

THESE MINUTES ARE SUBJECT TO APPROVAL BY BOARD OF SELECTMEN

The Board of Selectmen held a special meeting on Tuesday, October 20, 2009 in the Lower Meeting Room of the Edmond Town Hall, 45 Main Street, Newtown. First Selectman Borst called the meeting to order at 7:30 p.m.

PRESENT: First Selectman Joseph E. Borst, Selectman Paul Mangiafico, Selectman Herbert Rosenthal.

ALSO PRESENT: Finance Director Robert Tait, Town Engineer Ron Bolmer, Land Use Director George Benson, Deputy Land Use Director Rob Sibley, Parks & Recreation Director Amy Mangold, Parks & Recreation Commission Chair Ed Marks, Larry Shilling of O&G, Steve Whitaker or Ames & Whitaker, four members of the public and one member of the press.

VOTER PARTICIPATION: none

ACCEPTANCE OF THE MINUTES: Selectman Mangiafico moved to accept the minutes of October 5, 2009. Selectman Rosenthal seconded with the following correction: Under Communications, second paragraph should read "Westport Resources is changing their clearing broker to Pershing." (not Persian). The minutes as amended were unanimously accepted.

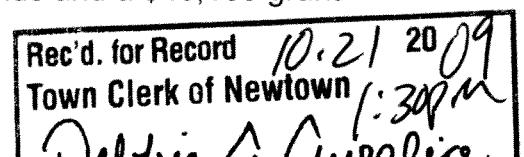
COMMUNICATIONS: Rob Sibley explained to the Board that the Highland Plaza contractors offered to donate lab space, within the building, to the Town of Newtown for \$10 a year. The site has a gravel wetlands system that is a storm water system that uses bio infiltration to clean storm water that meets or exceeds all the state, local and regional standards. There is a conservation easement at the rear of the property. High School science teachers are very excited about this and there are plans to involve West Conn and UNH. Mr. Sibley agreed to have the Town Attorney look further at the lease as Selectman Rosenthal stated that municipal leases do not normally indemnify and hold people harmless.

First Selectman Borst reported the Housatonic Railroad received a Notice of Insufficiency from the Department of Environmental Protection. The Railroad has thirty days to respond to questions with one fifteen day extension. HRRRA gave legislative testimony in the interest of Newtown relative to the Housatonic Railroad.

There was discussion on the need to reschedule the dedication of the Newtown Municipal Center. Selectman Mangiafico and Selectman Rosenthal feel more people would be able to come if it were held on a Saturday.

The Town of Newtown has received a \$30,000 grant under the Recovery Act Connecticut Justice Assistance Local Pass-Through Grant Program.

The Town of Newtown will be receiving \$1,166,957 in IDEA funds and a \$46,185 grant for special education.



There was discussion at the last HVCEO meeting on resurrecting Super 7 between I-95 and I-84. The South Western Region Metropolitan Planning Organization recommends a comprehensive investment study be conducted.

A letter from the Police Commission was presented (Att. A) restating and clarifying their position that the sidewalks on Queen Street be on the East Side.

The cost to remediate the Animal Control Facility property is estimated to be \$40,100. We have to go back to the Department of Economic and Community Development to see if we can use some of the \$100,000 STEAP grant to offset the cost.

OLD BUSINESS;

Discussion and possible action:

1. Community Center/Parks & Recreation: Mr. Marks presented the history of the Community Center project. He compared to Mansfield CT that paid \$7.6 million for a community center in 2002. Robert Mitchell, Chairman of the Public Building and Site Commission stated that the town is better off deferring the project until it can be fully funded and have a true Community Center. As advisors to the Selectmen it is important for the PBSC to say what they believe is best for the town. In order to accommodate the \$9,000,000 price the leisure/therapy pool would need to be eliminated along with the Teen Center, the small kitchen, a storage area and a portion of the lap pool. Mr. Mitchell anticipates costs to escalate after a years delay. Selectman Rosenthal asked if anyone told the architects how much the town was willing to spend based on prior CIP's before they did their planning and suggested speaking with the PBSC when projects come up to discuss the feasibility of the project and the money. Mr. Mitchell said there wasn't a defined scope when the project started. Selectman Mangiafico moved the Board of Selectmen reconsider the Parks & Recreation facility inclusion in the CIP for the cost of \$9,000,000 and change it to \$12,000,000. First Selectman Borst seconded. Selectman Rosenthal stated that the \$80,000,000 CIP presented to the Board of Finance is unrealistic and noted the Board of Selectman may want to reconsider the band shell that was included in the CIP. All in favor.

Selectman Rosenthal moved \$6,000,000 be added to the CIP for the Parks & Recreation for year 2010/2011 and \$6,000,000 be added to 2011/2012. Selectman Mangiafico seconded. All in favor.

NEW BUSINESS:

Discussion and possible action:

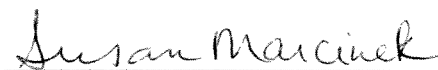
- 1. Driveway Bond Releases/Extension:** Selectman Rosenthal moved the driveway bonds as outlined in attachment B. Selectman Mangiafico seconded. All in favor. Steven Uhde, Old Castle Drive, explained to the Board that he didn't realize he had to apply for an extension based on a letter he received from the First Selectman's office that contained a typo in one of the dates.
- 2. Appointments/Reappointments:** none.

3. **Transfer: \$28,700 from Contingency, 01570-2000 to Contractual Services, 01490-4060:** Mr. Sibley explained that he neglected to encumber money for a PO at the end of last fiscal year. The contracted work is 75% complete. There was discussion about the process of encumbering funds. Selectman Mangiafico moved the transfer of \$28,700 from Contingency to Contractual Services. First Selectman Borst seconded. All in favor
From: Contingency (01570-2000) To: Transfer out – Cap Project, \$50,000: This item was tabled until the next meeting.
4. **Hazard Mitigation Assistance Grant/FEMA Resolution:** Selectman Rosenthal moved RESOLVED: That Joe Borst, the First Selectman of the Town of Newtown, is empowered and authorized to execute and deliver in the name and on behalf of this Town of Newtown an application for the Hazard Mitigations Assistance Grant with the Department of Environmental Protection of the State of Connecticut and the Federal Emergency Management Agency.
5. **Tax Refunds, October 2009 Refund #5:** Selectman Rosenthal moved the October 2009 tax refunds #5 in the amount of \$32,155.12. Selectman Mangiafico seconded. All in favor.
6. **Executive Session:** Selectman Rosenthal moved to enter executive session for purposes of discussing potential property purchase. Invited to attend were George Benson, Rob Sibley and Bob Tait. Selectman Mangiafico seconded. All in favor. Executive session was entered at 9:15pm and returned to regular session at 10:00pm with no motion noted.

ANNOUNCEMENTS: none

ADJOURNMENT: Having no further business the Board of Selectman adjourned their regular meeting at 10:40pm

Respectfully submitted,



Susan Marcinek, Clerk

Att. A: Police Commission letter re: Queen Street Sidewalks
Att. B: Driveway Bond Releases

~~Part~~ 502
Commission

**Newtown Police Commission
3 Main Street, Newtown CT 06470**

RECEIVED
OCT 15 2009
OFFICE OF THE FIRST SELECTMAN

To:

Joseph Borst, First Selectman

Herb Rosenthal and Paul Mangiafico, Selectmen

From: Newtown Police Commission

Date: Oct 6, 2009

Subject: Queen Street Sidewalks

The Newtown Police Commission would like to clarify our position on the Location of Sidewalks on Queen Street. In July of 2007 The Police Commission approved unanimously our "Response to the Queen Street Area Traffic Improvement Plan" and sent our response to the Board of Selectman.

In that Report, Section C17, we wrote; "The NCP enthusiastically recommends the development of a sidewalk system along Queen Street south of Glover Ave. to facilitate the rapid and safe movement of all users of Queen Street. Note: The determination of the location of a sidewalk system should be determined after appropriate study and community input."

On July 7, 2009 the NPC authorized Chief Michael Kehoe to advise the Board of selectmen via a written memo titled "Queen Street Sidewalks" that the Commission unanimously voted to recommend to place the sidewalks on the east side of Queen Street in the interest of public safety.

The NPC wants to be clear that at no time did the PC endorse sidewalks on the west side of Queen Street. We also note that the Board of Burgesses "Report on the Queen Street Area traffic Improvement Plan" dated February 13, 2007 wrote they "strongly encourages sidewalks on Queen street, however , the Board

supports its prior study of 2001 that recommends the sidewalks be constructed on the east side of Queen Street.”

The NPC notes that the minutes of the Board of Selectman’s meeting on Sept 11, 2009 indicated that the selectman believed that “ the PC recommended the west side and that the selectman followed the recommendation of the traffic study and the Police Commission.

The Newtown Police Commission wants to reiterate that the Commission unanimously voted to recommend placing the sidewalk on the east side of Queen Street in the interest of public safety. We are most willing to meet with the Board of Selectman and or the First Selectman to explain our decision and to answer any questions you may have.

Sincerely:

Carol Mattegat



Chairwomen, Newtown Police Commission

Brian Budd

Robert Connor

Duane Giannini

Bruce Walczak

Police Commissioners

BOARD OF SELECTMAN MEETING – Oct. 20, 2009

DRIVEWAY BOND RELEASE

Goldbach Builders, LLC, Tilson Lane, M38, B9, L51

\$1,000 posted: 04/25/08

Lynn Hallquist, Mile Hill Road South, M37, B8, L20.5

\$1,000 posted: 01/06/09

Adam Waller/ Donna Blake, 15 Shepard Hill Road, M14, B5, L19

\$1,000 posted: 07/30/09

Steven Uhde, Old Castle Drive, M15, B7, L52.01

\$1,000 posted: 11/08/07 expired 5/31/09, no record of extension