

**Town of Newtown Legislative Council Special Meeting**  
**Wednesday, June 20, 2012**  
**3 Primrose Street, Newtown, CT**

**PRESENT:** Jeff Capeci, Mary Ann Jacob, George Ferguson, Joseph Girgasky, Paul Lundquist, Daniel Honan, Kathy Fetchick, Bob Merola, Dan Amaral, Mitch Bolinsky, Phillip Carroll, Dan Wiedemann

**ALSO PRESENT:** First Selectman Pat Llodra, Finance Director Bob Tait, Jan Andras (clerk), Ed Shanley (public)

Chairman Capeci called the meeting to order at 7:35 p.m. with the Pledge of Allegiance.

**VOTER COMMENT:** None noted at this time.

**APPROVAL OF MINUTES:** Ms. Jacob moved to approve the minutes of the 6/6/12 Regular Meeting. Motion seconded. Ms. Jacob noted that the second motion on page six was made by her and not by Mr. Lundquist. Minutes were unanimously approved as amended. (Mr. Wiedemann abstained as he was not present on 6/6)

**COMMUNICATIONS:** Mr. Capeci reported that a letter was received from the Planning & Zoning Commission asking Council members for comments on the beginning section of the Plan of Conservation and Development which is scheduled for completion this December.

Council members are invited to the “premier” of the film *Soul Source: Protecting Our Town’s Water*, presented by the Pootatuck Watershed Association on 6/22/12, 7:00 pm at the C. H. Booth Library.

Council members are invited to a fundraiser dinner with entertainment on behalf of the Middle Gate School on Saturday, 6/23/12, 4:00 pm at the Sferruzzo Residence in Newtown.

**COMMITTEE REPORTS:** Ms. Fetchick reported that the BOE met last night to discuss reductions in the budget that would still provide same services and full-day kindergarten. They appear to be \$26,700 away from full-day kindergarten funding. Mr. Wiedemann advised that later on in that meeting, a \$28,000 cost for a hearing impaired teacher was added back to the budget. They will make their final decisions once a budget is finalized. Ms. Fetchick will be attending the teacher negotiations over the summer.

**FIRST SELECTMAN’S REPORT:** The grand opening for the new Animal Control Facility will be on 7/8/12 at 4:00 pm. Mr. Amaral asked about the \$2 million that was recently donated? Ms. Llodra answered that the money was specified to “supplement” the monies already appropriated, not replace any of the money from the Town. So far, some of these funds have been used for items that were taken out of the plans due to cost.

## OLD BUSINESS

**Charter Revision:** Mr. Capeci reported that the Charge Committee has acted on a charge very similar to the one given to the previous Charter Revision Commission. That will be forwarded to the full Council for approval after review by Town Counsel. The candidates committee is vetting candidates. Mr. Lundquist advised that anyone interested should send information to him by 7/1/12 in order to be considered. It is planned to have recommendations for a change in the budget process on the November ballot.

## NEW BUSINESS

**Auditors' Fraud Questionnaire:** The audit firm, J. H. Cohn LLP, has sent the required questionnaire to determine any knowledge of fraud or suspected fraud as part of their audit procedures.

The following questions were read and answered by each Council member: 1) Are you aware of any actual instances of fraud within the Town? (NO); 2) Do you have any reason to suspect fraud may be occurring within the Town? (NO); 3) Have you received any communications from employees, former employees, regulators, residents, or others alleging fraud? (NO); 4) Have you seen any changes in employees or management behavior that would lead you to be concerned that fraud may be occurring? (NO). Mr. Lundquist wanted to add for the record that a communication was received from a resident pertaining to an audit, but there was nothing said about fraud.

Ms. Jacob moved to authorize the Mr. Capeci to sign, on behalf of the Legislative Council, that: "The Legislative Council confirms, to the best of our knowledge and belief, the responses made to you in this request are true and accurate." Motion seconded and unanimously carried.

**Transfers:** Ms. Jacob moved to transfer FROM Account 01570-2000 Contingency \$14,000.00 TO Referenda \$14,400.00. Motion seconded.

Ms. Fetchick moved to amend by increasing the transfer amount to \$14,400.00. Motion seconded and unanimously carried.

This transfer is necessary to fund the cost of the 5/15/12 referendum and estimate for 6/5/12 referendum ballot order.

Ms. Jacob moved to transfer FROM Account 01570-2000 Contingency \$9,297.16 TO Account 01180-1006 Primaries \$9, 297.16. Motion seconded and unanimously carried.

This transfer is necessary to cover the cost of the Republican Presidential Preference Primary held 4/24/12.

Ms. Jacob moved to transfer FROM Account 01570-2000 Contingency \$3,926.32 TO Account 01180-1007 Election Workers \$3,926.32. Motion seconded and unanimously carried.

This transfer is necessary to cover the cost of reprinting the ballots due to candidate change.

Ms. Jacob moved to transfer FROM Account 01570-2000 Contingency \$25,000.00 TO Account 01240-2001 Unemployment. Motion seconded and unanimously carried.

This transfer is necessary to cover a onetime payment of unemployment benefits equaling 26 weeks to a former officer (\$15,000), where the Town appealed and lost. Also additional benefits due to two lay-offs, a building official and a police clerical position.

Ms. Jacob moved to transfer FROM Account 01500-5080 Capital \$9,500.00 AND FROM Account 01570-2000 Contingency \$30,000.00 AND FROM Account 01500-2029 Private Roads/Reconstruction \$7,000.00 TO Account 01500-3050 Repairs \$41,500.00 AND TO Account 01500-2008 Street & Road Signs \$2,500.00 AND TO Account 01500-2030 Construction Supplies \$2,500. Motion seconded and unanimously carried.

This transfer is necessary after the two storms (Alfred and Irene) caused damage to the fleet almost equal to two winter seasons.

Ms. Jacob moved to transfer FROM Account 01650-2017 Fuel Oil \$22,000.00 TO Account 01650-4001 Contractual Maintainer \$8,000.00 AND TO Account 01650-4060 Contractual Services \$8,000.00 AND TO Account 01650-2014 Building Maintenance \$2,000.00 AND TO Account 01650-2011 Supplies \$1,500.00. Motion seconded and unanimously carried.

This transfer is necessary due to the loss of the main electrical breaker system at the municipal center overdrawing the Contractual Services account. The Custodian Account increase was not fully calculated in the budget.

When asked, Ms. Llodra stated that balance in the Contingency Account at this point is \$111,000. Those unencumbered funds may be used to replace two vehicles that were destroyed and possible wage increases for non-union personnel who have not had increases in two years. However, no funds will be spent until a budget has been passed.

**VOTER COMMENT:** None noted.

**ANNOUNCEMENTS:** Mr. Capeci advised that after the referendum next Tuesday, 6/26, the Council will hold a special meeting the following evening at 7:30 pm to hopefully set the mill rate.

Regarding tax bills, Ms. Llodra advised that the tax collector will hold off sending them out so that we don't get into a position of having to send supplemental bills. This can cause problems to the escrow process for those who pay their taxes as part of their mortgage payments. In addition, on personal property, the Town could stand to lose a

substantial amount of tax revenue since any supplemental increase that is less than \$7 cannot be billed. If the budget passes next week, bills will be sent out with a due date of 8/1/12 and a late date of 8/30/12. The six weeks of salaries and expenses that will be due before these taxes are received in the tax office will be covered by the Fund Balance. If we did not have the money available in the Fund Balance, it would be necessary to borrow. If the budget does not pass next week, then it will be necessary to borrow money.

Having no further business, the meeting adjourned at 8:25 p.m.

Jan Andras  
Clerk

attachments:

*These are draft minutes and as such are subject to correction by the Legislative Council at the next regular meeting. All corrections will be determined in minutes of the meeting at which they were corrected.*