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**TOWN OF NEWTOWN**  
**TOWN OF NEWTOWN LEGISLATIVE COUNCIL MEETING**  
**WEDNESDAY, SEPTEMBER 17, 2014**  
**NEWTOWN MUNICIPAL CENTER, NEWTOWN, CT**

**PRESENT:** George Ferguson, Joe Girgasky, Paul Lundquist, Bob Merola, Ryan Knapp, Neil Chaudhary, Mary Ann Jacob, Dan Amaral, Anthony Filiato, Phil Carroll

**ABSENT:** Lisa Romano, Dan Honan

**ALSO PRESENT:** First Selectman Pat Llodra, Finance Director Bob Tait, Tony Tylutki, Senior Accountant for Consumer Petroleum, Director of Planning George Benson, Director of Public Works Fred Hurley, Economic Development Coordinator Betsy Paynter, Attorney Grogins, 4 Public, 1 Press

**CALL TO ORDER:** Ms. Jacob called the meeting to order at 7:30pm with the Pledge of Allegiance.

**VOTER COMMENT:** Loree Ogan, 140 Castle Hill Rd., spoke on the appropriation to level property at 31 Great Hill Rd. Would like the house, pool and debris removed because it is a health and safety hazard.

**MINUTES:** MR. FERGUSON MOTIONED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 3, 2014. SECOND BY MR. LUNDQUIST. MOTION APPROVED.

**COMMUNICATIONS:** Ms. Jacob sent the council information from the Superintendent regarding the threshold for benefits (*Attachment A*), and reminded everyone of the FOI Workshop on September 29, at 7:00 in the Council Chambers.

**FIRST SELECTMAN:** Mrs. Llodra shared the recent CCM Bulletin, designed for candidates, regarding property taxes in Connecticut. It looks at tax schedules and strategies and how it impacts Municipalities. (*Attachment B*) Mrs. Llodra reports the Board of Selectmen discussed the proposal for regionalization of emergency dispatch and decided they will not bring the proposal to the Council as an action item. They will pursue other concepts including Newtown becoming a regional dispatch center, and renewing discussions with Danbury. They will be talking with our State Legislators to encouraging them to look at an authority structure for regionalizing services such as dispatch. Authorities have more transparency and accountability than private boards of directors. Mr. Amaral asked about the progress on Washington Circle. Mrs. Llodra said the grant for the infrastructure work at Fairfield Hills required the town to do 10-20% of the work. They have laid the conduit. The parking lot by the ambulance garage is complete. The Parent Connection will be leasing the first duplex and discussions are underway regarding site work. Everything is on schedule and within budget. Danbury Hall is coming down.

**NEW BUSINESS:**

**Business Incentive application from Consumers Petroleum:** MR. CHAUDHARY MOVED TO APPROVE THE BUSINESS INCENTIVE APPLICATION FOR CONSUMER PETROLEUM AT 67 CHURCH HILL ROAD. SECOND BY MR. FERGUSON. Mrs. Paynter reports Consumer Petroleum has paid taxes on the property for the past 3 years and has removed the old building. To comply with the Edmund Rd. realignment, they have re-engineered their plans. They will put in a retaining wall and have reduced the plan from 5 to 3 pumps. They estimate 20 permanent jobs. Estimate is 2.4 million in development costs. The abatement would be \$10,500 over 3 years.

Mr. Ferguson asked how a 2.4 million dollar project could be assessed at \$647,000. Mrs. Paynter said that is the value the town assessor gave based on the plans. Part of the cost is for personal property; petroleum equipment, canopy and signage, and equipment, which totals \$531,000 and will be taxed separately.

Mr. Chaudhary clarified this is for a 31% reduction on the increase, so there is still an increase in revenue to the town. Mr. Chaudhary did not think personal property was included in the multiplier for abatement. Mrs. Paynter said personal property is included and anything over \$500,000 is a 1.25% multiplier. APPROVED. *Attachment C*

**Water Rate increase request:** MR. CHAUDHARY MOTIONED TO APPROVED THE WATER RATE INCREASE REQUEST. SECOND BY MR. FERGUSON. Mr. Hurley said there have been no increases since 2007. There has been a lot of mandated work on the system. Pumps, electrical and cement work on the bunkers, had to be overhauled. OSHA required work. There was a great deal of deferred maintenance on the system when it was taken over from the state. The current rate is \$7.30 per 1000 gallons. This is an average of \$120-130 a quarter and the increase would bring it to \$150 a quarter over 3 years. Garner Prison is the primary consumer of the system. The increase is within commercially acceptable rates. The sewer fund paid for projects and must be paid back as sewer and water funds are separate. The sewer fund advanced all the funds for the projects.

Mr. Ferguson asked if there was a public hearing. Mr. Hurley said the public hearing would be through the council. Tonight's meeting is to initiate the process.

Mrs. Llodra said the obligation to set the rate is part of the ordinance.

Mr. Hurley said a capital reserve is needed to maintain the system. That is the bulk of the increase.

MR. CHAUDHARY WITHDREW HIS MOTION. MR FERGUSON WITHDREW HIS SECOND. MR. CHAUDHARY MOTIONED TO REFER THE WATER RATE INCREASE REQUEST TO PUBLIC HEARING. SECOND BY MR. FERGUSON. APPROVED.

*Attachment D*

**Transfer:** MR. CHAUDHARY MOVED TO TRANSFER: \$29,000 FROM CONTINGENCY (1-101-24-570-5899-0000) TO CONTRACTUAL SERVICES (1-101-15-490-5505-0000). SECOND BY MR. FERGUSON. Mr. Benson said the house at 31 Great Hill Rd. partially burned down 3 years ago. It was deemed a suspicious fire and the insurance company will not pay. A cease and desist order was issues twice to the homeowners to clean up property. In February, 2014, the court granted a temporary injunction to install a fence around the property. The property owner could not afford the fence. In May there was a settlement agreement to demolish the building and put a lien on the property after all other avenues failed. No criminal charges have been filed. The case is still in court with the owners and insurance company. They have a release from the owner for any damage or injury that occurs during the demolition. Mrs. Llodra said the property owners own other property in town but it has liens also. Mr. Filiato asked where we stand on the list of liens. Attorney Grogins said there are 2 mortgages and a judgment lien by CL&P, totaling \$734,000.

Mr. Carroll noted you cannot see the property from the road. He asked if the town will become responsible for other dilapidated abandoned buildings in town because of imminent danger. Mr. Benson said if there are other properties, they we will go through the blight process. Mr. Carroll asked if the insurance company should pay in the future, can the town recoup its costs. Attorney Grogins said if there is a payout, the money will go to the bank.

Mr. Chaudhary asked what the \$29,000 pays for. Mr. Benson said demolition, removal of debris and re-grading. MR. Chaudhary is having a hard time using public funds for private property. He asked for situations where the town has done this before. Mr. Benson said it is an obligation to protect the health and safety of the town. They have exhausted all other options. Attorney Grogins said we did this with property at 75 Church Hill Rd. and the White Birch Inn at Queen and Church Hill Rd. The bank is paying the taxes on the property.

Mr. Knapp asked why we haven't pursued the fines of the blight ordinance. It would pay for the demolition. Mrs. Llodra said the bank is not impressed by it. Mr. Knapp asked if we considered the option of putting up a fence like the property on Glen Rd. It would be a lower cost and keep people away. Mr. Benson said that is a temp fix while we clean up the Glen Rd. property. It would be a waste of money for a fence if we need to clean the Great Hill Rd. property anyway.

Mr. Merola asked if there have been any incidents of people going on the property. Mr. Benson said there have not.

Mr. Filiato asked if eventually there will be a house on the property again. Mr. Benson said eventually after everything is litigated.

Mr. Amaral asked if the house is gone, can the bank ask for the taxes to be lowered. The taxes have already been reduced as a result of the house burning.

Mr. Lundquist asked if the town will be liable if there is an incident in the future if we do not do the demolition. Mr. Grogins said it is complicated.

Mr. Ferguson would like the bank to be sent an invoice occasionally for the cost of the demolition and clean up and the fines based on the ordinance. Mrs. Llodra said they will be invoiced. Mr. Ferguson feels it is a safety hazard and now that it has been discussed publicly should anyone be hurt, it would increase our liability.

Mr. Chaudhary asked if we know if there is hazardous material on the property. Mr. Grogins said the price is inclusive of removing hazardous material. No permit can be granted without an asbestos assessment.

Ms. Jacob's concerns of safety outweigh the spending of public funds.

MOTION APPROVED. 8 YES, 2 NO (MR. KNAPP AND MR. CARROLL)

**Tick Borne Program:** MR. FERGUSON MOTIONED TO REOPEN THE MOTION APPROVING \$25,000 FOR THE TICK BORNE EDUCATION PROGRAM. MOTION SECOND. MR. GIRGASKY MOTIONED TO AMEND THE RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$15,000 TO BE FUNDED FROM THE SANDY HOOK SPECIAL REVENUE FUND "UNDESIGNATED" DONATION ACCOUNT 2-133-05-000-4550-4014 FOR THE PURPOSE OF PROFESSIONAL CONSULTING SERVICES TO PREPARE A MARKETING/MESSAGING PLAN FOR TICK BORNE DISEASE AWARENESS AND MITIGATION. MOTION SECOND.

Mr. Knapp is against the resolution. His comments are attached.

Mrs. Llodra will invite Donna Culbert and Judy Blanchard to speak to council about the project.

MOTION TO AMEND APPROVED. MOTION ON RESOLUTION APPROVED (9 YES, 1 NO- MR. KNAPP)

**Fraud Questionnaire:** MR. CHAUDHARY MOTIONED TO APPROVE A RESOLUTION REGARDING THE FOUR QUESTIONS IN THE COHEN-REZNICK FRAUD QUESTIONNAIRE. SECOND BY MR. LUNDQUIST. Ms. Jacob said this is a procedural item done annually. MR. CHAUDHARY MOTIONED TO WAIVE THE READING OF THE ENTIRE RESOLUTION. SECOND BY MR. KNAPP. Ms. Jacob said the resolution authorizes her to sign the letter if the council agrees there are no instances of fraud. Council unanimously responded no to all four questions. *Attached.* MOTION TO WAIVE THE READING OF THE RESOLUTION APPROVED. RESOLUTION APPROVED.

*A RESOLUTION 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;*

*WHEREAS THE MEMBERSHIP OF THE LEGISLATIVE COUNCIL HAS READ AND CONTEMPLATED EACH OF THE FOUR QUESTIONS IN THE COHEN-REZNICK FRAUD QUESTIONNAIRE;*

*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 OTHERS 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.*

Discussion Only

**Sidewalk Plan:** Mrs. Llodra discussed 3 sidewalk projects. The Memorial sidewalk on the north side of Church Hill Rd. funded by the Draper's, the second project is the sidewalk extension in Sandy Hook Center from Fig's to Arte Court, and third is a project, funded by a grant we will receive of about \$500,000, for a sidewalk from Glover Ave. to Walgreens, and down to the Reed school as much as the grant will cover. Mr. Benson said three years ago were looking for funding for sidewalks from Flagpole to the Bee and for Queen St.

They developed the future plan for sidewalks; Wasserman Way, to Rt. 34 to Sandy Hook Center, Church Hill Rd. to the Flagpole, down Main St. to Walgreens and Queen St. The state DOT will add sidewalks on Church Hill with the realignment of the Edmond Rd. Anyone who builds in the planned area of sidewalks has to add sidewalks.

Ms. Jacob asked how far the brick sidewalks go in Sandy Hook center. Mrs. Llodra said the brick stamp sidewalk ends at Arte court. There may be continuation down Glen Rd; it will be brick stamp in the business area, further on it would be concrete. In the borough, there is a design standard that has to be met. Other sidewalk would be concrete.

There is a plan for a sidewalk down Elm Dr. to Dickenson Park in the future. The state will add sidewalks to Sugar St. when they do the bridge and road enhancement. Mr. Benson said there is no money earmarked for Queen St. at this time. We received the grant for Main St. because it is a state road. The long term plan is to connect schools, parks and town buildings.

Mr. Knapp asked if there are plans to relocate the telephone poles, because Sandy Hook center has poles in the middle of the sidewalk. Mr. Benson said they will be moved if necessary.

Mr. Filiato asked if there were sidewalk plans for Botsford or Hawleyville. Mr. Benson said there are plans near exit 9. Mrs. Llodra said the plan has always been to invest in all 5 neighborhoods and Hawleyville has been identified as the next location for streetscape development.

Mr. Benson said they will match the existing sidewalk by the Bee, will meet borough specs and it will be concrete.

Ms. Jacob asked if the sidewalks are ADA compliant. Mrs. Llodra said the Sandy Hook sidewalks are ADA compliant and repairs for cracks have been authorized.

Mr. Knapp asked if road salt affects the concrete and what maintenance is required. Mr. Benson said the concrete will be treated. Mrs. Llodra said the Sandy Hook sidewalks are treated every year.

Mr. Chaudhary asked who is responsible for maintaining sidewalks in winter. Mr. Benson said it is the property owner, by state statute and town ordinance.

Mr. Lundquist asked which side of Queen St. the sidewalk will be on. Mr. Benson said there are a number of criteria that will determine the side of the street.

**VOTER COMMENT:** None

**ANNOUNCEMENTS:** None

**ADJOURNMENT:** There being no further business, the meeting adjourned at 9:09pm.

Respectfully Submitted,

Carey Schierloh,  
Recording Secretary

*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.*

Attachment A: BOE Benefits Threshold  
Attachment B: CCM Newsletter  
Attachment C: Consumer Petroleum  
Attachment D: Water Rate Increase  
Attachment E: Mr. Knapp's Comments  
Attachment F: Fraud Questions

THE MINIMUM CRITERIA FOR MEDICAL/DENTAL INSURANCE IS AS FOLLOWS:

**Custodial/Maintenance** - 30 hrs/wk (12 month wait period for dental insurance)

**Paraeducators** - 27.5 hrs/wk (not offered dental but can buy in at 100% cost contribution)

**Educational Personnel** - 27.5 hrs/wk (no wait for dental)

**Nurses** - 35 hrs/wk (6 month wait for dental insurance)

**Teachers** - I don't believe the contract specifies, but our practice has been a (.8) FTE or higher (6 month wait for dental)

**Administrators** - I don't believe the contract specifies but all administrators are full-time and are offered medical/dental benefits

**Individually contracted** - our practice has been 27.5 hrs/wk (not everyone is offered dental - varies)

**Consumers Petroleum - 67 Church Hill Road  
Draft Analysis of Business Incentive  
Estimate Purposes Only**

Address	2013 Real Property Assessment*	Existing Real Property Tax Bill (33.31 mills)	Estimated Investment	Estimated Real Property Assessment (Upon Completed Improvements)**	Increase in RP Assessment (Existing vs. Post Improvements)	Assumed Real Property Tax Bill on New Assessment (33.31 mills)
67 Church Hill Road	\$308,660	\$10,285	\$2,390,929	\$647,700	\$339,040	\$21,575
(eligible for fixing 25% of increase in assessment)						
*The existing real estate was/is comprised of a convenience store with approx. 2,128 sf on 1 acre of land The existing structure was demolished in June 2014						
**Assessor's estimate based on approved building plans						
Personal Property Investr	\$531,611	Eligible for 1.25 multiplier			25%*1.25=31.25%	
Privately funded public benefit improvements planned:						
				Scenario for Fixing the Assessment		
				Annual Real Property Tax Due if 31.25% of the Increase in Assessment is fixed		
				\$18,046		
				\$3,529 for 3 years		
				\$10,587.58		
				\$54,137.08		
Approvals for the Business Incentives must be given by the EDC, Board of Selectmen, Board of Finance and the Legislative Council September 2nd - BOS meeting planned by Consumers Petroleum						
Assumptions: No increase in Mill Rate over 3 year period						

On Tick Borne Disease Awareness and Mitigation:

I'd like to preface this by saying that I recognize that tick born disease is an issue for our community, as it is for most communities in the north east.

I do not support using funds from the Sandy Hook Special Revenue Fund for the purpose of professional consulting services to prepare a marketing/messaging plan for Tick Borne Disease Awareness and Mitigation.

While the funds were undesignated, I believe that people who donated to our town's "Sandy Hook" fund in the wake of 12/14 did so with the assumption that their hard earned money would be utilized to help our community deal with all the unforeseen issues that would arise related to that awful event.

I cannot in good conscious make a connection between the tick borne illness and 12/14; and any attempt at doing so is reaching. Especially now at a time when so many support programs are looking for funding. When we know that we have new security costs we are asking the tax payers to shoulder. When we want to create a police substation, a substation that would lower response times to the High School and the new Sandy Hook School.

If I were someone who donated undesignated funds to the town of Newtown following 12/14 and found out that that money was used for consulting services related to tick borne illness, I would see that as a major.

Therefore, out of respect for the donor's intentions, I cannot support this resolution.