

**Town of Newtown Legislative Council Special Meeting
Wednesday, July 10, 2013
Newtown High School, Lecture Hall, Sandy Hook, CT**

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

ABSENT: Kathy Fetchick, Bob Merola

ALSO PRESENT: First Selectman Pat Llodra, Finance Director Robert Tait, six members of public, one 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: Robert Hutchinson, 8 Split Rock Road, distributed a copy of his comments regarding the proposed amendments to the Firearms Discharge Ordinance (attached to these minutes).

Barbara O'Connor, 36 Littlebrook Lane, feels that American citizens are being "legislated to death". She does not feel that a Blight Ordinance is necessary. Regarding the Firearms Discharge Ordinance, she feels that it is too restrictive. No matter how many laws there are, there are people who will still find ways to create heinous crimes.

Michelle Ku, 28 Platts Hill Road – it takes a unified position of all town officials to get a budget approved and this year that happened with the third referendum. As a member of the most recent Charter Review Commission, she agrees that the language on the ballot could be tweaked but we will still have a problem with interpretation. She feels that the bifurcation hurts both sides of the budget. Research she did for the CRC of twelve other towns showed that the failure rate of the municipal portion is 25% and the failure of the education side is 36%.

APPROVAL OF MINUTES: Upon motion by Ms. Jacob, the minutes of the 6/19/13 regular meeting were approved as presented.

COMMUNICATIONS: Mr. Capeci reported that there will be a "non-meeting" of the Council and Board of Ed on 7/16 at 7:00 pm to discuss strategies for the upcoming school administrators' contract.

A resolution was inadvertently omitted from the agenda to approve \$750,000 to begin plans for Sandy Hook School, to be financed by State Grant-in-Aid. This will be taken up at a special meeting on 7/16 at 6:30, along with a resolution for turf replacement at Treadwell Field that is on tonight's agenda but has not yet been approved by the Board of Finance.

COMMITTEE REPORTS: No reports

FIRST SELECTMAN REPORT: Ms. Llodra distributed a copy of the third Q&A prepared regarding the Sandy Hook School project. These are distributed to the public approximately every two weeks.

OLD BUSINESS

Legislative Council District Maps – Several months ago, the two Registrars had presented two different re-districting maps that were rejected by the Council. The districts can only be re-districted every ten years. Since no further plan has been submitted by the Registrars and our districts are still fairly well divided, Mr. Capeci feels that the most responsible action, in lieu of a unified recommendation from the Registrars, is to leave the districts as they are for the next ten years.

Ms. Jacob moved to leave voting districts unchanged. Motion seconded and unanimously carried.

Several Council members expressed disappointment that the Registrars could not come together to accomplish this task.

Newtown Anti-Blight Ordinance – Ms. Jacob moved to send the proposed Anti-Blight Ordinance to a public hearing on 8/7/13. Motion seconded and carried: 8 YES – 2 NO (Lundquist and Amaral)

Mr. Lundquist noted that he feels this ordinance is good for commercial properties but over-reaches on residential.

Amendments to Newtown Firearms Ordinance – Ms. Jacob moved to send the proposed amendments to the Firearms Ordinance to a public hearing on 8/7/13. Motion seconded and carried: 7 YES – 3 NO (Amaral, Chaudhary, Lundquist)

Referendum Ballot Discussion – This item appears on the agenda again for any further discussion. Ms. Jacob feels that the most recent referendum ballot worked the way it was intended. Ms. Llodra advised that she has heard many people say that they were confused by the wording of the advisory questions. No action will be taken by this Council but recommendations will be forwarded to the Council elected in November.

NEW BUSINESS

Resolution – RESOLVED: That the resolution entitled “Resolution Providing For A Special Appropriation In The Amount Of \$250,000 For Remediation And Demolition Of Danbury Hall Located On The Fairfield Hills Campus In The Town Of Newtown, Connecticut As Authorized In The Capital Improvement Program (2013-14 To 2017-2018, Inclusive) And Authorizing The Issuance Of \$250,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, a copy of which is attached hereto, is hereby adopted, said special appropriation was requested in a letter dated June 21, 2013 from Elizabeth Stocker, AICP, Director of Economic and Community Development, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-30 (a), (b) & (c) of the Town Charter.

Ms. Jacob moved the following RESOLVED that the resolution entitled “RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$250,000 FOR REMEDIATION AND DEMOLITION OF DANBURY HALL LOCATED ON THE FAIRFIELD HILLS CAMPUS IN THE TOWN OF NEWTOWN, CONNECTICUT, AS

AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2013/2014 – 2017/2018, INCLUSIVE) AND AUTHORIZING THE ISSUANCE OF \$250,000 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 bonding resolution, a copy of which is attached hereto, is hereby adopted, said special appropriation was requested in a letter dated June 21, 2013 from Elizabeth Stocker, AICP, Director of Economic and Community Development, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-30 (a), (b) & (c) of the Town Charter. Motion seconded and upon roll call vote was unanimously carried: YES – Capeci, Jacob, Ferguson, Chaudhary, Lundquist, Girgasky, Amaral, Wiedemann, Carroll, Honan.

Resolution – Ms. Jacob moved to approve the resolution providing for a special appropriation in the amount of \$300,000 for installation of lights at the High School Back Field, as authorized in the Capital Improvement Plan (2013-2014 to 2018-2019, inclusive) and authorizing the use of the Parks & Recreation Surcharge Fund to finance the appropriation. Motion seconded and unanimously carried.

The resolution for a special appropriation for artificial turf replacement at Treadwell Field was not taken up as the Board of Finance has not yet taken action.

VOTER PARTICIPATION: Barbara O'Connor stated that she is a senior citizen and understood the ballot advisory questions and voted the way she meant.

Having no further business, the meeting was adjourned at 9:30 p.m.

Jan Andras
Recording Secretary

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.

Remarks by Robert Hutchinson to the Legislative Council on July 10, 2013, re the Backstop Provision [Sec. 128-4(c)] of the draft Firearms Ordinance

Robert Hutchinson—8 Split Rock Road, Newtown.

I would like to address to the Legislative Council three specific concerns I have about the Backstop provision in the draft Firearms Ordinance presented tonight for your consideration by the Chair of the Ordinance Committee. I would also like to suggest amended language for the Backstop provision that would remedy my three concerns.

Regulation 128-4(c) in the final draft of the new Firearms Ordinance recommended by the Ordinance Committee to the Legislative Council reads: "A natural or manmade Backstop sufficient to contain the projectiles from the Firearm being discharged with a minimum height of ten (10) feet above the top of the intended target is required."

1) My first concern is with an internal discrepancy between the definition of *Backstop* and the language of the Backstop regulation. In Sec. 128-2(a), "Backstop" is defined as "A device constructed to stop, redirect, and or contain bullets fired on a range." The word "constructed" in the Backstop definition is at variance with the word "natural" in the backstop regulation.

2) My second concern is with the grammatical construction of the backstop regulation. "A ... Backstop ... is required" is an "agentless passive" construction, meaning that it doesn't specify a required action—it only requires certain physical parameters for a Backstop as an object. The language of the recommended regulation does not require a person who is discharging a firearm to shoot *into* a backstop and *only* into a backstop, because (a) it does not require that the shooter shoot only at the "intended target" and (b) it does not specify the physical disposition of the target in relation to the backstop except that it be 10 feet higher. So, under the language of the recommended regulation, I may set up a target anywhere on my property as long as I have a backstop somewhere else on my property and its top is 10 feet higher than the target—say, a 2-foot-high backstop that's 8 feet upslope and 500 feet distant from the target. And even then, there's no requirement that I actually shoot at the "intended target" instead of plinking at whatever I like. The recommended draft's language requires only that a backstop *exist*, not that it be *used*. It inadvertently opens what may be called "the ceremonial backstop loophole."

3) My third concern is with the potential siting of backstops in wetlands. Thousands of spent lead bullets and pellets embedded in a backstop sited in a wetland can act as a point source for contamination of the water column by Pb leachate.

To remedy these three concerns, I would like respectfully to propose for the Council's consideration the following alternative language for Sec. 128-4(c) in the version that it will vote on next month:

"c. It is prohibited to discharge a Firearm except on a range marked on horizontal or downward-dipping level ground and except at a target placed on the range floor at the foot of a Backstop constructed with a minimum height of 10 feet above the height of the intended target. No Backstop shall be sited within the boundaries of wetlands so determined under the Inland Wetlands and Watercourses Regulations of the Town and Borough of Newtown."

Thank you.

One Effect of Bifurcated Budgets

Thirteen Connecticut towns that vote separately on town and education budgets were surveyed¹. An analysis was performed of the number of times that each of the budgets goes to vote before passing. There is a 30% increase in failure rate of Board of Education budgets relative to municipal budgets. This year, Newtown, Watertown, Killingly and Hampton all passed their municipal budgets before passing the education budgets. No towns passed their education budget before the municipal budget.

	BOS			BOE		
	pass	fail	total	pass	fail	total
total	114	37	151	103	57	160
fail rate			25%			36%

¹ Brookfield, Hampton, Killingly, New Fairfield, New Milford, Newtown, North Stonington, Old Saybrook, Oxford, Simsbury, Sterling, Watertown, Windham over the period of 1989-2013.

² statistically significant pass/fail, $\chi^2=4.56$, 1 degree of freedom

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$250,000 FOR REMEDIATION AND DEMOLITION OF DANBURY HALL LOCATED ON THE FAIRFIELD HILLS CAMPUS IN THE TOWN OF NEWTOWN, CONNECTICUT AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PROGRAM (2013-14 TO 2017-2018, INCLUSIVE) AND AUTHORIZING THE ISSUANCE OF \$250,000 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 \$250,000 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 remediation and demolition of Danbury Hall located on the Fairfield Hills Campus in the Town, as authorized in the Capital Improvement Program (2013-14 to 2017-18, inclusive), including, but not limited to, removal of hazardous materials, and related site improvements, 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, \$250,000 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, Connecticut. 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 any time 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 ("Tax Exempt Obligations") authorized to be issued by the Town. The Tax Exempt Obligations 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 Town 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 Tax Exempt Obligations, 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.

TO: JOHN KORTZE, CHAIRMAN, BOARD OF FINANCE

FROM: LIZ STOCKER, DIRECTOR OF ECONOMIC AND COMMUNITY DEVELOPMENT

DATE: JUNE 21, 2013

The resolution that FHA passed on 6/19/2013 requesting a special appropriation to abate and demo Danbury Hall is as follows:

IT IS HEREBY RESOLVED THAT THE FAIRFIELD HILLS AUTHORITY RECOMMENDS THAT THE TOWN OF NEWTOWN APPROVE A SPECIAL APROPRIATION IN THE AMOUNT OF \$250,000 FOR THE REMEDIATION AND DEMOLITION OF DANBURY HALL AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PROGRAM (2013-2014 TO 2018-2019, INCLUSIVE) TO BE FINANCED BY THE ISSUANCE OF GENERAL OBLIGATION BONDS (OFFSET BY A \$50,000 EPA GRANT).

NOTE: EPA GRANT WILL OFF SET THE APPROPRIATION AMOUNT PURSUANT TO CIP.

A current estimate for the abatement/demo is attached. The estimate assumes no salvage value which may bring the costs down. The estimate was prepared by Kim Clarke, Licensed Environmental Professional (LEP).

Sincerely,
Elizabeth Stocker, AICP
Director of Economic and Community Development
Newtown Municipal Center
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Newtown, CT 06470
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www.FairfieldHills.org



The Fairfield Hills Authority held a Regular Meeting on Wednesday, June 19, 2013 at the Municipal Center, Meeting Room #3, 3 Primrose Street, Newtown, CT 06470.

These Minutes are subject to the approval of the Fairfield Hills Authority.

Present: Jim Bernardi, Michael Holmes, John Madzula, Ross Carley, Renata Adler and Brian White.

Absent: Thomas Connors and Andrew Willie

Also Present: Elizabeth Stocker, Director of Economic and Community Development; Fred Hurley, Director of Public Works, several members of the public.

Jim Bernardi called the meeting to order at 7:03 PM.

Brian White motioned to use all unexpended funds from fiscal years 2011-2012 and 2012-2013 for future work on the Fairfield Hills infrastructure project. Michael Holmes seconded the motion and it passed unanimously.

Acceptance of the Minutes: **Brian White** motioned to accept the minutes of the May 15, 2013 regular meeting. John Madzula seconded the motion and it passed unanimously.

Jim Bernardi motioned to accept the Draft Resolution which states: "It is hereby resolved that the Fairfield Hills Authority recommends that the town of Newtown approve a special appropriation in the amount of \$250,000 for the remediation and demolition of Danbury Hall as authorized in the Capital Improvement Program (2013-2014 to 2018-2019, inclusive. Note: EPA Grant will offset the appropriation amount pursuant to CIP." **Brian White** seconded the motion and it passed unanimously.

Ross Carley motioned to adjourn the meeting. John Madzula seconded the motion. The motion was approved unanimously and the meeting adjourned at 8:57 PM.

Hazardous Building Materials Abatement and Demolition Estimates Danbury Hall and Single Family Dwellings - Fairfield Hills Campus June 2013						
Building	Approximate Construction Date	Building Size (sq. ft.)	Former Use	Low End of HBM Abatement Estimate ¹	High End of HBM Abatement Estimate ¹	Demolition Estimate (Post-Abatement)
SF - 50	1953	900-1,200	Doctor Residence	\$11,778	\$20,823	\$15,000
SF - 51	1953	900-1,200	Doctor Residence	\$11,778	\$20,555	\$15,000
SF - 52	1953	900-1,200	Doctor Residence	\$11,562	\$20,519	\$15,000
SF - 53	1953	900-1,200	Doctor Residence	\$11,562	\$20,500	\$15,000
SF - 54	1953	900-1,200	Doctor Residence	\$11,562	\$20,500	\$15,000
SF - 55	1953	900-1,200	Doctor Residence	\$11,562	\$20,500	\$15,000
SF - 56	1953	900-1,200	Doctor Residence	\$11,562	\$20,500	\$15,000
SF - 57	1953	900-1,200	Doctor Residence	\$11,562	\$20,500	\$15,000
Danbury Hall	1934	13,000	Employee housing	\$104,603	\$115,376	\$75,000
			Subtotal	\$197,531	\$279,773	\$195,000
			Contingency (15%)	\$29,630	\$41,966	\$29,250
			Total Estimate	\$227,161	\$321,739	\$224,250

Low End Abatement and Demolition Estimate	\$451,411
High End Abatement and Demolition Estimate	\$545,989

Notes:

1 - Hazardous Building Materials (HBM) abatement cost range was developed from information contained in the following reports:

- Environmental Cost Estimate, Fairfield Hills Hospital, Newtown, Connecticut, TRC Environmental Corporation, December 1999*
- Investigative Survey for Asbestos Containing Materials and Lead Based Paint, Danbury Building, Fairfield Hills Mental Health Hospital, Newtown, Connecticut, TRC Environmental Corporation, March 2005*
- Investigative Survey For Hazardous Building Materials, Staff House 50, Fairfield Hills Mental Health Hospital, Newtown, Connecticut, TRC, June 2011*
- Investigative Survey For Hazardous Building Materials, Staff House 51, Fairfield Hills Mental Health Hospital, Newtown, Connecticut, TRC, June 2011*
- Investigative Survey For Hazardous Building Materials, Staff House 52, Fairfield Hills Mental Health Hospital, Newtown, Connecticut, TRC, June 2011*