

THESE MINUTES ARE SUBJECT TO APPROVAL BY BOARD OF SELECTMEN

The Board of Selectmen held a regular meeting Monday, May 16, 2011 in the Council Chamber of the Municipal Center, Newtown. First Selectman Llodra called the meeting to order at 7:32pm.

PRESENT: First Selectman E. Patricia Llodra, Selectman William F.L. Rodgers, Selectman William F. Furrier

ALSO PRESENT: Finance Director Robert Tait, Public Works Director Fred Hurley, two members of the public and three members of the press.

VOTER PARTICIPATION: none.

ACCEPTANCE OF THE MINUTES: Selectman Rodgers moved to accept the minutes of May 2, 2011. Selectman Furrier seconded. All in favor

COMMUNICATIONS: First Selectman Llodra reported that Phil Kotch has resigned his position on the Inland Wetlands Commission effective June 1, 2011 as he and his wife will be moving out of town. The vacancy can be filled by a Democrat or Unaffiliated voter, the last day to submit letters of interest is June 13 with an appointment date of July 5. The Economic Development Commission also has a vacancy for a Republican or Unaffiliated voter, the last day to submit letters of interest is May 31 with an appointment date of July 5.

FINANCE DIRECTOR REPORT: none.

UNFINISHED BUSINESS:

Discussion and possible action:

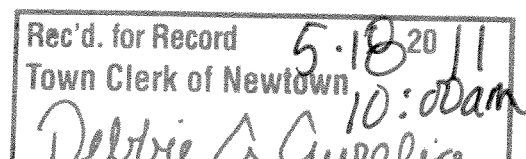
1. **Implementation Plan – Plan of Conservation and Development:** item to be carried.

ADD TO AGENDA: Selectman Rodgers moved to add at item #6 under New Business discussion and action on a grant from the Clean Energy Fund to the Water & Sewer Authority. Selectman Furrier seconded. All in favor.

NEW BUSINESS:

Discussion and possible action:

1. **Appointments/Reappointments:** Selectman Rodgers moved the reappointment of the following Lake Lillinonah Marine Patrol for the 2011 season: Tony Augustine, Kevin Brooks, John Puglisi, Christopher Rosado, Kevin Seeley, Douglas Vane and Jameson Zaloski. Selectman Furrier seconded. All in favor. Selectman Furrier moved the reappointment of Helen Wigzell as the Assistant Municipal Animal Control Officer for a term to expire 4/17/2012. Selectman Rodgers seconded. All in favor
2. **Tax Refunds:** Selectman Rodgers moved the May Refunds, No. 15 in the amount of \$2,501.80. Selectman Furrier seconded. All in favor.
3. **Set Time & Date of Special Town Meeting for conveyance of easement on Lake Trial:**
First Selectman Llodra noted there will be two purposes for the Special Town Meeting. Lake



Trail is a paper road; the town has no interest in the road. The property was used inadvertently by the owners of the house that appends the property for a septic system. The property owner is requesting a conveyance of an easement for that property to be able to continue having the septic system there. The purpose of the Town Meeting would act on the resolution to call for a transfer of the property via easement to the Varga's and to establish the process as a sealed bid process. The second purpose of the town meeting is to address the budget, should it fail a second time. The date of the Special Town Meeting is Tuesday, May 31, 2011 at 7:30pm. Selectman Rodgers moved to set a Special Town Meeting date of May 31st at 7:30pm to act on a resolution regarding the conveyance of property on Lake Trail and to set the date and time of a second budget referendum should that action be necessary. Selectman Furrier seconded. All in favor.

4. **High School Portable Disposition:** Mr. Tait said the portable classrooms that were installed in 2009 at the high school are being advertised for sale on the GFOA message board, which reaches all the finance directors in CT. East Haven is interested in negotiating a price. We can negotiate or do a sealed bid. The town attorney has determined it is up to the purchasing authority to dispose of the portables. First Selectman Llodra stated it is in the best interest of the town to sell the portables because there is a \$90,000 cost to disassemble and store the units. Once the contract is signed the responsibility is the purchasers. The money from the sale will be used to pay down debt.
5. **Extension of Fairfield Hills broker contract with Advantage Realty:** First Selectman Llodra reported that the Fairfield Hills Authority intends to carry out a full RFP process but are not ready to do that yet. The timing for the RFP will better align with the results of the Review Committee. The contract extension has been requested for a 90 day period to July 31, 2011. Selectman Furrier moved to extend the broker contract with Advantage Realty for 90 days to July 31, 2011. Selectman Rodgers seconded and asked if there has been a steady stream of interest being expressed in Fairfield Hills. First Selectman Llodra confirmed there has been. Selectman Rodgers commented that he supported the listing agreement when it was made; however, there is a difference between presenting opportunities and advocating for the opportunities. The level to which things were pursued has not been helpful to the process. Selectman Rodgers would like it communicated to Advantage Realty that they could merely present offers. Selectman Furrier agreed and requested it be stipulated that the broker only represent Newtown and not also the interest of the potential applicant. First Selectman Llodra will share with the Fairfield Hills Authority the feeling that should any completed deal be executed that the broker is not compensated by both parties, that he is our exclusive broker and doesn't represent the other party also. Also, the idea that our broker should present information and not advocate for a particular project or movement on the campus will be shared with the Authority. All in favor.
6. **Grant from the Clean Energy Fund to the Water & Sewer Authority:** Mr. Hurley reported this is state provided money, not a federal grant program. The grant is for \$325,870.00 and will help the Water & Sewer Authority stabilize its electric energy cost, replacing approximately 30% of the overall electrical usage with photovoltaic panels. The savings will be about \$20,000 annually. We will continue to pay for kilowatt demand. Mr. Hurley explained that other projects are being looked at through Sustainable Energy that includes projects at the Reed School, the Middle School, the new Animal Control Facility and the recently renovated Parks & Recreation building. Selectman Rodgers moved to authorize the First Selectman to accept the grant from the Clean Energy Fund to the Water & Sewer Authority and to authorize the First

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Selectman to sign the contract to execute the project. Selectman Furrier seconded. All in favor.

VOTER COMMENTS: none

ANNOUNCEMENTS: First Selectman Llodra noted she has been asked about a town system to alert the towns people of the importance of voting. She stated that Code Red is very specifically an emergency notification system and she is not comfortable using that system for that purpose. People can sign up for e-mail alerts through the town website at www.newtown-ct.gov by clicking on *subscribe to news*. You can choose what you want to be notified about. First Selectman Llodra updated the board on the work with Blum Shapiro saying that interviews will be scheduled soon relative to shared services of finance, human resources and building management.


7. **Executive Session: Potential Litigation re: Inland Wetlands** - Selectman Furrier moved to go into executive session to discuss possible litigation relative to Inland Wetlands and tax assessment. Nobody was invited to attend. Selectman Rodgers recused himself because of tangential behind the scenes knowledge of the topic. First Selectman Llodra seconded the motion to enter Executive Session. Llodra and Furrier were in favor. Executive session was entered at 8:21pm and returned to regular session at 9:33pm with the following motions:

Selectman Furrier moved to authorize the town attorney to defend the action taken by Justin Scott & Amber Edwards against the Inland Wetlands Commission. First Selectman Llodra seconded. Motion passed.

Selectman Furrier moved to authorize the town attorney to defend the action taken by Waterfall Plaza, LLC against the Town of Newtown and Chris Kelsey, Tax Assessor relative to property located at 255 or 259 South Main Street

ADJOURNMENT: Having no further business the Board of Selectmen adjourned their regular meeting at 9:33pm.

Respectfully submitted,



Susan Marcinek, Clerk

- a. **RESOLVED**, that, the Town convey by sealed bid such title as the Town may have in and to an easement to locate and maintain a “septic system” on a certain piece or parcel of land designated as “**PROPOSED SEPTIC EASEMENT (2.25 +/- s.f.)**” as more particularly shown on a map entitled “**PLAN OF SURVEY OF PROPERTIES KNOWN AS LOTS 43-47 and 50 MAP OF “BEARDSLEY HEIGHTS, AT RIVERSIDE” (a.k.a. 31 LAUREL TRAIL NEWTOWN (SANDY HOOK), CT. PREPARED FOR ELIZABETH VARGA**” Scale 1” = 10’, Dated: 21 March 2011, prepared by Fuller Engineering & Land Surveying, LLC, and certified substantially correct by Gregory H. Pidulski, R.L.S., Conn. Lic No. 12154, which map is to be filed in the Office of the Town Clerk of the Town; and
- b. **FURTHER RESOLVED**, that the First Selectman of the Town be, and she hereby is, authorized to (i) set the time and date when said sealed bids are to be opened, (ii) award the aforesaid easement to the highest responsible bidder, (iii) convey the above described easement to said highest responsible bidder, and (iv) take all other necessary and proper action in connection therewith.