herself and the Superintendent of Schools Janet Robinson and the School's Director of Business Ron Bienkowski. She noted that a graphic prepared by Blum Shapiro outlines the process to be used as well as what the Key Deliverables are.

Looking at #5 of the Key Deliverables, the First Selectman said there will be some direct discussions with the consultants of Blum Shapiro and the government agencies involved- the Board of Selectmen, Board of Finance, Board of Education and the Legislative Council. Mrs. Llodra reported that she and Mr. Tait met with the consultants and interviews will start in June and the project will completed no later than October 1. She added that the consultants extended the offer to have any members of the Council wishing to participate in the interviews to do so. Mrs. Llodra added that the interviews will take 1 hour to 1 ½ hours.

Third, the First Selectman reported that she has had numerous requests to use some kind of technology to alert voters to referendum dates. She indicated that they had wanted to use the code red system for notification other than emergencies. The First Selectman added that there is an opportunity through the web site to get alerts via their email.

Ms. Jacob suggested that if the Chairman thinks it's appropriate, she could get together with Ms. Fetchick and Mr. Fitzgerald and communicate this to the people that got in touch with them.

Regarding the First Selectman's overview of organizational analysis, Ms. Jacob asked if it was Mrs. Llodra if it was her hope of some cost benefits and whether they will benefit the next cost cycle. Mrs. Llodra said yes.

Ms. Fetchick noted that the web site is fantastic.

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Mr. Woycik indicated that he has some questions regarding the budget overview and approach. He asked the First Selectman if it would be available for contention for the next budget cycle and asked if she had some definite time frame in mind. Additionally, Mr. Woycik suggested that Ms. Llodra seemed to be concerned about the school officials' level of commitment to the process.

The First Selectman stated that the enthusiasm was not equal on both sides. She noted that now that everyone is demonstrating good will, they will have to work to move this process forward. Mrs. Llodra noted that the concern is that consultants will be recommending Newtown uses one system to support financial practices and indicated that was an overwhelming thought to them because they have a system tailored to what they do. The First Selectman added that Mr. Tait had suggested that it be the municipal system that gets modified.

Additionally, Mrs. Llodra told the Council that there is a possibility there will be an increase in a staffing position. She also explained that they have identified there will be a purchasing agent.

The First Selectman explained several items that were recognized: a need for a change and a need for reorganization of such things as building management which will lead Newtown to greater efficiency and cost savings.

Mrs. Llodra noted that there will be a monthly report about what each department is doing and she will also be sharing a report from Liz Stocker. She recommended that the Council consider opportunities to have Ms. Stocker join them at least quarterly to have an understanding of what her office does.

The First Selectman informed the Council that she has a response forum on the town website called Pat's FAQX. She explained that in the forum she responds to questions she gets and sometimes to information that has been posted that is inaccurate. As an example, Mrs. Llodra passed out copies of a posting on Patch under a person by the name "Paul" because she felt it necessary to answer some of the questions. Regarding the plows, the First Selectman reported that the budget was significantly affected due to the damage to the plows. Next, Mrs. Llodra explained that the used bulldozer costs \$50,000. She indicated that there are two projects on the books – to redo the pee-wee field and repair a field at Oak View – which would cost an additional \$20,000 to do without the bulldozer.

Mr. Fitzgerald asked if there was a place in her response forum to ask questions and Mrs. Llodra said no.

Mr. Davis thanked the First Selectman for Pat's FAQX and other communications and said they were to be commended. He added that he thinks the way to answer questions is in the social media.

Mr. Amaral suggested that when the bulldozer comes and is working hopefully it won't be overtime. Mrs. Llodra indicated that both the work orders are scheduled for June, July and August. She noted that they will have a person out through August which will create additional hours.

### **NEW BUSINESS (continued):**

**Discussion and possible action on: Efforts of the Legislative Council may pursue to slow future increases in property taxes - Ms. Jacob moved the adoption of the following Resolution: Resolved, The Newtown Legislative Council will pursue future increases in property taxation. Mr. Davis seconded the resolution.**

According to Chairman Capecci, the town needs to draw down the cost of the government and public serving. He added that the Council is only part of the solution and noted that they don't have a column of the Town or Board of Education under health care as working for them.

Mrs. Llodra stated that what the Town knows now for fiscal 13 is that medical benefits will increase 10% - a net increase of \$1.1 million, pension will increase the same as last year, and salary/contractual costs will increase \$750,000 bringing the total increase in expenses to \$3 million. The First Selectman indicated that on the reverse side 90% of the town's revenue is property taxes and the other 10% is from investments. Mrs. Llodra added that 7.7% of the Grand List is commercial real estate and 8.2% is from residential; and she thinks they should balance that. She concluded that if all things are held equal there will be a \$4 million tax increase.

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Mr. Woycik questioned whether the \$750,000 salary line was currently in free bargaining pacts. Mr. Tait replied that the number is an average with weighted steps. He noted that, that number is all salaries contractual and non-contractual.

Mr. Woycik questioned the Grand List comparison of Newtown, Ridgefield and Guilford and asked if their proximity to large cities would cause them to be impacted more by commercial development. He said he wants to understand what New Milford is doing. Mrs. Llodra explained that the town Newtown is often compared to Trumbull where there is a 12.7% contribution from non-private properties. The difference with New Milford is its proximity to Route 7.

Mr. Davis indicated that he has a bolder vision and has gone through the process a number of times. He noted that the thought is that the town government and educational institutions are not doing a good job with Newtown's taxes, and indicates that people question why Newtown isn't reducing property taxes. Mr. Davis suggested they set a goal to reduce the property tax by 1% for the next budget. He believed that they should spend the time over the summer to do that. According to Mr. Davis, a lot of people were concerned about the budget because they can't afford the property taxes to go up.

Mr. Davis stressed that the Council won't be telling people what to do, but rather provide an outline for the Board of Education and Board of Selectmen to look at. He told the Council he was willing to lay out a process that evening if there was time.

Ms. Jacob stated that she doesn't know how they will do it if the state doesn't allow for the Board of Education to be given less and less every year. She added that she doesn't think it's achievable.

Mr. Fetchick questioned how the Board of Education and Board of Selectmen would feel about this. She suggested that their roll really isn't this. She it's their roll and responsibility to Newtown to look for those efficiencies. Ms. Fetchick added that 1% is a deficit of \$4 million to overcome she said she thinks they should have the state legislators in to find out what they can do as a Council discussing it.

Mr. Davis countered that he is not suggesting the Council tells anybody to do anything, but rather the Council indicates they would like to have a goal to do this.

Mrs. Llodra responded stating that what Mr. Davis was suggesting was what she and Mr. Tait do every day.

Mr. Woycik this is clearly an issue of mandates they need to accommodate. He believes that at the end of the day the Council has a finite resource they are able to make available to the town departments to provide services they would like the town to provide. Mr. Woycik contends that they must rely on consumers of the resources to effectively and appropriately allocate them. He suggests it's the finite responsibility of the Legislative Council to judge those resources and ultimately the responsibility of the voters.

Mr. Woycik concluded that he didn't know any other way other than what the Council is doing. He believes that the only way to effectively allocate those resources is to allow the Council to judge how they are being deployed.

Mr. Ferguson expressed his dismay that the value of their primary investment has dropped and yet they are going to increase the mill rate. He noted that the day of reckoning is coming. Mr. Ferguson suggests that they have to start talking about the costs of programs, salaries and benefits of employees; and educate people that decisions were made in better times. He indicated that they can't prove they economy will improve in the next two years to pay for the increases in benefits.

Mr. Fitzgerald commended Mrs. Llodra for doing an excellent job as town manager. He noted that he is very concerned about what will happen next year if they are forced to go with a flat budget. Mr. Fitzgerald suggested that people need to understand what impacts will be if they make these cuts. He offered several recommendations such as citing examples of what the cuts will look like with 0% increase or a -5% increase. Mr. Fitzgerald believes that once people realize how serious that is the Council can show it is on top of it and what it would do. As part of the solution, he suggested the formation of a task force.

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Mrs. Llodra indicated that one of her concerns is if the town resources were reduced by 20%. She suggests that the police force needs to be fully staffed to keep the community safe. The First Selectman stressed that it is their responsibility as town officials to leave Newtown better than they inherited it and not worse.

Mr. Davis questioned what type of things they will pursue if they pass the resolution. Chairman Capeci suggested that if some members wish to pursue it further they can bring it to the finance committee and invite the Board of Selectmen and Board of education to look at it and decide if it's something they would like to go along with.

Ms. Fetchick expressed her belief that to vote against the resolution would imply that she is in favor of lower taxes. She told the Council that the Board of Selectmen and Board of Education are in charge of the Town and she suggests that they should be coming forward with more efficient ideas. Ms. Fetchick concluded that a lot of people feel like the dollars aren't being spent wisely.

Mr. Woycik suggested that he doesn't think the Council should be telling the Board of Education and Board of Selectmen what budget to propose, but rather take a finite look at it and what the council can propose to fund that.

Mr. Kortze offered some suggestions that he was sure would get the backing of the Board of Finance:

- 1) The Council should pass a resolution as to what the Board of Education and Board of Selectmen should look into.
- 2) Send some examples to the Board of Finance
- 3) The Council should come up with a task force and get people involved with the overhead, discussing union contracts and benefits

Mr. Kortze noted that the issue of structural things that need to be modified was already addressed almost all have come to fruition. Those structural things that were addressed included: insurance, consultants, overtime, workman's compensation, turnover and early retirement.

Mr. Kortze recommended that the Board of Education add some transparency to their transfer reports and look at what the Town does. According to the Board of Finance Chairman, the Town report shows in a far right hand column what the results will be.

Mr. Kortze said they were brought to task on Newtown's ability to develop an "Aaa rating". Mr. Ferguson believes Newtown is in a better place financially from their bond rating, but suggests that Newtown could improve its rating by changing the mix between residential and commercial/industrial. Mr. Kortze indicating that the rating is based on a host of factors. He said that Newtown is unique and has grown up. Mr. Kortze said that yes, diversification of the tax base will help, but does not know if it will increase. In regards to the fund balance, Mr. Kortze said it would be better if it was more and drawing from it would hurt the rating.

Mr. Davis suggested that he had learned a lot from the discussion and offered a friendly amendment to the resolution to send it to the Finance Committee to decide what things the Council might do and how to recommend that.

Chairman Capeci agreed to bring it to the finance committee for review with recommendations to the full Council.

With a friendly amendment offered to the original resolution by Mr. Davis, Ms. Jacob moved the adoption of the following Resolution: Resolved, For the Legislative Council to direct the Finance Committee to research what efforts can be pursued to slow future increases in property taxation and return its recommendation to the entire Council and in doing so working with the other appropriate government agencies to gather input into their discussions. Mr. Ferguson seconded, and the resolution passed 9-1. Mr. Woycik voted against the resolution.

Ms. Jacob moved to set the 2011-2012 Town of Newtown Mill Rate to 24.37. Ms. Fetchick seconded and the motion was unanimously approved in a roll call vote.

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Ms. Jacob moved to approve the transfer of uncollectible motor vehicle, personal property and Real Estate property accounts totaling \$143,388.07 to the Suspense List. Ms. Andras seconded.

Mr. Woycik noted that he was still concerned whether or not the collection rates will remain at historical norms given the financial circumstances. He asked Mr. Tait whether he is seeing anything that would lead him to modify his opinion as to his expectations of what the relative collection rate will be for the upcoming fiscal year.

Mr. Tait indicated that it will be very close to this year based on a 99.1% tax collection rate.

The motion unanimously carried in a roll call vote.

### COMMUNICATIONS (continued):

Mr. Fitzgerald announced that at the Health Fair an idea was recommended for the Victory Garden that the Chairman might want a Legislative Council Row. He said he is creating a committee and if Chairman Capeci isn't there, he will elect himself Chairman. He encouraged anyone wanting to work that row to sign up.

[http://www.foodpantrygarden.org/?page\\_id=14](http://www.foodpantrygarden.org/?page_id=14)

Mr. Merola reported that on Sunday he attended the kick off of Imagination Library, a preschool literacy program in Newtown. He informed the Council that any child from birth to 5 years old that registers receives a free age appropriate book every month. Mr. Merola indicated that the program last for an hour or two hours and 110 children sign up. He noted that on Monday an additional 25 signed up and suggested that the program was off to a rousing start. Mr. Merola added that online registration is available through the United Way of Western Connecticut website.

<http://www.uwwesternct.org/our-work/edu/school-readiness/?page>

### **VOTER PARTICIPATION:**

Kinga Walsh, 21 Horseshoe Ridge Road, said it was a very impressive meeting. and told the Council that she was hoping to hear a discussion about the low voter turnout. She said she thought it was very disappointing. She commended Mrs. Fetchick and Ms. Jacob for what they did. Ms. Walsh felt they have a huge base to tap into and suggested they do some kind of direct mail program. She concluded that there are 15,000 voters and only 20% of them voted.

Edward Shanley, Little Brook Lane, told the Council that Newtown was a bedroom town for about 20 years. He suggested that in the 50's and 60's a lot of people wanted to move into Town but couldn't afford to so they went to New Milford. Mr. Shanley indicated that he would like to see the empty buildings filled up first, noting that there were a lot of empty stores. He told the Council he appreciates what they do; and said he thought the Selectmen's budget was excellent but was sorry to see it disappear. Mr. Shanley asked how they could get people to go out and vote and said that he tells everyone to vote. He concluded by stating that Newtown is a great town with a lot of great people who do their jobs.

**ANNOUNCEMENTS:** none

**ADJOURNMENT:** Mr. Merola moved to adjourn at 10:09 pm. Mr. Fitzgerald seconded and the motion unanimously carried.

Ted Swigart, Clerk