Town of Newtown Legislative Council Regular Meeting Wednesday, September 4, 2013 Newtown Municipal Center, Newtown, CT

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

ALSO PRESENT: First Selectman Pat Llodra, Finance Director Bob Tait, DPW Director Fred Hurley, six member of public, three members of media, Jan Andras (Clerk)

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

APPROVAL OF MINUTES: Upon motion by Mr. Ferguson, the minutes of the 8/7/13 meeting were unanimously approved as presented.

COMMUNICATIONS: Mr. Capeci reported that the P&Z Commission is asking Council members to review the draft of the POCD and report to them with commebts by 11/7/13.

COMMITTEE REPORTS: None

FIRST SELECTMAN REPORT: Ms. Llodra reported that two RFPs were issued for the Hawleyville sewer as part of information gathering, including costs and possible revenue.

Two of the three non-public elementary schools have accepted and used the funds allocated to them for security. The third is expected to come forward soon. They have expressed their appreciation for these budgeted funds.

We have received \$602,000 in reimbursement from the Department of Justice for money spent for police services from 12/14/12 to 6/30/13.

The DECD Commissioner will soon be issuing a document to allow for the demolition of Danbury Hall and the white houses.

OLD BUSINESS

Firearms Ordinance

Ms. Jacob moved to approve the Firearms Ordinance as amended and presented this evening (attached). Motion seconded.

Mr. Merola moved to amend by removing from Sec. 128-4(b) (ii) regarding U.S. Military. Motion seconded and unanimously carried.

Mr. Wiedemann moved to amend by striking "as exempt from this ordinance" from Sec. 128-2(f). Motion seconded and unanimously carried.

MAIN MOTION UNANIMOUSLY CARRIED AS AMENDED

NEW BUSINESS

Resolution – Special Appropriation

Ms. Jacob moved the resolution entitled "Resolution providing for a special appropriation in the amount of \$5,000 to be funded from the Sandy Hook Special Revenue Fund Undesignated Account 33-500 for a donation to the Newtown Youth Academy Foundation. This money is intended to be a honorarium or token of appreciation for office space provided by Mr. Peter D'Amico since the 12/14 tragedy. The NYA Foundation is a non-profit. Mr. Lundquist feels that this negates the spirit of the giving of the gift.

MOTION CARRIES: 11 YES – 1 NO (Lundquist)

Resolution - Special Town Meeting

Ms. Jacob moved the resolution to authorize and direct the Board of Selectmen to call a Special Town Meeting to consider and act upon the resolution entitled "Resolution Providing For A Special Appropriation In The amount of \$774,162 For The Demolition Of The Existing Playground Area At Dickinson Park Located In The Town of Newtown, Connecticut As Authorized In The Capital Improvement Program (2013/14 to 2017/18, inclusive) And Authorizing The Issuance Of \$774,162 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. Motion seconded and unanimously carried.

The Council had approved this resolution at a prior meeting and is now directing the BOS to call a Special Town Meeting for a public vote. Ms. Llodra advised that the STM will be held on 9/16/13.

Resolution - Special Appropriation

Ms. Jacob moved a resolution providing for a special appropriation in the amount of \$24,000 to be funded from the Sandy Hook Special Revenue Fund "Police" (\$20,371) and "First Responders" (\$3,629) Donation accounts 33-410 and 33-415 respectively, for the purpose of obtaining bullet resistant vests for long rifles. Motion seconded and unanimously carried.

Transfer

Ms. Jacob moved to transfer \$87,000 from Contingency to Fees & Professional Services. Motion seconded and unanimously carried.

This transfer will cover funds for an energy investment grade audit of approximately 1,000,000 sq. feet of school and other public buildings, with an expected payback in energy savings.

Transfer - Board of Fire Commissioners

Withdrawn from this agenda

Re-appropriations – Board of Fire Commissioners

Withdrawn from this agenda

Year End Budget Transfers

Ms. Jacob moved to approve Year End Budget Transfers (FY 2012-13) (attached). Motion seconded and unanimously carried.

Re-appropriation

Ms. Jacob moved to re-appropriate \$25,000 from Account 01205-Capital (2012-13) to Account 1-101-11-205-5744-000 Equipment —Technology (2013-14). Motion seconded and unanimously carried.

Town Auditor Fraud Affidavit

Ms. Jacob moved the following: Whereas the Newtown Legislative Council supports the efforts of the Town auditors in their effort to assess the risks of material misstatement due to errors or fraud; and Whereas the membership of the Legislative Council has read and contemplated each of the four questions in the Cohen-Reznick fraud questionnaire; and Whereas no Legislative Council member has any knowledge of fraud in town, no member suspects fraud or has received communications from employees, former employees, regulators, residents or othesr alleging fraud and no member has observed changes in employee or management behavior that would lead to a suspicion that fraud is occurring within the Town; I move to direct the Chairman of the Legislative Council to answer in the negative on all four questions with respect to fraud on the questionnaire and return it to the auditors. Motion seconded and unanimously carried.

VOTER COMMENT: None noted.

Having no further business, the meeting was adjourned at 8:50 pm.

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.

TOWN OF NEWTOWN Firearms Ordinance 128

(First Adopted by the Legislative Council of the Town of Newtown August 7, 1991 as Ordinance 71, amended September 17, 2003.)

Sec. 128-1. Purpose:

The purpose of this Ordinance is to regulate the discharge of Firearms in the Town of Newtown.

Sec. 128-2. Definitions:

- a. Backstop: A device constructed to stop, redirect, and-/or contain bullets fired on a range.
- b. Birdshot: a type of shotgun ammunition typically used for bird hunting
- c. Clay Pigeon Shooting: The activity of shooting a Firearm up into the air at special flying targets, known as clay pigeons or clay targets, provided that the activity is in full compliance with all other federal, state and local laws.
- d. Firearm: Any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged.
- e. School: Any boarding, day or night school or college, including one conducted by the Town of Newtown or State of Connecticut, in which full time academic instruction is offered for one or more grades.
- f. Sportsman's Organization: A group of individuals or association of individuals with centralized management, meetings or associated for activities including discharge of Firearms, approved by the Board of Selectmen First Selectman and Chief of Police as exempt from this Ordinance, based on the presentation of proof that the organization satisfies all of the following criteria:
 - i. The organization has centralized management:
 - ii. The organization has implemented adequate regulations to ensure safety in the discharge of Firearms:
 - iii. The organization has implemented regulations to ensure individuals discharging Firearms have adequate safety training and comply with all applicable federal, state and local laws concerning the possession and discharge of Firearms;
 - iv. The organization requires the presence of an individual trained in Firearms safety to oversee and supervise the discharge of Firearms at all times;
 - v. The organization maintains adequate insurance coverage;
 - vi. The organization has established membership criteria to

ensure safety in the discharge of Firearms;

vii. The organization has taken adequate measures, including the construction of improvements, to ensure all shots, debris and discharge is confined to the target area on the property on which Firearms are to be discharged and there is no danger or risk of injury to persons and property.

Sec. 128-3. Exceptions:

- a. The Provisions of this Ordinance shall not apply to a peace officer, as defined in Section 53a-3(9) of the Connecticut General Statutes, when acting within the scope of his/her duties.
- b. The provisions of this Ordinance shall not apply to hunting as defined in Section 26-1(12) of the Connecticut General Statutes, as the same may be amended from time to time.
- c. The provisions of this Ordinance shall not apply to the discharge of Firearms on property owned or leased by The Pequot Fish and Game Club, Newtown Fish and Game Club, Fairfield County Fish and Game Protective Association or any Sportsman's Organization... duly approved by the First Selectman and Chief of Police pursuant to Section 128-2(f) of this Ordinance.
- d. The use of Birdshot for the purpose of Clay Pigeon Shooting shall be exempt from the requirement to use a Backstop per section 128-5(c) of this Ordinance.
- e. The provisions of this Ordinance shall not apply to the use of Firearms when a Firearm by an individual (i) discharging blank cartridges in a manner consistent with all federal, state and local laws; (ii) acting to defend himself or herself or a third person from physical force or in a manner consistent with all federal, state and local laws; (iii) performing nuisance animal control in a manner consistent with all federal, state and local laws; (iv) engaging in a memorial ceremony in a manner consistent with all federal, state and local laws; or (v) engaging in an official parade or ceremony in a manner consistent with all federal, state and local laws.

Sec. 128-4. Safety Practices

- a. Persons participating in the discharging of a Firearm must be the owner of the property the discharge is taking place on, an invited guest of the owner who is present, or have written permission from the property owner.
- b. Persons discharging a Firearm shall (i) comply with all applicable federal, state and local laws concerning the possession and discharge of Firearms; and (ii) except for active duty U.S. military members or individuals honorably discharged from the U.S. military, possess and carry, or be supervised by an individual who possesses and carries, one or more of the following:
 - 1. Connecticut hunting license.
 - 2. Connecticut Certificate of possession.
 - 3. Connecticut permit to carry pistols or revolvers.
 - 4. Connecticut Long Gun Eligibility Certificate.

- 5. A certificate issued after successfully completing a course approved by the Connecticut Commissioner of Emergency Services and Public Protection in the safety and use of Firearms including, but not limited to, (i) a safety training course in the use of Firearms available to the public offered by a law enforcement agency, a private or public educational institution or a Firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Energy and Environmental Protection and (ii) a safety or training course in the use of Firearms conducted by an instructor certified by the state or the National Rifle Association.
- c. Persons not possessing a license or certificate as provided in subsection (b) above may be permitted to discharge a Firearm provided they are supervised at all times by a person licensed or certified as provided in subsection (b) above and are in compliance with all applicable federal, state and local laws concerning the possession and discharge of Firearms. No more than four (4) such unlicensed or uncertified persons may participate in shooting under the supervision of a person so licensed or certified at the same time.
- d. No more than one Firearm may be fired at a time by any group of individuals engaged in discharging Firearms as permitted under this Ordinance.
- e. All Firearms, not in active use shall, located in an area being used for discharging Firearms, on or off the shooting line, must be unloaded and safely stowed. with the action open.

Sec. 128-5. Regulations

- a. No person shall discharge a Firearm before 8 A.M. or after sunset.
- b. Any person who wishes to discharge a Firearm must notify the Newtown Police Department by telephone of their intent to discharge a Firearm fifteen (15) minutes prior to beginning such activity. Fifteen (15) minutes after the time of the phone call as recorded in the Newtown Police log shall begin a four (4) hour window in which such activity will be allowed on the subject property each day.
- c. Any discharge of a Firearm must be directed at 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.
- d. It is prohibited to discharge a Firearm within 500 feet of any building occupied by people or domestic animals, unless written permission for lesser distances is obtained from the owner of such building and carried with the person discharging the Firearm. The provisions of this section shall not apply to owners, owners' spouses or owners' lineal descendants when discharging a Firearm within 500 of buildings owned by them, but shall apply when said persons are discharging a firearm within said distances of buildings not so owned. -For the purposes of this section, a building is presumed to be occupied unless it appears from a reasonable inspection of the interior portions of the building that it is in fact unoccupied.
- e. It is prohibited to discharge a Firearm in the direction of any visible building occupied by people or domestic animals unless written permission is obtained

- from the owner of such building and carried with the person discharging the Firearm.
- f. Targets that may induce a secondary reaction including, but not limited to, exploding targets, fuel canisters, and Tannerite are prohibited.
- g. Discharging a Firearm across property boundaries is prohibited unless contiguous properties are owned by the person discharging the Firearm, or written permission is obtained from the contiguous property owner.
- h. Discharging a Firearm on or into property owned by the Town of Newtown is prohibited.
- i. Discharge of Firearms is prohibited within ½ mile of any School during regular school hours.

Sec. 128-6. Penalties for Offenses.

Any violation of this Ordinance shall constitute an offense and be punishable by a fine of \$99.00 per offense.

If a person who is issued a citation does not make an uncontested payment of the

Sec. 128-7. Appeal Procedure

fine(s), penalties, cos	its, or fees due for non-compl	iance as specified by the	Citation to the
Town, they shall adh	ere to the procedure in the "C	ode of the Town of New	vtown" Section
132-10, Appeals Prod	cedure, sections B-E.		
This Ordinarias aball	haaama affaatiissa aa tha	day of	2012
	become effective on theegislative Council and notice	day, of	, 2013,
upon action by the Li	agistative Council and notice	of publication in a local	newspaper.
SIGNED ON	day, this	month of 2	013.
			
BY			
Mary An	n Jacob, Chair Legislative Co	uncil Ordinance Comm	ittee
BY			
	Jeffrey Capeci, Chair, Leg	islative Council	

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$774,162 FOR THE DEMOLITION OF THE EXISTING PLAYGROUND AREA AND THE PLANNING, DESIGN, ACQUISITION AND CONSTRUCTION OF A NEW PLAYGROUND AREA AT DICKINSON PARK LOCATED IN THE TOWN OF NEWTOWN, CONNECTICUT AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PROGRAM (2013-14 TO 2017-2018, INCLUSIVE) AND AUTHORIZING THE ISSUANCE OF \$774,162 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 \$774,162 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 the demolition of the existing playground area and the planning, design, acquisition and construction of a new playground area at Dickinson Park, as authorized in the Capital Improvement Program (2013-14 to 2017-18, inclusive), 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 and other third party sources of funds thereof.

To meet said appropriation, \$774,162 bonds of the Town, or so much thereof as Section 2. 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 Pinancial 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 and other third party sources of funds 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

07/25/2013

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.

The First Selectman and the Financial Director are authorized to make temporary Section 4. 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.

TOWN OF NEWTOWN FISCAL YEAR END BUDGET TRANSFERS 2012 - 2013

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ACCOUNT # ACCOUNT DESCRIPTION FROM TO

SELECTMEN

01570-2000 CONTINGENCY 46,401.00

0110-4063 LEGAL SERVICES - OTHER 46,401.00

Mainly due to Sandy Hook School matters.

SELECTMEN - OTHER

01105-2016 POSTAGE 1,429.00

01105-2024 COPIERS 1,429.00

Mainly due to charges relating to color copies. Transfer is within department budget.

REGISTRARS

01570-2000 CONTINGENCY 15,649.00

01180-1005 REFERENDA 15,051.00 01180-2002 FICA 598.00

Referenda expenses budgeted to be taken out of contingency

TECHNOLOGY

01570-2000 CONTINGENCY 21,970.00

01205-5080 CAPITAL 21,970.00

Police lap top connection to schools. This is the amount for the project not covered

by the OPM mini grants

UNEMPLOYMENT

01570-2000 CONTINGENCY 2,500.00

01240-2001 UNEMPLOYMENT 2,500.00

Underestimated unemployment costs. Waiting for June bill. May be as little as \$250.

Or it could be \$2,000?(Currently account is \$288 over)

COMMUNICATIONS

01300-1001 FULL TIME OPERATORS 1,034.00

01300-1005 OVERTIME 1,034.00

Due to open positions being filled with overtime (salary account has an available balance of \$59,000 due to openings). Transfer is within department budget.

POLICE

01310-4060 CONTRACTUAL SERVICES 2,847.00

 01310-2003
 LIFE INSURANCE
 29.00

 01310-2010
 TELEPHONE/RADIO COMM
 18.00

 01310-2015
 POLICE RECRUITMENT
 2,800.00

Police recruitment had no budget. It was offset by revenues (recruitment fees) that

were not budgeted.

8/30/2013

TOWN OF NEWTOWN FISCAL YEAR END BUDGET TRANSFERS 2012 - 2013

	<u> 2012 - 2013</u>					
DEPARTMENT	•					
ACCOUNT #	ACCOUNT DESCRIPTIO	<u>N</u> FRO	<u>M TO</u>			
FIRE						
01320-3050	EQUIPMENT REPAIRS	11,6	554.00			
01320-1001	MARSHALL FEES		166.00			
01320-1005	SECRETARIAL FEES		1,279.00			
01320-2002	FICA		209.00			
01320-3051	TRUCK MAINTENANCE		10,000.00			
	Underestimated truck maintenance	e; overestimated equip	ment repairs.			
	Transfer is within department bud	lget.				
LAND USE						
01490-1002	ADMINISTRATION PAYROLL	3,8	300.00			
01490-1004	COURT STENOGRAPHER	2,2	266.00			
01490-2014	DUE, TRAINING		823.00			
01490-4061	LEGAL SERVICES		5,243.00			
	Transfer is within department bud	lget.				
PUBLIC WORK	<u>s</u>					
01500-5081	CAPITAL ROAD IMPROVEMENT	46,5	520.00			
01500-1003	PAYROLL		876.00			
01500-2016	EQUIPMENT FUEL	•	1,760.00			
01500-2018	STREET LIGHTS		1,174.00			
01500-2031	EDUCATION & TRAINING		24.00			
01500-2033	PATCHING MATERIALS		9.00			
01500-4060	TREE REMOVAL		21,064.00			
01515-1003	OVERTIME		494.00			
01515-5080	CONTRACTUAL SERVICES		5,460.00			
01650-2018	ELECTRICITY		13,527.00			
01650-2019	WATER		2,132.00			
	Transfer is within department bud	lget.				
PARKS & RECR	EATION					
01550-1006	LIFE GUARDS	5,2	220.00			
01550-1003	PARK MAINTAINER OVERTIME		1,562.00			
01550-2002	FICA		1,435.00			
01550-2003	LIFE INSURANCE		231.00			
01550-2008	SIGNS		230.00			
01550-2024	POOL EXPENSES		630.00			
01550-2034	SAFETY CLOTHES		1,132.00			
	Transfer is within department bud	•				
	(OVERTIME & FICA COULD BE REII	MBURSED BY SH GRANT	Γ)			

ECONOMIC DEVELOPMENT

TOWN OF NEWTOWN FISCAL YEAR END BUDGET TRANSFERS 2012 - 2013

<u>DEPARTMENT</u>			
ACCOUNT #	ACCOUNT DESCRIPTION	<u>FROM</u>	<u>TO</u>
01740-1003	PAYROLL	28.00	
01740-2003	LIFE INSURANCE	25.00	
01740-2007	LONG TERM DISABILITY	33.00	
01740-4060	CONTRACTUAL SERVICES	3.00	
01740-2002	FICA		48.00
01740-2014	DUES		41.00
	Transfer is within department budget.		