

**Town of Newtown Legislative Council Special Meeting
Wednesday, January 3, 2013
3 Primrose Street, Newtown, CT**

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

ALSO PRESENT: First Selectman Pat Llodra, Finance Director Robert Tait, John Kortze (BOF), Ed Shanley, 3 members of press, Jan Andras (Clerk)

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

VOTER PARTICIPATION: None noted at this time.

COMMUNICATIONS: Communications have been received from all over the world after the recent Sandy Hook School tragedy.

COMMITTEE REPORTS: None

FIRST SELECTMAN'S REPORT: It has been challenging but work is being done on the budget and it is expected to be presented to the Board of Finance in a timely manner.

Mr. Tait reported that it is necessary to set up two funds to receive donations from those who have asked to be able to donate directly to the Town and Schools in memory of the Sandy Hook School tragedy. There is currently nothing in the Charter allowing for this so a resolution is needed to create accounts and the procedure to appropriate those funds. He will prepare a resolution for discussion and action at the next meeting.

Ms. Llodra reported that the Board of Selectmen and Board of Education have collaborated on a process to engage the community in discussions of the future of the Sandy Hook School building. Three community "conversation" sessions will be held on 1/13, 1/18 and 1/23. We also need clarity on what the State is willing to do for the Town.

NEW BUSINESS

Town of Newtown 2012/13 to 2015/17 Capital Improvement Plan

Mr. John Kortze gave an overview of the proposed CIP which has been unanimously approved by the Board of Finance. The Board has chosen to be conservative again this year and has been able to meet the 9% debt cap, with the collaboration of the Board of Selectmen and Board of Education. He urged the Council to refrain from making any "knee-jerk" reactions at this stage and to consider that this plan does work within our guidelines.

Ms. Jacob moved to refer the proposed CIP to the Finance/Administration Committee for finance issues; to the Municipal/Ops Committee for municipal portions and to the Education Committee for the education portions for discussions and recommendations to the full Council. Motion seconded and unanimously carried.

Newtown Gift Policy

Mr. Curt Symes, Chairman of the Commission on Aging, stated that the Commission would like to look at alternative funding sources. The Town does not currently have a policy, guidelines or ordinance to deal with the acquisition of gifts. He has drafted a policy for consideration (attached). Ms. Llodra advised that this type of policy would be under the domain of the Board of Selectmen but she is asking Council members to review and make suggestions before action is taken. All suggestions should be sent to Chairman Capeci for consolidation before making a final recommendation.

Appointment of Auditor

Ms. Jacob moved to appoint CohnReznick LLC to audit Fiscal Year 2012/13. Motion seconded.

Mr. Tait explained that this was a very difficult year to be able to issue an RFP for auditing services. The Town and BOE have consolidated payroll services and the Town will be converting to the Phoenix accounting system currently being used by the BOE. This will involve a lot of work and time for his staff to be ready by 7/1/13. Therefore, he is suggesting the appointment of the current auditing firm that is already familiar with the Town and will not impose extra work on him. The firm of Kostin Rufkess has merged into CohnReznick LLC.

MOTION UNANIMOUSLY CARRIED.

Transfer

Ms. Jacob moved to transfer FROM Account 01570-2000 Contingency \$3,182.00 TO Account 01600-2013 Council Expenses \$3,182.00. Motion seconded and unanimously carried. This transfer covers the costs for legal ads and public notices regarding the recent Charter Revision.

VOTER COMMENT: None noted

ANNOUNCEMENTS: None noted.

Having no further business, the meeting was adjourned at 9:00 p.m.

Jan Andras
Recording Secretary

att: Proposed Gift Policy

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.

Town of Newtown - Proposed Gift Policy (for CoA/NSC, etc.)

(Updated Draft by Curt Symes - 10/2/12 - 4 Pages with 6 Sections)

Policy for Gifts to Newtown

(Approved - MM/DD/YY; Amended - MM/DD/YY)

1. Purpose.
2. Monetary Donations.
3. Nonmonetary Gifts.
4. Criteria for Acceptance of Gifts; Tax Considerations.
5. Naming as a Condition.
6. Administrative Procedures.

1. Purpose.

The purpose of this Gift Policy is to establish uniform procedures to govern the donation to and receipt by the town of gifts of money or of value from citizens, foundations, business concerns and others, both for specific purposes and for general use by the town. It complements the information contained in Sections 6-100a and 7-90b of the Newtown Charter, adopted October 2, 1961, amended to April 22, 2008 ("Charter").

2. Monetary Donations.

- A. All monetary gifts over \$1,000 must be approved by the Legislative Council, per Section 7-90b of the Charter, after a Financial Impact Statement has been prepared by the Financial Director.
- B. Contributors of \$1,000 or more to the town, either in cash or deferred payment, shall provide a letter properly designating the purpose and conditions, if any, of the gift. Individuals desiring anonymity shall so state in that letter, in which event the town will undertake to preserve their anonymity.
- C. Monetary gifts shall be deposited into either the town General Fund or the designated Commission Gift Fund pending acceptance of the gift by the Legislative Council.

3. Nonmonetary Gifts.

- A. A nonmonetary gift to the town shall not be accepted without the prior approval of the Legislative Council. Contributors shall execute a document properly designating the purpose and conditions, if any, of the gift or giving the town the right to use the gift in its sole and absolute discretion and relinquishing any future claim to the gift.
- B. A nonmonetary gift to the town of real estate or of a structure which is intended to be permanently placed on town property shall be accepted only upon the prior approval of the Legislative Council. All such gifts must secure any necessary approval pursuant to CGS §8-24 by the Planning and Zoning Commission, and must also secure any necessary approvals from other land use agencies and a Financial Impact Statement.

All such donations shall be submitted to the Legislative Council to be placed on the agenda for the next available meeting.

- C. All gifts to the town which are works of art shall be referred to the Cultural Arts Commission which shall forward its written recommendation as to acceptance and placement of the work of art to the Legislative Council.

4. Criteria for Acceptance of Gifts, Tax Considerations.

- A. In considering whether to approve acceptance of such a gift, the Legislative Council shall consider the following:
 - (1) Whether the gift is appropriate for a public building, facility or parcel of land.
 - (2) Whether the gift is being offered by a donor who is acceptable to the reviewing entity.
 - (3) Whether the gift will benefit the town and the community.
 - (4) Whether there is space in a public facility to accommodate it.
 - (5) Whether there are maintenance or repair costs involved and, if there are, how they will be funded.
 - (6) Whether there are insurance costs associated with receiving and maintaining the gift and, if there are, how they will be funded.
 - (7) Whether the gift will begin a program or service which the town would be unwilling to take over when the gift or grant funds are exhausted.
 - (8) Whether receipt of the gift may conflict in any way with the town's ethical, moral or purchasing policies.

- (9) Whether any conditions attached to the gift conflict with or in any way commit the town to a course of action which conflicts with town policies, practices, ordinances, standards, or state or federal laws or regulations.
 - B. The Legislative Council reserves the right to specify the manner in which gifts are made, to define the type of gift which it considers appropriate, and to reject those which it deems inappropriate or unsuitable.
 - C. The Legislative Council shall be empowered to remove, dispose of, or modify those gifts that become unwanted or obsolete as conditions warrant.
 - D. The town will not evaluate gifts for tax purposes. The First Selectman or accepting entity (Commission, etc.), upon request by a donor, shall acknowledge the receipt of a gift for purposes of enabling the donor to receive a tax deduction, including but not limited to, the signing of any IRS forms.
5. Naming as a Condition attached to a gift.
- A. All gifts which have the condition that the giving of the gift is contingent upon naming it or other town property shall be referred to the Legislative Council to be placed on its agenda for the next available meeting.
 - B. In considering whether to approve naming a property, the reviewing entity shall make a finding that, in light of all the circumstances, it is in the best interests of the town to honor the condition of naming.
 - C. All gifts dedicated to the memory of an individual may be recognized with an appropriate plaque, to be approved by the Legislative Council. All plaques are to be placed at an appropriate location to be determined by the Legislative Council.
6. Administrative Procedures.
- A. Before a donor offers a gift greater than \$1,000 to the town, the donor shall submit a letter designating the purpose and conditions, if any, of the gift. Such letter shall be submitted to the Legislative Council which shall thereupon secure any additional information pertinent to the decision whether to accept the gift.
 - B. Potential donors to a program, department or the town offices shall be advised by the Legislative Council that, in determining whether to accept a gift the Legislative Council will base its determination upon whether the gift is in the best interests of the town and the community at large.

- C. Individuals desiring anonymity shall so state in the document, in which event the town will undertake to preserve their anonymity.
- D. The Legislative Council is empowered, on behalf of the town to devote, apply, expand or utilize such gifts to such purposes and with such restrictions, if any, as may have been established by the donor; and to take all necessary and appropriate actions to accomplish the purpose set forth by the donor. If no special purposes have been set forth, funds shall be deposited in the general fund.
- E. At the conclusion of each fiscal year, the Legislative Council shall compile a list of all gifts accepted by the town during the preceding fiscal year.
- F. Any gifts to the (Board of Education, Newtown Senior Center, Newtown Park & Rec, Booth Library, etc.) which directly impact on town-owned property shall be reviewed in accordance with this policy and its administrative procedures.
- G. Recognition of individual donor gifts in the form of a Letter, Legacy Society, etc. shall be the responsibility of each individual town entity.

AMENDMENTS TO POLICY FOR GIFTS TO TOWN (Amendment Number & Date, specified as MM/DD/YY)