

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
Dan Wiedemann

TOWN OF NEWTOWN

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

**Minutes from the regular meeting of the Legislative Council
Held in the Board Room in the Newtown Municipal Center,
3 Primrose Street, Newtown, Connecticut
Wednesday, October 5, 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 Capeci called the meeting to order at 7:30 pm.

Present: Jeffery Capeci, George Ferguson, Kathy Fetchick, Daniel Amaral, James Belden, Dan Wiedemann, Jan Andras, Mary Ann Jacob, Robert Merola, Ben Spragg, Kevin Fitzgerald

Absent: Gary Davis

Also Present: First Selectman Pat Llodra, Chief of Police Mike Kehoe, 2 members of the public and, two member of the press

Voter Comment: Kevin Cragin, 22 Georges Hill Road – *See attachment A*

Minutes – Ms. Jacob made motion to approve the minutes of the September 21, 2011 meeting as submitted, Mr. Belden seconded, motion unanimously accepted. Mr. Fitzgerald abstained

Communications: Mea Schimidle of the Children's Adventure Center has invited the Council members attend a ribbon cutting ceremony for their addition done entirely with their own funds.

The Chairman of the Board of Finance, John Kortz is concerned with the financial impact of the O&O lawsuit and has requested a joint meeting with the Legislative Council, Board of Finance, Board of Selectman and the Board of Education.

Committee Reports: NONE

First Selectman's Report: There is a meeting scheduled on October 25th with the consultants, Blu Shapiro, to review their draft report. The report has been complete for a month but this is the first time slot that all parties involved could schedule. Ms. Llodra will be able report to the council the first or second meeting in November.

The Fairfield Hills Master Plan is complete. Ms. Llodra encouraged the members of the council to read it. The Board of Selectman will not take any action until after the election.

Newtown Legislative Council

The Tick Born Disease committee is done with their research and ready to present at the next Board of Selectman's meeting.

Space needs report needs to come to the Board of Selectman in November. Mr. Merola had replied that there is a meeting on October 12th and the chair is looking for a final decision. Ms. Llodra explained that this is a precursor to how we plan for the future.

The Boggs Hill Road project is going fine. However, there is a concern with the volume of traffic on Head Of Meadow and Point of Rock Roads which are not designed for that amount of traffic. If you are not going to take the proper detour, slow down.

The fund balance policy is in the hand of the Board of Finance and should be to the council in November.

UNFINISHED BUSINESS

An Amendment to Ordinance 79, Assessment Exemption for Volunteer Fire and Ambulance Personnel – Ms. Jacob motioned to approve and send to public hearing the Amendment to Ordinance 79, Assessment Exemption for Volunteer Fire and Ambulance Personnel. Mr. Belden seconded. Newtown Underwater Search and Rescue has membership of 18 people which of 9 live in Newtown. In order to include them in the ordinance they report to the Emergency Management Director. Mr. Cragin explained that the Ambulance Corp is volunteers and the association is not. The Ambulance Association has taken advantage of this ordinance. The Board of Fire is not eligible unless they are also firefighters. Civilians are not eligible. This ordinance originated to attract high qualified people to volunteer. The current ordinance states that the Ambulance Corp would benefit and that the Ambulance Association would certify. Ms. Jacob stated that if the practice is that the Ambulance Association is benefiting from the ordinance, that practice is wrong however the ordinance is correct. Ms. Jacob withdrew her original motion, Mr. Belden Seconded. Ms. Jacob made motion to approve Ordinance 79 as amended and pass is on for a public hearing. Mr. Belden seconded. Motion unanimously accepted.

Ordinance for Controlling Felines – Ms. Jacob made motion to approve the proposed ordinance for controlling Felines and move it to a public hearing, Mr. Wiedemann seconded. This allows the new animal control facility to address cats. There may be a safety issue that may make the Animal Control Officer take custody of the feral cat. There is concern that having an ordinance for both feral and domestic cats is not clear. Ms. Llodra explained that it is hard to blend two ordinances into one. The current ordinance does not allow us to house any cats in our animal control facility. Mr. Spragg stated that the language in 4F is unacceptable. Since this is directly from the state statute, this needs to be referred back to the ordinance committee and then to legal. There is a cattery in the new facility but it is not unlimited space. Mr. Spragg suggested if there is an issue of overcrowding, at that point, they can come back to the Council and ask for the ordinance to be amended. Mr. Spragg moved amended the motion to eliminate section 4F which eliminates the euthenizing of any cat, Mr. Fitzgerald seconded. Ms. Llodra explained that that can take 4 months for the amendment to be passed and that may be too long. Mr. Belden was a license vet assistant and has euthanized dozens of animals large and small. It is not something that can be dealt with lightly and doesn't think that the staff would take it lightly either. Motion failed 2-9 Yes (Fitzgerald, Spragg) NO(Ferguson, Fetchick, Merola, Andras, Jacob, Capeci, Amaral, Belden, Wiedemann).

Mr. Merola moved to add, in accordance with Town Animal Control policy, in section 4F. Ms. Fetchick seconded, motioned passed 10-1 YES (Ferguson, Fitzgerald, Fetchick, Merola, Andras, Jacob, Capeci, Amaral, Belden, Wiedemann) NO (Spragg no)

Newtown Legislative Council

Mr. Spragg moved to add at the end of section 4F the language that after euthanizing the Animal Control Officer shall post and ad in the lost and found section of a newspaper with circulation in Newtown. Mr. Fitzgerald seconded. Motion failed 1 to 10, Yes(Spragg) NO(Ferguson, Fitzgerald, Fetchick, Merola, Andras, Jacob, Capeci, Amaral, Belden, Wiedemann).

The ordinance committee will work with Chief Kehoe on the appeals section of the ordinance.

Ms. Jacob made motion to table the motion to send the cat ordinance to public hearing. Mr. Ferguson seconded, motion unanimously approved.

NEW BUSINESS

Voter Comment: None

Announcements: None

Having no further business, the meeting was adjourned at 9:45pm

Arlene Miles, Clerk Pro-Tem

Kevin Cragin, 22 Georges Hill Road, Newtown

- For those members of the Legislative Council that don't know me...I have been a Fire Commissioner for Newtown for over 30 years. I mention that because I drafted the Ordinance 79, Assessment Exemption for Volunteer Fire and Ambulance Personnel.
- I am currently the Chairman of the BOFC.
- Ordinance 79 was my idea and concept. The BOFC Policy and Procedures Committee designed the final draft with the help of Will Rodgers, who was a member of the Legislative Council at the time.
- The idea of this ordinance was to help the Fire Chiefs to recruit, retain, and increase the manpower at the scene.
- The BOFC included the Ambulance Corps as a courtesy.
- The Newtown Volunteer Ambulance Association was never included in this ordinance, and is **not** eligible for this ordinance.
- The Newtown Volunteer Ambulance Association should **not** be benefiting from this ordinance now, in the past, or in the future.
- Civilian Fire Commissioners are **not** eligible for this ordinance.
- The Ambulance has by passed the Administration requirement of this ordinance, which requires that the certification be approved by the BOFC annually.
- This situation has come to my attention only recently (September 22, 2011), and I have discussed it with the First Selectman in order to bring her up to date.
- The BOFC has discussed this situation at the last regular monthly meeting of September 26, 2011.