

THESE MINUTES ARE SUBJECT TO APPROVAL BY BOARD OF SELECTMEN

The Board of Selectmen held a regular meeting Monday, November 17, 2014 in the Council Chamber of the Municipal Center, Newtown. First Selectman Llodra called the meeting to order at 7:30pm.

PRESENT: First Selectman Llodra and Selectman James O. Gaston

ABSENT: Selectman William F.L. Rodgers

ALSO PRESENT: Finance Director Robert Tait, the Animal Control Advisory Committee, GERALYN Hoerauf, Assistant Director of Land Use Rob Sibley, Town Attorney David Grogins, two members of the public and three members of the press.

VOTER PARTICIPATION: Carla Kron, 4 Clapboard Ridge Road questioned why the Strategic Building Committee wouldn't look at buildings that aren't being used; she thinks they should be considered also.

ACCEPTANCE OF THE MINUTES: Selectman Gaston moved to accept the minutes of 10/20/14 with the following correction: There was an incorrect entry on the tax refunds, no. 6, 2014-2015; the tax refund is corrected from \$7,337.16 to **\$6,758.23**. First Selectman Llodra seconded. The minutes as amended were unanimously accepted

COMMUNICATIONS: First Selectman Llodra shared upcoming event invitations with Selectman Gaston.

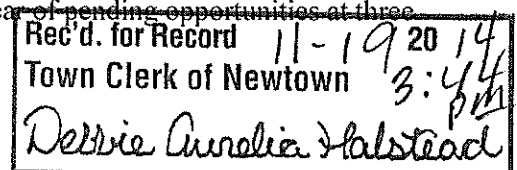
FINANCE DIRECTOR REPORT: Mr. Tait reported there is another bond refunding opportunity. The Board of Finance approved refunding up to \$20 million in bonds (Att. A). If the market stays the same there will be \$924,000 in savings which can be distributed among several years of bonds.

ADD TO AGENDA: Selectman Gaston moved to add to the agenda, under New Business, an \$8,500 transfer, discussion on the right of first refusal relative to the Fulton property and discussion on the Hawley School deed. First Selectman Llodra seconded. All in favor.

NEW BUSINESS:

Discussion and possible action:

- 1. Animal Control Advisory Committee update:** Adria Henderson, Chairman, presented the 2014 Year End Report (Att. B). First Selectman Llodra noted that she has not seen the airflow report but believes the airflow in the cattery has improved. Mr. Sibley said he has signs relative to leash laws for open space. Selectman Gaston suggested the committee consider a website if the control of the Facebook page becomes too much to monitor. First Selectman Llodra said the committee has done very good work, has good policies and are growing in understanding of how to advocate for animals and engage the community better.
- 2. Municipal Buildings Strategic Plan Advisory Committee Update:** Ms. Hoerauf said the committee is off to a great start and will hold monthly meetings. The group works well together with a lot of interest and enthusiasm surrounding the question of what to do in the future with municipal buildings. The committee has decided to only examine occupied buildings; not pump houses or park buildings or buildings that don't permanently house town uses or departments. If there is an interest in having the inventory include all those buildings the committee can do that as the plan is developed. A spreadsheet tabulation of all town owned buildings, including schools, has been compiled and information has been received on the age and size of buildings and the last time major systems were improved. In the next couple of months a scope under which they would talk with paid consultants to do physical assessments of a targeted list of buildings will be compiled. The committee is clear of pending opportunities at three.



buildings: Town hall South, Hook & Ladder and the Multipurpose Center. It is up to the school system to determine the use of the buildings currently under their control. Ms. Hoerauf asked that a member of the Fairfield Hills Commission be appointed to the Strategic Plan Advisory Committee to better inform the committee of activities taking place on this campus and how that might impact property and buildings that are available for the towns use. First Selectman Llodra noted that the Fairfield Hills Authority has the exclusive right to execute the Master Plan. Ms. Hoerauf said it is strictly for information.

3. **Hawley School deed/trust:** First Selectman responded to constituent's inquiries on the conditions and obligations surrounding the Hawley School building. First Selectman Llodra stressed she is not purposing any action relative to Hawley School but responding to a question. Town Attorney Grogins said Mary Hawley gave the land to the town and built the school as a gift to the town. In 1925 Mary Hawley established a trust, funded the trust with \$100,000 in bonds with the condition the income would be used for the general care, upkeep and maintenance of Hawley School and any extensions or additions and the care of the grounds and sidewalks. Any excess income is to be applied to salary of janitor, fuel, lights, water, insurance and other charges related to the maintenance of the school. The trust as of 6/30/14 is \$411,000 and generates about \$18,000. The town does not have access to the principle of the trust. If the Town fails to apply the monies as instructed or if the Town fails to use the building for school purposes the principle of the trust goes to the trustees of Yale University. There has been no decision on closing Hawley School or any other school and it is not the decision of the Board of Selectman.
4. **Discussion: joint meeting of the Legislative Council & Board of Finance, November 19:** Mr. Tait said the boards are meeting to go over budget numbers. Summary items such as salaries, benefits and pension will be discussed. There will be general discussion and expected input from boards. First Selectman Llodra noted the meeting is being hosted by the Legislative Council.
5. **Appointments/Reappointments:** Selectman Gaston moved to appoint Warren Spencer (D) to the Parks & Recreation Commission for a term to expire 1/6/16 and Bryan Dougherty (U) to the Sustainable Energy Commission for a term to expire 1/6/16. First Selectman Llodra seconded. All in favor. First Selectman Llodra noted there is a republican/unaffiliated vacancy on the Board of Ethics. The last day to express interest is 12/19 with an anticipated appointment date of 1/5/15.
6. **Driveway Bond Releases/Extensions:** none.
7. **Tax Refunds:** Selectman Gaston moved to the November 2014 Refunds No. 7, 2014-2015 in the amount of \$10,050.38. First Selectman Llodra seconded. All in favor.
8. **2015 Board of Selectman meeting calendar:** Selectman Gaston moved the 2015 Board of Selectman meeting calendar. First Selectman Llodra seconded. All in favor.
9. **Transfer:** Selectman Gaston moved to transfer \$8,500 from Contingency to Equipment – Technology. (Att. C). First Selectman Llodra seconded. All in favor.
10. **Right of First Refusal, Fulton Property:** Atty. Grogins discussed the history of the Fulton property. The Town purchased the development rights and in addition a right of first refusal and the rest of the property, which is now open space. A letter was received from an attorney who has a contract to purchase the property. Mr. Sibley said that the hope, when purchased, was to preserve the property, including keeping the airport as is. Selectman Gaston moved to not exercise the first right of refusal of the Fulton property. First Selectman Llodra seconded. All in favor.

VOTER COMMENTS: none.

ANNOUNCEMENTS:

EXECUTIVE SESSION: Selectman Gaston moved to enter into executive session for discussion and possible action on legal matters relative to the Pieragostini settlement and purchase of real estate. First Selectman Llodra seconded. All in favor. Atty. Grogins and Mr. Sibley were invited to attend. Executive session was entered into at 8:37pm and returned to regular session at 9:00pm with the following motion:

Board of Selectman
November 17, 2014

Selectman Gaston moved to accept the recommendations for the Pieragostini settlement (Att. D). First Selectman Llodra seconded. All in favor.

No motion was taken on the purchase of real estate.

ADJOURNMENT: Having no further business the Board of Selectmen adjourned their regular meeting at 9:02pm.

Respectfully submitted,


Susan Marcinek, Clerk

- Att. A: Refunding Bonds savings and AAA vs. AA+ savings comparison
- Att. B: The Newtown Animal Control Advisory Board 2014 Year End Report.
- Att. C: Transfer
- Att. D: Pieragostini settlement

SAVINGS

Town of Newtown, Connecticut
 General Obligation Refunding Bonds
 Market rates as of November 4, 2014
 August 15 Due Date

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 12/11/2014 @ 2.2392854%
06/30/2015	289,771.88	258,000.00	31,771.88	31,646.35
06/30/2016	579,543.76	548,050.00	31,493.76	30,850.25
06/30/2017	579,543.76	548,050.00	31,493.76	30,170.85
06/30/2018	579,543.76	548,050.00	31,493.76	29,506.42
06/30/2019	1,429,543.76	1,369,750.00	59,793.76	46,175.08
06/30/2020	2,194,043.76	2,130,300.00	63,743.76	40,801.61
06/30/2021	1,928,906.26	1,866,250.00	62,656.26	41,014.93
06/30/2022	1,832,500.00	1,771,250.00	61,250.00	39,339.68
06/30/2023	1,786,062.50	1,726,850.00	59,212.50	36,717.95
06/30/2024	1,736,125.00	1,672,250.00	63,875.00	39,731.28
06/30/2025	1,684,500.00	1,622,550.00	61,950.00	37,290.33
06/30/2026	1,632,875.00	1,572,650.00	60,225.00	35,094.43
06/30/2027	1,578,687.50	1,517,650.00	61,037.50	34,944.55
06/30/2028	1,523,625.00	1,462,650.00	60,975.00	34,128.13
06/30/2029	791,000.00	729,950.00	61,050.00	39,095.32
06/30/2030	759,500.00	699,700.00	59,800.00	37,378.38
06/30/2031	728,000.00	664,825.00	63,175.00	38,981.91
	21,633,771.94	20,708,775.00	924,996.94	622,867.44

Savings Summary

PV of savings from cash flow	622,867.44
Plus: Refunding funds on hand	4,779.84
Net PV Savings	627,647.28

Town of Newtown, Connecticut
FOR DISCUSSION PURPOSES ONLY
Refunding Opportunity (AAA vs AA+)

Cash Flow Comparison

DATE	New Debt as AAA	New Debt as AA+	Savings	PV Factor	PV Savings
06/30/2015	258,000.00	259,782.22	1,782.22	0.9934410x	1,770.53
06/30/2016	548,050.00	558,075.00	10,025.00	0.9573402x	9,686.98
06/30/2017	548,050.00	558,075.00	10,025.00	0.9225513x	9,334.96
06/30/2018	548,050.00	558,075.00	10,025.00	0.8890266x	8,995.74
06/30/2019	1,369,750.00	1,379,775.00	10,025.00	0.8567201x	8,668.84
06/30/2020	2,130,300.00	2,140,325.00	10,025.00	0.8255877x	8,353.82
06/30/2021	1,866,250.00	1,876,275.00	10,025.00	0.7955865x	8,050.25
06/30/2022	1,771,250.00	1,781,275.00	10,025.00	0.7666756x	7,757.71
06/30/2023	1,726,850.00	1,736,875.00	10,025.00	0.7388153x	7,475.80
06/30/2024	1,672,250.00	1,682,275.00	10,025.00	0.7119674x	7,204.14
06/30/2025	1,622,550.00	1,632,575.00	10,025.00	0.6860951x	6,942.34
06/30/2026	1,572,650.00	1,582,675.00	10,025.00	0.6611630x	6,690.07
06/30/2027	1,517,650.00	1,527,675.00	10,025.00	0.6371369x	6,446.96
06/30/2028	1,462,650.00	1,472,675.00	10,025.00	0.6139839x	6,212.67
06/30/2029	729,950.00	738,275.00	8,325.00	0.5916723x	4,981.07
06/30/2030	699,700.00	704,650.00	4,950.00	0.5701714x	2,857.63
06/30/2031	664,825.00	666,462.50	1,637.50	0.5597158x	916.53
Total	\$20,708,775.00	\$20,855,794.72	\$147,019.72	-	\$112,346.04

Issues in New Cash Flow :
As AAA

Issues in Old Cash Flow :
As AA+

THE NEWTOWN ANIMAL CONTROL ADVISORY BOARD**2014 YEAR END REPORT****TO: THE BOARD OF SELECTMEN****November 17, 2014**

Outlined below are some of the tasks the Board has completed, some open tasks and some future considerations. Please note that several documents are attached to this report and are noted as such below.

Board and Elected Positions:

Board Member Jen Cramer requested a move from Member to Alternate due to scheduling difficulties and Alternate Member Jane Hellman was then appointed to Full Member to fill the open spot on the Board.

Board Elections were held in September of this year. Adria Henderson was re-elected Chair, Robin Olson re-elected Co-Chair and Frank McCloskey was re-elected Secretary.

FACILITY ISSUES:**Completed Tasks:**

- 1- The bottom of the guillotine doors in the indoor kennels have been retrofitted with brushes in an attempt to alleviate the drafts caused by uneven flooring in the kennel area.
- 2- The three outdoor pens have been installed in the outdoor play yard.
- 3- Tops have been installed on the indoor kennels to prevent dogs from escaping.
- 4- The individual, indoor kennel walls have been sealed in compliance with state regulations.
- 5- The fencing around the outdoor play yard has been modified to eliminate existing open areas under the fencing allowing small dogs to escape.

Open Tasks:

- 1- **Play Yard:**
 - a. The outdoor run tops are missing hurricane clips.
 - b. Paving stones have not been installed under and between fences.
 - c. The sod in the play yard pens has not been replaced with gravel.
 - d. The extra-large entry gate into play yard has not been replaced with a smaller, safety dog gate.

2- Ventilation System:

Last year's year-end report indicated that the ventilation system, especially in the cattery and neighboring training room, appeared to have some air-flow deficiencies which could involve serious quarantine/contagion issues. Last spring, a third-party mechanical contractor was brought in by the Town to assess the ventilation system. They found that when the shelter building was completed in 2012, the air-flow in the ventilation system had not been tested and/or balanced. They also uncovered some minor issues with the duct work.

In July, 2014, Public Works Director Hurley reported to our Board that the HVAC issues as noted by the mechanical contractor were repaired by town employees. The contractor returned sometime in September, as reported by ACO Mason, to re-test the airflow and assess the mechanical repairs. Director Hurley indicated that a written report would be issued by the contractor and forwarded to the Board. To date, we have not received the report.

Depending on the results in this report, there may be a need to consult with the Koret Shelter Management Program at UC Davis for review of the findings, and affirm that the airflow is appropriate for the cattery and training room to reduce, not only the spread of airborne disease, but to eliminate lingering odors.

1- Signage around Shelter property.

In June of 2013, the board sent a letter to Land Use Deputy Director Rob Sibley explaining that, due to the lack of walking trails on shelter property, shelter dogs are being walked on the State property that borders the shelter property. This area is also where many town residents walk their dogs, many of them off-leash. Since Newtown has a leash law and the State does not, the Board determined that signs indicating the boundaries of the Town property and noting the leash law were needed - and requested. Sibley agreed to erect these signs. The Town boundaries have been flagged, but no informational "leash law" signs have been installed.

In addition, or alternatively, the board has requested that Park and Rec create a walking trail on the shelter property removing the liability issues entirely.

NEW PROGRAMS:

1- Foster program

The Animal Shelter is a meaningful transition point between homelessness and a forever family for the animals housed at the Shelter - and has developed programs to improve adoption of these animals. Unfortunately, there are rare occasions when a dog or cat, does not get adopted in a timely fashion. For these animals the Board has developed a Foster Program be placed in a foster home environment for a specified period of time. Working with George Tammaro of the Risk Management team at CIRMA, and Town Attorney Groggins, the Board created a Foster Agreement between the Town and proposed Foster. **See attached Foster Agreement**

2- Training Program

In addition to the Foster program, the Board has initiated a formal training regimen for specific animals at the Shelter that may need some obedience training as determined by ACO Mason. An obedient dog, one that doesn't pull on the leash or jump on everyone is much more adoptable. To date several dogs have been through obedience training locally. One dog that just completed his 1st level of obedience training has already been adopted. When one dog need additional, more specific behavior modification, Canine Advocates of Newtown stepped in and provided the additional funding for this advanced training.

3- Community Cat Program

In compliance with the Newtown Cat Ordinance, a Community Cat sub-committee made up of Adria Henderson, Eugene Rosen, Jennifer Cramer, Robin A.F. Olson and Carolee Mason was set-up to research and develop a program to respond to the issues of feral and free-roaming stray cats in Newtown. Without intervention these populations can easily skyrocket. The committee is currently compiling the already existing tremendous amount of information and support available for these programs. Funding is available to assist in these efforts.

The board invited Monica Roberto of the Animal Center to discuss the current status that organization with regard to the existing community cat colonies in town.

The committee is currently studying best practices and will make further recommendations at a later date and time.

4- Revision of Volunteer Walker Rules (see attached Dog Walker Rules)

- a- With the opening of the Dog Park in close proximity to the shelter area, it was felt that a rule needed to be added to the existing Dog Walker Rules prohibiting volunteer dog walkers from bringing shelter dogs into the dog park.
- b- With the installation of the shelter boundary signs an additional rule was included limiting dog walkers to within the boundaries of Town property.

Awareness and Communication:

- a- To enhance and encourage traffic to the shelter, the Board requested that signs to the Shelter be erected at the corner of Trades Lane and Wasserman Way, at the corner of Trades Lane and Old Farm Road and at the entrance to the Shelter on Old Farm Rd. Permission was obtained from the State to erect signs on state property on Wassermnan and Trades Lane. The Board also requested that a sign be installed at the old Pound facility with information and a map to the Shelter.
- b- Community outreach via social media is a great way to increase adoptions and grow our volunteer base. It can also be an effective way to encourage donations and other support for the facility, as well as a way to announce events and share lost and found animal information. A new Facebook page has recently been created by the Shelter staff (<https://www.facebook.com/pages/Brian-J-Silverlieb-Newtown-Animal-Care-and-Control/672428789521376>) and a Twitter feed will be created next. The Board will develop a short list of “do’s and don’ts” for staff to follow so that messaging from animal control is on point and appropriate. Chairman Henderson and Co-chair Olson have experience in social media and can advise AC staff as needed.
- c- The Town website now has the corrected address and directions to the shelter - and receives regular updates with photos of the animals available for adoption.

Future Goals

1- Community Outreach:

- a. A Monthly Open House to be established to bring additional traffic to the shelter and improve adoption possibilities
- b. Press Releases in Bee and other local newspapers and online sources about new programs and open volunteer opportunities
- c. Educational Outreach to the Newtown schools re: pet responsibility
- d. Begin discussions of nutritional requirements and enrichment programs for Shelter cats and dogs

**TOWN OF NEWTOWN
APPROPRIATION (BUDGET) TRANSFER REQUEST**

FISCAL YEAR **2014 - 2015** DEPARTMENT **Information Technology** DATE **11/17/14**

	<u>Account</u>	<u>Amount</u>	
FROM:	1-101-24-570-5899-0000CONTINGENCY	(8,500)	USE NEGATIVE AMOUNT
TO:	1-101-11-205-5744-0000EQUIPMENT - TECHNOLOGY	8,500	USE POSITIVE AMOUNT


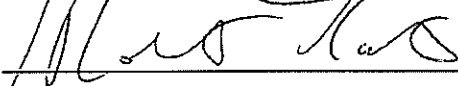
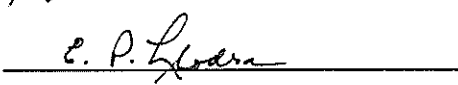
REASON:

A few weeks ago the EOC lost power after an automobile accident knocked down the utility pole which supplies power to that building. Normally when a power outage occurs at the EOC, the uninterruptable power supply (UPS) maintains current to the computer hardware and within 60 seconds a local generator supply electricity. That did not occur on that night.

We discovered that the generator did not start and that the UPS could only sustain the computers for approximately 3 minutes when the DPW expects 2 hours of battery support for equipment. We learned that the generator did not start because of a dead battery which was replaced. We also learned that most of the batteries in the UPS were dead and could not support the dispatch and police services running at the EOC.

The EOC UPS is old and obsolete. Replacement batteries would cost approximately \$5500. A new UPS device will cost \$8500. I am requesting funding to purchase a new UPS for the EOC as vital systems such as 911 dispatch and the PD systems and communications operate from this facility. This building also serves as our emergency operations center for major storms and other significant events.

AUTHORIZATION:

(1) DEPARTMENT HEAD		date: 11-17-14
(2) FINANCE DIRECTOR		11/17/14
(3) SELECTMAN		11/17/14
(4) BOARD OF SELECTMEN	_____	_____
(5) BOARD OF FINANCE	_____	_____
(6) LEGISLATIVE COUNCIL	_____	_____

AUTHORIZATION SIGN OFF

FIRST 335 DAYS >>>>WITH IN A DEPT.>>>>LESS THAN \$50,000>>>> (1), (2) & (3) SIGNS OFF; MORE THAN \$50,000>>>> (1), (2), (3) & (5)
>>>>ONE DEPT TO ANOTHER>>>>LESS THAN \$200,000>>>>ALL EXCEPT (6); MORE THAN \$200,000>>>>ALL SIGN OFF

AFTER 335 DAYS >>>>(1), (2), (3), (5) & (6) ANY AMOUNT FROM CONTINGENCY>>>> ALL SIGN OFF

MEMORANDUM

TO: Conservation Commission
Wetlands Commission
Planning & Zoning
Legislative Council
BOS

FROM: David L. Grogins

RE: William & Katja Pierogostini

DATE: October 15, 2014

Katja Pierogostini is the owner of approximately 57.31 acres of land on Point O'Rocks Road. In 2006 she conveyed a conservation easement to the Town consisting of approximately 52.999 acres. The Town paid \$600,000 for said conservation easement. In June 2013, Katja Pierogostini and her husband, William Pierogostini, engaged in substantial and wide spread clear cutting of trees on the property which was then subject to the conservation easement. They did not have a permit to engage in this activity. The Town filed an application in the Superior Court in Danbury for an injunction to prohibit any further cutting of trees and to restore the portions of the property where the cutting had already occurred.

The Town and the Pierogostinis have engaged in numerous discussions regarding the illegal activities and have reached a proposed settlement of all issues as follows:

1. The Town will release the conservations easement granted in 2006.
2. The Pierogostinis will convey in fee simple 17.047 acres of land to the Town of Newtown.
3. The Town of Newtown will convey to Katja Pierogostini 2,474± square feet of land on Point O'Rocks Road.
4. The Town will withdraw its lawsuit against the Pierogostinis.
5. The Pierogostinis will pay all outstanding taxes owed to the Town of Newtown.
6. The Pierogostinis will have access to the land to be conveyed to the Town for the purposes of "cutting in place and removing" the trees previously cut on the property for their personal use as fire wood. They are limited in the means utilized to remove the trees (no commercial logging equipment).

7. The Pierogostinis may in the future apply to the applicable regulatory bodies to further develop their property.

It is requested that the above listed Boards and Commissions approve this settlement.