

**Town of Newtown Legislative Council Regular Meeting
Wednesday, September 19, 2012
3 Primrose Street, Newtown, CT**

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

ALSO PRESENT: First Selectman Pat Llodra, Finance Director Bob Tait, Rob Sibley, Debbie Leidlein, Gino Failla, 3 members of public, 1 member of press, Jan Andras (Clerk)

Chairman Capeci called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

VOTER COMMENT: None noted

APPROVAL OF MINUTES: Upon motion by Ms. Jacob, the minutes of the 9/5/12 Regular Meeting were unanimously approved.

COMMUNICATIONS: Chairman Capeci received notice from the Board of Finance that they adopted the Resolution for Phase I (Revised) of Boiler Replacement, HVAC and Related Upgrades At Newtown Hawley School.

COMMITTEE REPORTS: Ordinance – Ms. Jacob reported that a public hearing was held on the proposed Gun Ordinance. Most of the ordinance committee members feel that the current ordinance is not enough but the proposal by the Police Commission goes too far. They will continue to work on this and get back to the full Council.

FIRST SELECTMAN REPORT: The new Animal Control facility opened last week. Everyone is encouraged to visit.

Yesterday a dedication was held at the Sewer and Water Facility for the installation of a solar plant. Newtown is the only municipality in the state with four major solar projects.

Hook & Ladder Fire Co. does not yet have a solution for their site needs. Ms. Llodra will recommend that they look at #27 Church Hill Road, a site with potential to also solve the entrance/exit problem at Hawley School. Mr. Merola would like to invite Hook & Ladder to present their status and plans.

The CIP work has begun at the department level but will be difficult due to the moratorium on spending proposed by the Board of Finance

NEW BUSINESS

Resolution of Endorsement for the Main Street Investment Fund Program

Mr. Sibley outlined the subject state grant program administered by DECD. This program is to facilitate small business growth in a planned manner.

Ms. Jacob moved the Resolution: WHEREAS, Sections 78 and 79 of PA 11-1, an act promoting economic growth and job creation in the state, created a program to provide grants not to exceed five hundred thousand dollars (\$500,000) to eligible Connecticut municipalities for the purpose of implementing the Main Street Investment Fund Program for undertaking eligible projects that are part of a plan previously approved by the governing body of the municipality develop or improve town commercial centers to attract small businesses, promote commercial viability, and improve aesthetics and pedestrian access; and

WHEREAS, it is desirable and in the public interest that the Town of Newtown make an application to the State of Connecticut for a grant not to exceed \$500,000 in order to undertake eligible projects as permitted in the Main Street Investment Fund Program that will contribute to the economic success of Newtown and to execute an Assistance Agreement.

NOW THEREFORE, BE IT RESOLVED by the Newtown Legislative Council:

That the filing of an application for State financial assistance by The Town of Newtown in an amount not to exceed \$500,000 is hereby approved and that E. Patricia Llodra, First Selectman is directed to execute and file such application with the Connecticut Office of Policy and Management, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the Town of Newtown, Connecticut. Motion seconded and unanimously carried. Motion seconded and unanimously carried.

Resolution of Endorsement for HVCEO Planning Grant Applications to the CT OPM Regional Performance Incentive Program

Mr. Jonathan Chew, HVCEO Director gave an overview of the proposed application for OPM funding to include 1) Regional Plan for Permanent Collection Centers for Household Hazardous Waste to reduce collection vendor fees for the Housatonic Resources Recovery Authority, \$150,000; 2) Regional Plan for Functional Needs Emergency Sheltering of medically vulnerable populations, for the Housatonic Valley Regional Public Health Emergency Planning Committee (health department officials) \$85,000. The other 8 towns in the region have already approved the application to fund planning only.

Ms. Jacob moved the resolution: That the Newtown Legislative Council supports and endorses grant applications by the Housatonic Valley Council of Elected Officials to the CT OPM Regional Performance Incentive Program, and to waive the reading of the full Resolution. Motion seconded and unanimously carried.

Resolution for Special Appropriation – Hawley School Boiler

Ms. Jacob moved the Resolution Providing For A Special Appropriation In The Amount Of \$144,000 For Professional Services For Phase I (Revised) Of Boiler Replacement,

HVAC and Related Infrastructure Upgrades at Newtown Hawley School and Authorizing The Issuance of \$144,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose and to waive the reading of the full Resolution. Motion seconded and unanimously carried: YES - Capeci, Jacob, Ferguson, Girgasky, Merola, Honan, Fetchick, Amaral, Bolinsky, Wiedemann, Lundquist, Carroll

These funds are for the design phase only.

Transfers

- Ms. Jacob moved to transfer FROM Account 01580-2002 Interest (\$250,000) TO Account 01890 Transfer Out – Cap Project \$250,000. Motion seconded and unanimously carried.

Mr. Tait gave a lengthy presentation on using part of the savings from refunding to contribute additional funds to the OPEB (Other Post Employment Benefits) Fund. This fund accounts for retiree medical benefits (mainly for retired teachers and police officers). The Town has taken the phase in approach to funding the OPEB Fund. Expenditures in the OPEB Fund exceeded revenues by \$200,000+; so an additional contribution at this time would be appropriate.

- Ms. Jacob moved to transfer FROM Account 01320-2020 Utilities (\$3,000) and FROM Account 01320-2028 Hydrants (\$4,000.00) and FROM Account 01320-4002 F/F Incentive Plan (\$2,000) TO Account 01320-5080 Capital \$9,000. Motion seconded and carried: 11 YES – 1 NO (Capeci)

The Board of Fire Commissioners requested to be able to use \$12,000 of leftover funds from the FY 11/12 Budget to purchase two air packs for Dodgingtown Fire Department. They have been unsuccessful in receiving FEMA grants like the other 3 town fire departments. Several Council members had concerns about using money from a previous fiscal year but were willing to approve the transfer in the interest of safety. However, this practice is to be seriously discouraged in the future.

- Ms. Jacob moved to transfer FROM Account 01570-2000 Contingency (\$41,000) to account 01890-0000 Transfer Out – Cap Project \$41,000. Motion seconded and unanimously carried.

This is to transfer \$41,000 to "Fund 75 – P&R Special Revenue Fund" to cover an operating deficit. In past years, Fund 75 contributed about \$30,000 back to the General Fund due to operating surpluses. There is now a deficit due to the contract with the NYA whereby P&R uses the facilities for a fee. A review of programs will be made to alleviate the problem.

- Ms. Jacob moved to transfer FROM Account 01490-1002 Administration (\$4,000) TO Account 01490-4061 Legal Services \$4,000. Motion seconded and unanimously carried.

Outstanding overdue legal invoices. Funds are available in the administration account due to an employee being out on short term disability.

- Ms. Jacob moved to transfer FROM Account 01570-2000 Contingency (\$46,677) TO Various Department Salary Accounts (see attached). Motion seconded and unanimously carried.

It was noted that First Selectman Pat Llodra declined a salary increase.

- Ms. Jacob moved the re-appropriation of \$12,000 from FY 11/12 Fire Capital to FY 12/13 Fire Capital. Motion seconded and unanimously carried.

Charter Revision – Explanatory Text

Mr. Lundquist moved to accept the explanatory text as a supplementary explanation, with any minor changes by Town Counsel (see attached). Motion seconded and unanimously carried.


2013 Budget Process

Mr. Capeci proposes calling a meeting of the four boards – Legislative Council, Board of Selectmen, Board of Finance and Board of Education – in October. He asked Council members for what they would like to see done differently during the upcoming budget process.

Ms. Fetchick moved to charge the Education Committee to review the past budget season with respect to education and forward any recommendations to the full Council. Motion seconded and unanimously carried.

VOTER COMMENT: None present

Having no further business, the meeting was adjourned at 10:30 p.m.


Jan Andras
Recording Secretary

Att. A: Resolution – Hawley School Boiler
Att. B: Transfer – Salary Accounts
Att. C: Charter Revision Explanatory Text

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.

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$144,000 FOR PROFESSIONAL SERVICES FOR PHASE I (REVISED) OF BOILER REPLACEMENT, HVAC AND RELATED INFRASTRUCTURE UPGRADES AT NEWTOWN HAWLEY SCHOOL AND AUTHORIZING THE ISSUANCE OF \$144,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$144,000 is a special appropriation made pursuant to Chapter 6, Section 6-30 (a), (b) and (c) of the Town Charter of the Town of Newtown (the "Town") for professional services (up to and including project bidding) for phase I (revised) of boiler replacement, HVAC and related infrastructure upgrades at the Town of Newtown Hawley School, including, but not limited to, development of construction bid documents; document approvals from town agencies and authorities; consultation and approval for bidding from the Bureau of School Facilities, State of Connecticut Department of Education and other applicable agencies of the State, and bidding services, and for administrative, financing, legal and costs of issuance related thereto (collectively, the "Project"), said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof.

Section 2. To meet said appropriation, \$144,000 bonds of the Town, or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of the State of Connecticut, as amended from time to time (the "Connecticut General Statutes"). The bonds may be issued in one or more series as determined by the Financial Director, and the amount of bonds of each series to be issued shall be fixed by the Financial Director, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of State and Federal grants-in-aid of the Project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of the bonds outstanding at the time of the issuance thereof, and to pay for the costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Financial Director, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds including approval of the rate or rates of interest shall be determined by the First Selectman and the Financial Director, in accordance with the Connecticut General Statutes.

Section 3. Said bonds shall be sold by the First Selectman and the Financial Director in a competitive offering and the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. To the extent required by the Charter of the Town of Newtown, bids shall be solicited from at least three lending institutions. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds.

Section 4. The First Selectman and the Financial Director are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the First Selectman and the Financial Director, have the seal of the Town affixed, be payable at a bank or trust company designated by the First Selectman, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the First Selectman pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount and for the Project with the proceeds of bonds or bond anticipation notes or other obligations ("Bonds") authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Financial Director or his designee is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The First Selectman and the Financial Director are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 7. The First Selectman is hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution.

**TOWN OF NEWTOWN
APPROPRIATION (BUDGET) TRANSFER REQUEST**

FISCAL YEAR 2012 - 2013 **DEPARTMENT** Selectmen **DATE** 8/29/11

	<u>Account</u>	<u>Amount</u>
FROM:	01570-2000 CONTINGENCY FUND	(45,677.00)
TO:	01100-1002 SECRETARY,ASSISTANT	1,267.00
	01108-1001 HUMAN RESOUCE ADMINISTRATOR	1,006.00
	01110-1001 DIRECTOR-HUMAN SERVICES	913.00
	01140-1001 TAX COLLECTOR	1,294.00
	01170-1001 TOWN CLERK	1,167.00
	01190-1001 ASSESSOR	1,199.00
	01200-1001 FINANCIAL DIRECTOR	7,500.00
	01200-1003 ASST FINANCIAL DIRECTOR	2,189.00
	01205-1001 TECHNOLOGY/GIS MANAGER	1,483.00
	01205-1002 TECHNOLOGY ADMINISTRATION	4,049.00
	01220-1001 SENIOR SERVICES ADMINISTRATION	913.00
	01300-1001 FULL TIME OPERATORS	1,155.00
	01310-1001 CHIEF OF POLICE	1,766.00
	01310-1002 CAPTAIN	2,617.00
	01310-1004 CIVILIAN PERSONNEL	784.00
	01320-1001 MARSHALL FEES	2,013.00
	01340-1001 SALARIES	781.00
	01460-1001 BUILDING OFFICIAL	1,243.00
	01490-1001 LAND USE AGENCY DIRECTOR	1,326.00
	01490-1002 ADMINISTRATION	1,235.00
	01500-1001 DIRECTOR PUBLIC WORKS	1,727.00
	01500-1002 ADMINISTRATION	3,306.00
	01550-1001 DIRECTOR	1,190.00
	01550-1002 ADMINISTRATION	2,050.00
	01740-1003 DIRECTOR OF COMM DEVELOPMENT	1,504.00
	NON-UNION 2012-13 SALARY INCREASES	

AUTHORIZATION:

(1) DEPARTMENT HEAD

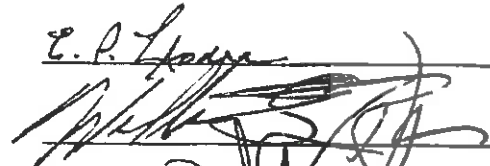


date:

(2) FINANCE DIRECTOR

9/4/11

(3) SELECTMAN




(4) BOARD OF SELECTMEN

(5) BOARD OF FINANCE

9/10/11

(6) LEGISLATIVE COUNCIL



AUTHORIZATION SIGN OFF

FIRST 335 DAYS >>>>WITH IN A DEPT.>>>>LESS THAN \$50,000>>>> (1), (2) & (3) SIGNS OFF; MORE THAN \$50,000>>>> (1), (2), (3) & (5) .
 >>>>ONE DEPT TO ANOTHER>>>>LESS THAN \$200,000>>>>ALL EXCEPT (6); MORE THAN \$200,000>>>>ALL SIGN OFF
AFTER 335 DAYS >>>>(1), (2), (3), (5) & (6) ANY AMOUNT FROM CONTINGENCY>>>> ALL SIGN OFF

Approval of the proposed revisions to the Newtown Charter would result in four areas of change to Newtown’s annual budget approval process:

- ① **Splitting or “bifurcating” the budget** into two questions (instead of the current single, combined question):
 - Board of Selectmen Budget: Shall the sum of \$___ be appropriated as the budget for the Board of Selectmen for the fiscal year? *Yes or No?*
 - Board of Education Budget: Shall the sum of \$___ be appropriated as the budget for the Board of Education for the fiscal year? *Yes or No?*
- ② **Results of each individual budget will be binding.** If one budget fails and the other passes, only the failed budget will be resubmitted and voted on in successive referenda until it is passed by a majority of voters.
- ③ **All budget votes will go to the citizens for approval at a public referendum.** There will no longer be an option for a Town Meeting to resolve a budget after two failed referenda.
- ④ **Budget votes will also include two non-binding advisory questions** to help provide greater clarity and direction.
 - Is the proposed budget for the Board of Selectmen too low? *Yes or No?*
 - Is the proposed budget for the Board of Education too low? *Yes or No?*

Considering all of these revisions together, are you in favor of this proposed change to the Newtown Charter? *Yes or No?*