

THESE MINUTES ARE SUBJECT TO APPROVAL BY BOARD OF SELECTMEN

The Board of Selectmen held a regular meeting Tuesday, Sept. 6, 2011 in the Council Chamber of the Municipal Center, Newtown. First Selectman Llodra called the meeting to order at 7:30pm.

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

**ALSO PRESENT:** Finance Director Robert Tait, Director of Public Works Fred Hurley, Town Engineer Ron Bolmer, Town Attorney David Grogins, Legislative Council member Mary Ann Jacob, fourteen members of the public and one member of the press.

**VOTER PARTICIPATION:** **Mike Kelley**, Bridge End Farm Lane said everyone around town has experienced the love that Dr. Silverleib had for animals and it would be a fitting gesture to name the animal control facility after him.

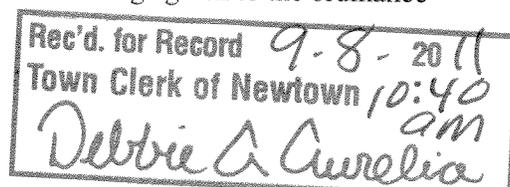
**Virginia Jess**, 48 Appleblossom Lane stated Canine Advocates recognize there were many people that worked to make the dream of an animal control facility a reality. However, there was no one that was a greater believer in this vision than the late veterinarian doctor Brian J. Silverleib, a resident of Newtown and a ceaseless campaigner for the rights of the animals in our town. After his passing \$6,000 was donated to Canine Advocates in his name to support the new pound. Canine Advocates of Newtown would like to propose the new building be named in his honor as the Dr. Brian J. Silverleib Municipal Shelter or the Brian J. Silverleib Municipal Animal Care and Control Facility.

**Mary Simpson** worked as a technician for Dr. Silverleib for seven years and stated there were many people enthusiastic about this; people who were unable to come wrote letters. She thanked Virginia Jess for all of her work.

**Ruby Johnson**, 16 Chestnut Hill Road thanked the town employees for the tremendous job they've done throughout Hurricane Irene. She hopes the public isn't too busy to involve themselves in the Plan of Conservation and Development. She noted that we are waiting for the Fairfield Hills Master Plan Review Committee report and survey results. First Selectman Llodra replied that the Master Plan Review Committee has completed discussion but a vote needs to be taken. The report and recommendations then go to the Board of Selectmen prior to going to Planning & Zoning.

**ACCEPTANCE OF THE MINUTES:** Selectman Furrier moved to accept the minutes of the regular meeting of August 1, 2011 and the special meeting of August 24, 2011. Selectman Rodgers seconded. All in favor.

**COMMUNICATIONS:** Attorney Grogins and Ms. Jacob were present to discuss Selectman Furriers questions on the recent amendments to the Fairfield Hills Authority ordinance. Mr. Grogins went over the questions (Att. A) and his answers (Att. B). Atty. Grogins believes the intention of the Legislative Council was to have the monetary portion be approved in the same manner as any special appropriation whenever a lease would require town expenditures, other than normal maintenance required under a lease. The entire ordinance does not have to comply with the Charter. Ms. Jacob said there is nothing about the amendment of the ordinance that conflicts with any portion of the Charter. Atty. Grogins said it also does not have the effect of nullifying all that had gone before. First Selectman Llodra said the question is whether or not the Council had the authority to do what they did, is it legal and is it within the scope of power established in the public act. Atty. Grogins said the answer is absolutely yes. Selectman Furrier stated the power to create an ordinance had to be created on or before December 31, 2005. He questioned what authority we had to cherry pick provisions from the Charter. Atty. Grogins said it is inherent in the power of the Legislative body to modify the original ordinance as answered under #8. Ms. Jacob said that the charge given to the ordinance



committee was specific to a piece in the ordinance that allowed the Fairfield Hills Authority to indebt the town. Selectman Furrier stated the questions have been answered. First Selectman Llodra said the Board of Selectman has discussed their intention to look, at some point in the future, at the Fairfield Hills ordinance and ask what governing structure is needed for the campus. At this point the Charter requires the leasing of municipally owned property in an awkward way, public auction or sealed bid. The original ordinance was written the way it was because there was a recognition that the Charter provision does not work in the best interest of the community. Selectman Furrier said the public is disenfranchised at Fairfield Hills; it has to do with the power being vested in the executive branch. First Selectman Llodra said that we are heading toward looking at the ordinance, the supervisory structure and management structure for Fairfield Hills. The Legislative Council added a layer of protection so that nobody can indebt the town without going through the special appropriation process. Ms. Jacob will bring the concerns back to the Council.

First Selectman shared a booklet about Restaurant Week that will take place from Sept. 6 – Sept. 16. She shared two upcoming events with the Selectmen for the entire community relative to the tenth anniversary of 9/11. One is at Howard Lashers property at 8:15am; one at Sandy Hook Fire Department at 8:30am.

**FINANCE DIRECTOR REPORT:** none.

**ADD TO AGENDA:** Selectman Rodgers moved to add to the agenda, as item #1 the naming of the animal control facility. Selectman Furrier seconded. All in favor.

**UNFINISHED BUSINESS:**

**Discussion and possible action:**

1. **Implementation Plan – Plan of Conservation and Development:** item to be carried.
2. **Fund Balance Policy:** item to be carried.

**NEW BUSINESS:**

**Discussion and possible action:**

1. **Naming of the Animal Control Facility:** Mr. Hurley updated the board saying that the excavation and footings for the main buildings are done. The building will be closed in prior to winter weather. Selectman Rodgers moved to authorize the naming of the Animal Control Facility in honor of Dr. Brian J. Silverleib. Selectman Furrier seconded. All in favor. First Selectman Llodra with follow up with Ms. Jess and members of CAN to the exact naming of the facility.
2. **Road Work Update:** Mr. Hurley and Mr. Bolmer were present to speak on Hoseye Coach Road. The police traffic safety report on the road does not site specifics. Mr. Bolmer said the road is windy, narrow with trees close to the edge of the road. A right of way is needed from the property owner to do anything substantial going forward, this was communicated to the property owner and will be again. Without the right of way necessary grading and trimming can be done. It will be an incremental plan, not just a day or two. Mr. Hurley noted that projects scheduled for this year will still be done. Paving in the areas of Jordan Hill, Honey Lane, Nutmeg and Poverty Hollow will move forward hopefully next week. Newbury is an ongoing project underway that needs to be completed for winter. The Boggs Hill bridge project is in the production process. Hanover Road work should be able to be done this year. First Selectman Llodra thanked Fred and Ron for all the work during Hurricane Irene saying the whole department was extraordinary. Mr. Hurley said that he was proud of the interaction between all the departments that worked together. Selectman Rodgers moved into the conference room for support and help in some planning issues relative to the storm. Selectman Rodgers stated that he heard comments on the unfailing politeness of our road crews.
3. **Driveway Bond Release:** Selectman Rodgers moved the driveway bond release for Rooster Ridge Associates, LLC, Rooster Ridge Road, M7, B3, L2B in the amount of \$1,000. Selectman Furrier seconded. All in favor.

4. **Appointments:** Selectman Rodgers moved the reappointment of Ann Piccini as the Municipal Agent for the Elderly for a term to expire 7/1/12; the appointment of Clarence F. Schneider to the alternate position of the Commission on Aging for a term to expire on 1/6/13 and the appointment of Susan Bot to the Lake Lillinonah Authority for a term to expire 1/6/14. Selectman Furrier seconded. All in favor. Selectman Furrier moved the appointment of Curt Symes, from an alternate position to a full board member, on the Commission on Aging for a term to expire 1/6/13 and the appointment of Robert Pomponio as an alternate member of the Design Advisory Board for a term to expire 11/1/12. Selectman Rodgers seconded. All in favor.
5. **Tax Refunds:** Selectman Furrier moved the September Tax Refunds #4 in the amount of \$44,270.48. Selectman Rodgers seconded. All in favor.
6. **Referral of Hawley School HVAC to Public Building & Site Commission:** Selectman Furrier moved to refer the Hawley School HVAC project to the Public Building & Site Commission. Selectman Rodgers seconded. All in favor.
7. **Resolution:** Selectman Rodgers moved the waiving of the reading of the resolution entitled RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$238,000 FOR CULVERT REPLACEMENT ON BOGGS HILL ROAD AND AUTHORIZING THE ISSUANCE OF \$238,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (Att. C) and sited a letter from Fred Hurley to John Kortze (Att. D). Selectman Furrier seconded. All in favor. Selectman Rodgers moved that the Board of Selectmen approve and adopt the resolution entitled RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$238,000 FOR CULVERT REPLACEMENT ON BOGGS HILL ROAD AND AUTHORIZING THE ISSUANCE OF \$238,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE. Selectman Furrier seconded for discussion and asked if there is a way this could go to a town meeting. Mr. Tait said that the 2011-2012 CIP year is a very, very small CIP year; a more significant year can bundle projects. First Selectman Llodra explained that the Charter identifies \$500,000 as the trigger point for taking a project to a town meeting. All in favor.
8. **Fiscal Year Budget Transfers:** Selectman Rodgers moved the ten Town of Newtown Fiscal Year End Budget Transfers as noted in a document dated 8/29/11 (Att. E). Selectman Furrier seconded. All in favor.
9. **Capital Improvement Plan:** Mr. Tait presented draft documents (Att. F, G, H). There is communication with the education department on projects to make sure they fit within what we can afford. First Selectman Llodra said that the only new project in terms of timeliness is the Queen Street traffic improvement plan. More time will be dedicated to the CIP at the next meeting.

**VOTER COMMENTS:** **Ruby Johnson**, 16 Chestnut Hill Road spoke about the Fairfield Hills ordinance and housing at Fairfield Hills. She believes it is time to get rid of the Fairfield Hills Authority because the public has no control over what they do and the Legislative Council only has a little bit of control.

First Selectman Llodra stated that it was her agenda brought to the Board of Selectmen that said the following things would be done: 1.) review of the Master Plan 2.) take away some of the fiscal authority by moving the control into the operational budget and 3.) review the ordinance and the role of the Fairfield Hills Authority to see if that is the structure that is in our best interest.

Board of Selectmen  
Sept. 6, 2011

**ANNOUNCEMENTS:** First Selectman Llodra asked the board to be prepared to discuss the general fund balance policy. The Planning & Zoning Commission is having a general discussion with developers on Sept. 20 at 5pm about conservation subdivisions; the board is invited. A letter from Lexy Leidlein (Att. I) was presented. First Selectman Llodra will respond to her. The case relative to Renate Adler and the Hattertown Road fence/site line has been closed.

**ADJOURNMENT:** Having no further business the Board of Selectmen adjourned their regular meeting at 9:43pm.

Respectfully submitted,

  
Susan Marcinek, Clerk

- Att A: B. Furrer, 8/1/11, questions to Town Atty. regarding FHA ordinance amendment
- Att. B: Town Atty., 9/2/11, response to questions regarding FHA ordinance amendment
- Att. C: Resolution - \$238,000 Boggs Hill Culvert
- Att. D: Special Appropriation Request from F. Hurley to J. Kortze, 7/8/11
- Att. E: Fiscal Year End Budget Transfers
- Att. F: TON BOS CIP 2012-2013 TO 2016-2017
- Att. G: Planned Adjustments to the Current Approved CIP Yearly Totals
- Att. H: LC Approved CIP (2011-2012 TO 2015-2016) – April 26, 2011
- Att. I: L. Leidlein letter to the Board of Selectmen

**To:** First Selectman Pat Llodra, Selectman Will Rodgers  
**From:** Bill Furrier  
**Date:** August 1, 2011  
**Subject:** Questions for Town Attorney concerning the recent amendment to the FFHA Ordinance

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Recently, the Legislative Council passed an amendment to the FFHA ordinance. Because that amendment affects the Board of Selectmen's role in granting what we have termed "negative leases," I endeavored to review the changes to the amendment to better understand them.

Upon completing my review, I have some questions that I believe are best answered by the town attorney:

- 1) Can the Legislative Council create or amend an ordinance that conflicts with any portion of the Newtown charter, other than with powers granted by special act or legislation?
- 2) In creating or amending ordinances, other than with powers granted by special acts or other legislation by the Connecticut General Assembly, is the Legislative Council constrained to meet all the existing conditions and requirements or laws written into the Connecticut Constitution, Connecticut General Statutes and Special Acts and the Newtown Charter?
- 3) Did the enabling special legislation - Public Act 05-33 - limit Newtown's powers to create the FFHA ordinance to a time period that expired on or before Dec 31, 2005? (*"Section 1. (NEW) (Effective July 1, 2005) On or before December 31, 2005, any municipality ... may, by ordinance adopted by its legislative body, establish an authority..."*)
- 4) Do any of the powers that were granted to the town from special Public Act 05-33 remain in effect today?
- 5) When the Legislative Council amended the FFHA ordinance in July of 2011 to reference a portion of the town charter, did the Council possess powers through Public Act 05-33 that allowed it to amend the FFHA ordinance in conflict with any portion of the town charter?
- 6) Considering the history of the debates leading to the passage of special Public Act 05-33; where Newtown officials petitioned the General Assembly to provide a temporary bridge of relief from our "cumbersome" charter for the purposes of closing pending lease deals that might be time sensitive; and considering that there was an expectation by the state that our town charter would be revised to incorporate changes created by the special act; and considering the General Assembly imposed a time limit to enact such ordinance that allowed Newtown to govern outside of the constraints of the town charter to pursue closure of time sensitive leases; and considering that the time sensitive pending lease deals never materialized and no longer exist; and considering that now the Legislative Council has amended the ordinance to include reference to complying with portions of the town charter; did the Legislative Council, by selectively inserting a portion of the town charter into the existing ordinance, also trigger the de facto requirement that all provisions of the town charter become applicable to FFH as well, per the requirements of the equal application of all provisions of the town charter, as required by Home Rule precedents that have been widely established?
- 7) Having now amended the FFHA ordinance to be inclusive of some conditions imposed by the town charter, should the approval of leases now require the fulfillment of the conditions of the special act – approval by executive body – and conditions of Sec. 7-90 of the town charter – approval by town meeting to be called for by the Legislative Council?
- 8) What language from what statute, special act or other legislation provides the Council the power to usurp the established charter revision process and amend the ordinance in a manner that retains conditions that conflict with the town charter? Why can the Legislative Council amend the FFHA ordinance with selective portions of the town charter while neglecting to apply the remaining portions of the charter?

A prompt opinion from the town attorney is requested. Please note that I reserve the capacity to petition further state resources for addition opinions pertaining to this subject.

September 2, 2011

Ms. Patricia Llodra  
First Selectman  
Newtown Municipal Center  
3 Primrose Street  
Newtown, CT 06470

Re: Recent Amendment to Fairfield Hills Ordinance

Dear Pat:

You have requested my response to a number of questions posed in a memo by William Furrier to you and Will Rodgers concerning the recent amendment to the Fairfield Hills Ordinance (Chapter 523 of the Newtown Ordinance Book) attached hereto. I have set forth my responses below:

**1) Can the Legislative Council create or amend an ordinance that conflicts with any portion of the Newtown charter, other than with powers granted by special act or legislation?**

I cannot answer this question in a meaningful way without a specific set of facts, or a specific ordinance referenced. An answer would depend upon the manner in which the ordinance purportedly "conflicts" with the Charter provision.

**2) In creating or amending ordinances, other than with powers granted by special acts or other legislation by the Connecticut General Assembly, is the Legislative Council constrained to meet all the existing conditions and requirements or laws written into the Connecticut Constitution, Connecticut General Statutes and Special Acts and the Newtown Charter?**

As with question no. 1, it is very difficult, without a specific ordinance in mind, to answer this question. A dissertation on the relationship among ordinances, constitutional provisions, statutes, special acts and charter provisions is well beyond the scope of this letter.

**3) Did the enabling special legislation - Public Act 05-33 - limit Newtown's powers to create the FFHA ordinance to a time period that expired on or before Dec 31, 2005? ("*Section I. (NEW) (Effective July 1, 2005) On or before December 31, 2005, any municipality ... may, by ordinance adopted by its legislative body, establish an authority...*")**

The answer is yes. The legislation was in fact created on July 6, 2005. See the Ordinance attached.

**4) Do any of the powers that were granted to the town from special Public Act 05-33 remain in effect today?**

All of the powers granted to the Town, except as noted in #3 above, remain in effect. Special Act 05-33 is an "enabling" legislative act and remains in effect until repealed; which it has not been. It is the basis under which powers granted in the ordinance remain in effect. As confirmation of this, Special Act 05-33 has now been codified as Section 7-163d of the Connecticut General Statutes.

**5) When the Legislative Council amended the FFHA ordinance in July of 2011 to reference a portion of the town charter, did the Council possess powers through Public Act 05-33 that allowed it to amend the FFHA ordinance in conflict with any portion of the town charter?**

The answer is yes. As long as the amendment does not conflict with the provisions of the Special Act (now statutory provision), which it does not, in my opinion, the amendment merely clarifies the extent of the powers granted to the "executive authority" by the ordinance, indicating when additional approvals are needed for leases undertaken by the Fairfield Hills Authority.

**6) Considering the history of the debates leading to the passage of special Public Act 05-33; where Newtown officials petitioned the General Assembly to provide a temporary bridge of relief from our "cumbersome" charter for the purposes of closing pending lease deals that might be time sensitive; and considering that there was an expectation by the state that our town charter would be revised to incorporate changes created by the special act; and considering the General Assembly imposed a time limit to enact such ordinance that allowed Newtown to govern outside of the constraints of the town charter to pursue closure of time sensitive leases; and considering that the time sensitive pending lease deals never materialized and no longer exist; and considering that now the Legislative Council has amended the ordinance to include reference to complying with portions of the town charter; did the Legislative Council, by selectively inserting a portion of the town charter into the existing ordinance, also trigger the de facto requirement that all provisions of the town charter become applicable to FFH as well, per the requirements of the equal application of all provisions of the town charter, as required by Home Rule precedents that have been widely established?**

In my opinion, since the Legislative Council has the authority to amend any ordinance, the amendment in question is legal and valid (so long as it does not violate Special Act 05-33) and does not nullify the authority granted under the Special Act or the original ordinance for the "executive authority" to approve Fairfield Hills' leases. I also do not agree with the statement that "Home Rule" requires a

different conclusion.

**7) Having now amended the FFHA ordinance to be inclusive of some conditions imposed by the town charter, should the approval of leases now require the fulfillment of the conditions of the special act - approval by executive body - and conditions of Sec. 7-90 of the town charter -- approval by town meeting to be called for by the Legislative Council?**

No, as stated above, the amendment does not invalidate the original ordinance.

**8) What language from what statute, special act or other legislation provides the Council the power to usurp the established charter revision process and amend the ordinance in a manner that retains conditions that conflict with the town charter? Why can the Legislative Council amend the FFHA ordinance with selective portions of the town charter while neglecting to apply the remaining portions of the charter?**

PA 05-33, now Section 7-163d of the Connecticut General Statutes, grants the "authority" the power to "negotiate and enter into leases". The statute further provides for the creation of the "authority" by the adoption of an ordinance. The specific authority to "make, alter and repeal" ordinances is vested in the Legislative Council by Section 7-50 of the Town Charter. In the case of Verdermane v. West Haven Planning & Zoning Commission, et al, 1997 WL 150645 (Conn.Super.), decided in the Connecticut Superior Court on March 18, 1997, the court held that, "Legislative bodies routinely amend proposals before them. This power is obviously in the public interest. If legislative bodies have no authority to amend they will be compelled to accept imperfect proposals in imperfect form rather than correct and improve them." Therefore, as long as the original ordinance could have been adopted with the limitation provided for in the amended ordinance (which it could have), then the Legislative Council has the authority to amend the ordinance to add this limitation.

Very truly yours,

David L. Grogins

DLG/pld

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$238,000 FOR CULVERT REPLACEMENT ON BOGGS HILL ROAD AND AUTHORIZING THE ISSUANCE OF \$238,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$238,000 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 for the replacement of the culvert on Boggs Hill Road, as authorized in the Bridge Replacement project in the capital improvement program for fiscal year 2011-2012, and for road reconstruction, installation of a precast concrete box culvert, construction of U-walls at the corners of the box culverts, installation of metal beam guide rail, replacing riprap slope protection, installation of storm drainage, handling water, installation of temporary sedimentation control system, removal of existing structures, trees, shrubs, plants, fences and guide rail located within the limits of work and resetting any mail boxes and road signs, 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 thereof.

Section 2. To meet said appropriation, \$238,000 bonds of the Town, or so much thereof as 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 Financial 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 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. 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 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.

Section 4. The First Selectman and the Financial Director are authorized to make temporary 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 anytime 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 ("Bonds") authorized to be issued by the Town. The Bonds 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 Issuer 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 reimbursement bonds, 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 ordinance. 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.

4 TURKEY HILL ROAD  
NEWTOWN, CONNECTICUT 06470  
FAX (203) 426-9968



**TOWN OF NEWTOWN**  
PUBLIC WORKS DEPARTMENT

**Att. D**  
FREDERICK W. HURLEY, JR.  
PUBLIC WORKS DIRECTOR  
(203) 270-4300

July 8, 2011

Mr. John Kortze, Chair  
Board of Finance

Dear John,

I'm requesting a special appropriation totaling \$238,000 to be financed by issuing bonds. This request represents the Bridge Replacement project in the CIP (2011 – 2012 to 2015 – 2016) for fiscal year 2011-2012.

Originally the Poverty Hollow Road Bridge was scheduled to be replaced. However, the funds will now need to be used to replace a failed culvert on Boggs Hill Road.

I'm asking the Board of Finance to include this action on its July 11, 2011 agenda. I will be providing an impact statement for each project (per Town Charter 6-100).

Sincerely,

Frederick W. Hurley Jr.  
Public Works Director

Cc: BOS; LC

<b>TOWN OF NEWTOWN</b> <b>FISCAL YEAR END BUDGET TRANSFERS</b> <b>2010 - 2011</b>
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	<u>DEPT.</u>	<u>ACCOUNT NAME</u>	<u>ACCT #</u>	<u>AMOUNT</u>
<b>#1</b>				
TRANSFER FROM	CONTINGENCY	CONTINGENCY	01570 - 2000	(36,924.51)
TRANSFER TO	SELECTMAN	LEGAL SERVICES - OTHER	01100 - 4063	25,375.80
TRANSFER TO	LAND USE	LEGAL SERVICES	01490 - 4061	11,548.71

TRANSFER TO COVER APPROVED LEGAL ACTIVITY.

<b>#2</b>				
TRANSFER FROM	SELECTMAN - OTHER	POSTAGE	01105 - 2016	(430.12)
TRANSFER TO	SELECTMAN - OTHER	LEGAL ADVERTISING	01105 - 2015	430.12

LEGAL ADVERTISING EXPENDITURES VARY DEPENDING ON BID ACTIVITY. CURRENT YEAR EXPENDITURES ARE LESS THAN PRIOR YEARS (2009-10 \$23,083; 2008-09 \$23,051)

<b>#3</b>				
TRANSFER FROM	CONTINGENCY	CONTINGENCY	01570 - 2000	(1,175.00)
TRANSFER TO	PENSION	SERVICES & SUPPLIES	01260 - 2011	1,175.00

ACTUARIAL COSTS WERE HIGHER THAN CALCULATED DUE TO ADDITIONAL ACTUARIAL REQUESTS.

<b>#4</b>				
TRANSFER FROM	POLICE	TRAFFIC GUARDS	01310 - 1007	(286.61)
TRANSFER TO	POLICE	CIVILIAN PERSONNEL	01310 - 1004	286.61

THE AMOUNT BUDGETED FOR POLICE CIVILIAN PERSONNEL WAS AT THE 2009-10 SALARY LEVEL. THE LABOR CONTRACT WAS NOT SETTLED UNTILL AUGUST 2011. OVERAGE IN THIS ACCOUNT REPRESENTS RETROACTIVE PAY APPLIED TO THE PROPER YEAR.

<b>#5</b>				
TRANSFER FROM	EMERGENCY MGT	CONTRACTUAL SERVICES	01330 - 4060	(172.25)
TRANSFER TO	EMERGENCY MGT	GAS/UTILITIES	01330 - 2016	172.25

UTILITIES OVER BUDGET BY A SMALL PERCENTAGE

<b>#6</b>				
TRANSFER FROM	INSURANCE	WORKER'S COMP	01350 - 4003	(601.00)
TRANSFER TO	INSURANCE	LIABILITY/AUTO	01350 - 4001	601.00

OVERAGE DUE TO ADDITIONAL AUTO INSURANCE BILL DUE TO ADDING NEW VEHICLES

**TOWN OF NEWTOWN**  
**FISCAL YEAR END BUDGET TRANSFERS**  
**2010 - 2011**

	<u>DEPT.</u>	<u>ACCOUNT NAME</u>	<u>ACCT #</u>	<u>AMOUNT</u>
<b>#7</b>				
TRANSFER FROM	CONTINGENCY	CONTINGENCY	01570 - 2000	(17,444.05)
TRANSFER TO	HIGHWAY	EQUIPMENT FUEL	01500 - 2016	9,730.13
TRANSFER TO	LANDFILL	CONTRACTUAL SERVICES	01515 - 4025	7,713.92

TOTAL EQUIPMENT FUEL EXPENDITURES WERE SIMILAR TO 2008-09 EXPENDITURES WHEN FUEL PRICES SPIKED (\$413,648 VS \$415,730)  
 LANDFILL CONTRACTUAL SERVICES OVERAGE DUE TO LOWERING BUDGET AMOUNT.  
 SEE THREE YEAR COMPARISON (BY VENDOR) ATTACHED.

<b>#8</b>				
TRANSFER FROM	PARKS & RECREATION	GROUNDS MAINTENANCE	01550 - 3052	(217.80)
TRANSFER TO	PARKS & RECREATION	POOL EXPENSES	01550 - 2024	217.80

POOL EXPENSES OVER BUDGET BY A SMALL PERCENTAGE

<b>#9</b>				
TRANSFER FROM	DEBT SERVICE	INTEREST	01580 - 2002	(94,597.54)
TRANSFER TO	DEBT SERVICE	PRINCIPAL	01580 - 2001	94,597.54

FLIP/FLOP BETWEEN PRINCIPAL AND INTEREST DUE TO REFINANCING

<b>#10</b>				
TRANSFER FROM	FAIRFIELD HILLS	ADMIN PAYROLL	01870 - 1002	(697.45)
TRANSFER TO	FAIRFIELD HILLS	UTILITIES	01870 - 2018	697.45

UTILITIES OVER BUDGET BY A SMALL PERCENTAGE

FINANCE DIRECTOR

DATE

- DRAFT -

**TOWN OF NEWTOWN  
BOARD OF SELECTMEN CIP (2012 - 2013 TO 2016 - 2017) - SEPTEMBER \_\_, 2011**

RANK	2012 - 2013 (YEAR ONE)			Proposed Funding				Ref
		Dept.	Amount Requested	Bonding	Grants	General Fund	Other	
	Bridge Replacement (Poverty Hollow Road)	PW	430,000	430,000				
	Capital Road Program	PW	2,000,000			2,000,000		
	Newtown H & L Fire House Construction	FIRE	500,000	500,000				
***	Sandy Hook Streetscape Program	ECON DEV	200,000	200,000				
	Queen Street Area Traffic Improvement Plan	BOROUGH	400,000		300,000	60,000	40,000	a.
	Dickinson Playground	P & R	420,000	420,000				b.
	Infrastructure Renovations Treadwell Park	P & R	450,000	350,000			100,000	
			<u>4,400,000</u>	<u>1,900,000</u>	<u>300,000</u>	<u>2,060,000</u>	<u>140,000</u>	
RANK	2013 - 2014 (YEAR TWO)			Proposed Funding				Ref
	Dept.	Amount Requested	Bonding	Grants	General Fund	Other		
	Bridge Replacement (Brushy Hill Road)	PW	315,000	315,000				
	Capital Road Program	PW	2,000,000			2,000,000		
	Newtown H & L Fire House Construction	FIRE	500,000	500,000				
	FFH Sidewalks, Roads & Storm Drains	FFH	450,000	450,000				
	FFH Utility Infrastructure Phase I	FFH	300,000	300,000				
	Open Space Acquisition Program	LAND USE	1,000,000	1,000,000				c.
	Artificial Turf Replacement at Treadwell Field	P & R	500,000				500,000	
***	Sandy Hook Streetscape Program	ECON DEV	200,000	200,000				
			<u>5,265,000</u>	<u>2,765,000</u>	<u>-</u>	<u>2,000,000</u>	<u>500,000</u>	
RANK	2014 - 2015 (YEAR THREE)			Proposed Funding				Ref
	Dept.	Amount Requested	Bonding	Grants	General Fund	Other		
	Bridge Replacement (Meadow Brook Road)	PW	355,000	355,000				
	Capital Road Program	PW	2,000,000			2,000,000		
***	Sandy Hook Streetscape Program	ECON DEV	200,000	200,000				
	FFH Walking Trails Phase II	FFH	250,000	250,000				
	Open Space Acquisition Program	LAND USE	1,000,000	1,000,000				
	Community Center Design Phase	P & R	500,000	500,000				
			<u>4,305,000</u>	<u>2,305,000</u>	<u>-</u>	<u>2,000,000</u>	<u>-</u>	

**TOWN OF NEWTOWN**  
**BOARD OF SELECTMEN CIP (2012 - 2013 TO 2016 - 2017) - SEPTEMBER \_\_, 2011**

RANK	2015 - 2016 (YEAR FOUR)			Proposed Funding			
		Dept.	Amount Requested	Bonding	Grants	General Fund	Other
	Bridge Replacement (Jacklin Road)	PW	265,000	265,000			
	Capital Road Program	PW	2,000,000			2,000,000	
	FFH Building Demolition	FFH	6,000,000	6,000,000			
	FFH Complete Walking Trails	FFH	515,000	515,000			
	Addition To Fire House Sub-Station	FIRE	400,000	400,000			
	Replacement of Fire Tanker (#9) & Engine (#111)	FIRE	975,000	800,000			175,000
	Replacement of Fire Tankers (2)	FIRE	700,000	400,000			300,000
	Open Space Acquisition Program	LAND USE	1,000,000	1,000,000			
	Police/Communications Facility	POLICE	800,000	800,000			
	Dickinson Sprayground/Bath House/Septic	P & R	980,000	980,000			
	Bath House/Concession Stand at Eichlers Cove	P & R	425,000	425,000			
	Community Center Construction Phase	P & R	10,000,000	10,000,000			
	Hawleyville Sewer Extension	ECON DEV	5,000,000				5,000,000
	Newtown Technology Park	ECON DEV	815,000	725,000	90,000		
			<b>29,875,000</b>	<b>22,310,000</b>	<b>90,000</b>	<b>2,000,000</b>	<b>5,475,000</b>
RANK	2016 - 2017 (YEAR FIVE)			Proposed Funding			
		Dept.	Amount Requested	Bonding	Grants	General Fund	Other
	Bridge Replacement (one bridge)	PW	414,000	414,000			
	Capital Road Program	PW	2,000,000			2,000,000	
	Edmond Town Hall	ETH	810,000	810,000			
	Library	LIB	250,000	250,000			
	Senior Center Design Phase	SR CTR	500,000	500,000			
	Treadwell/Dickinson Parking Lot Paving	P & R	998,000	998,000			
			<b>4,972,000</b>	<b>2,972,000</b>	<b>-</b>	<b>2,000,000</b>	<b>-</b>

**GRAND TOTALS**

<b>48,817,000</b>	<b>32,252,000</b>	<b>390,000</b>	<b>10,060,000</b>	<b>6,115,000</b>
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**NOTES:**

\*\*\* Appropriation Approved

New Project (not on prior years approved CIP)

- a. Dickinson Playground/Sprayground/Bath House/Septic is phased into (2) projects. Playground in the 1st year and the rest in year four.
- b. \$100,000 added to project to reflect contribution of recreation surcharge fund (was not shown in prior year)
- c. Amount reduced from \$1,500,000 to \$1,000,000
- d. Moved from year 2.
- e. Moved from year 3.

**PLANNED ADJUSTMENTS TO THE CURRENT APPROVED CIP PLAN YEARLY TOTALS****- TO BE APPLIED TO THE NEXT CIP PLAN (2013-14 TO 2016-17)****2012 - 2013:**

CURRENT BONDING TOTAL (CURRENT CIP)	5,215,000	
ADD - PRIOR YEAR BRIDGE AMOUNT	430,000	
LESS - BRIDGE AMOUNT	(315,000)	
LESS - BOE ADJUSTMENTS	(700,000)	
SUBTOTAL	4,630,000	<<< WORKING CIP TOTAL
<b><u>PLANNED (2012-13 TO 2016-17) CIP BONDING TOTAL</u></b>	<b>4,630,000</b>	

**AMOUNT TO REDUCE (FROM CURRENT PROJECTS)**

-

**2013 - 2014:**

CURRENT BONDING TOTAL (CURRENT CIP)	7,849,338	
ADD - PRIOR YEAR BRIDGE AMOUNT	315,000	
LESS - BRIDGE AMOUNT	(355,000)	
LESS - BOE ADJUSTMENTS	(630,000)	
SUBTOTAL	7,179,338	<<< WORKING CIP TOTAL
<b><u>PLANNED (2012-13 TO 2016-17) CIP BONDING TOTAL</u></b>	<b>6,000,000</b>	

**AMOUNT TO REDUCE (FROM CURRENT PROJECTS)**

1,179,338

**2014 - 2015:**

CURRENT BONDING TOTAL (CURRENT CIP)	6,485,000	
ADD - PRIOR YEAR BRIDGE AMOUNT	355,000	
LESS - BRIDGE AMOUNT	(265,000)	
LESS - BOE ADJUSTMENTS	(840,000)	
SUBTOTAL	5,735,000	<<< WORKING CIP TOTAL
<b><u>PLANNED (2012-13 TO 2016-17) CIP BONDING TOTAL</u></b>	<b>5,000,000</b>	

**AMOUNT TO REDUCE (FROM CURRENT PROJECTS)**

735,000

**2015 - 2016:**

CURRENT BONDING TOTAL (CURRENT CIP)	25,000,000	
ADD - PRIOR YEAR BRIDGE AMOUNT	265,000	
LESS - BRIDGE AMOUNT	(414,000)	
LESS - BOE ADJUSTMENTS	(1,851,000)	
SUBTOTAL	23,000,000	<<< WORKING CIP TOTAL
<b><u>PLANNED (2012-13 TO 2016-17) CIP BONDING TOTAL</u></b>	<b>25,000,000</b>	

**AMOUNT TO REDUCE (FROM CURRENT PROJECTS)**

(2,000,000) (ADD)

**2016 - 2017 (NEW CIP YEAR):****PLANNED 2012-13 TO 2016-17 CIP BONDING TOTAL** 5,000,000 TO 7,000,000

**TOWN OF NEWTOWN**  
**LEGISLATIVE COUNCIL APPROVED CIP (2011 - 2012 TO 2015 - 2016) - APRIL 26, 2011**

RANK	2011 - 2012 (YEAR ONE)			Proposed Funding			
		Dept.	Amount Requested	Bonding	Grants	General Fund	Other
	<b>BOARD OF SELECTMEN</b>						
1	Bridge Replacement (Poverty Hollow Road)	PW	430,000	430,000			
1	Capital Road Program	PW	1,500,000			1,500,000	
2	Newtown H & L Fire House Construction	FIRE	500,000	500,000			
3	Sandy Hook Streetscape Program	ECON DEV	200,000	200,000			
4	FFH Infrastructure	FFH	350,000	350,000			
	<b>BOARD OF EDUCATION</b>						
1	Hawley HVAC Renovations - Design	BOE	350,000	350,000			
			3,330,000	1,830,000		1,500,000	
RANK	2012 - 2013 (YEAR TWO)			Proposed Funding			
		Dept.	Amount Requested	Bonding	Grants	General Fund	Other
	<b>BOARD OF SELECTMEN</b>						
1	Bridge Replacement (Brushy Hill Road)	PW	315,000	315,000			
1	Capital Road Program	PW	1,500,000			1,500,000	
2	Newtown H & L Fire House Construction	FIRE	500,000	500,000			
3	Dickinson Playground / Sprayground	P & R	750,000	750,000			
3	Dickinson Park Bath House / Concession Stand	P & R	-	-			
4	Infrastructure Renovations Treadwell Park	P & R	350,000	350,000			
5	Sandy Hook Streetscape Program	ECON DEV	200,000	200,000			
	<b>BOARD OF EDUCATION</b>						
1	Hawley HVAC Renovations - Phase I	BOE	3,000,000	3,000,000			
2	High School Auditorium Improvement Project	BOE	100,000	100,000			
			6,715,000	5,215,000		1,500,000	
RANK	2013 - 2014 (YEAR THREE)			Proposed Funding			
		Dept.	Amount Requested	Bonding	Grants	General Fund	Other
	<b>BOARD OF SELECTMEN</b>						
1	Bridge Replacement (Meadow Brook Road)	PW	355,000	355,000			
1	Capital Road Program	PW	1,500,000			1,500,000	
2	Sandy Hook Streetscape Program	ECON DEV	200,000	200,000			
2	Newtown H & L Fire House Construction	FIRE	500,000	500,000			
3	FFH Sidewalks, Roads & Storm Drains	FFH	450,000	450,000			
4	FFH Utility Infrastructure Phase I	FFH	300,000	300,000			
5	Open Space Acquisition Program	LAND USE	1,500,000	1,500,000			
6	Addition To Fire House Sub-Station	FIRE	375,000	375,000			
-	Artificial Turf Replacement at Treadwell Field	P & R	500,000				500,000
	<b>BOARD OF EDUCATION</b>						
1	Hawley HVAC Renovations - Phase II	BOE	2,200,000	2,200,000			
2	Middle School Improvements Project - Design	BOE	630,000	630,000			
3	High School Auditorium Improvement Project	BOE	1,339,338	1,339,338			
			9,849,338	7,849,338		1,500,000	500,000
RANK	2014 - 2015 (YEAR FOUR)			Proposed Funding			
		Dept.	Amount Requested	Bonding	Grants	General Fund	Other
	<b>BOARD OF SELECTMEN</b>						
1	Bridge Replacement (Jacklin Road)	PW	265,000	265,000			
1	Capital Road Program	PW	1,500,000			1,500,000	
2	FFH Walking Trails Phase II	FFH	250,000	250,000			
3	Replacement of Fire Tankers (2)	FIRE	700,000	400,000			300,000
4	Open Space Acquisition Program	LAND USE	1,000,000	1,000,000			
5	Community Center Design Phase	P & R	700,000	700,000			
6	Sandy Hook Streetscape Program	ECON DEV	200,000	200,000			
	<b>BOARD OF EDUCATION</b>						
1	Hawley HVAC Renovations - Phase III	BOE	1,600,000	1,600,000			
2	Middle School Improvements Project - Phase I	BOE	2,070,000	2,070,000			
			8,285,000	6,485,000		1,500,000	300,000
RANK	2015 - 2016 (YEAR FIVE)			Proposed Funding			
		Dept.	Amount Requested	Bonding	Grants	General Fund	Other
	<b>BOARD OF SELECTMEN</b>						
1	Bridge Replacement (one bridge)	PW	414,000	414,000			
1	Capital Road Program	PW	1,500,000			1,500,000	
2	Replacement of Fire Tanker (#9) & Engine (#111)	FIRE	975,000	800,000			175,000
3	Open Space Acquisition Program	LAND USE	1,000,000	1,000,000			
4	FFH Building Demolition	FFH	6,000,000	6,000,000			
5	FFH Complete Walking Trails	FFH	515,000	515,000			
6	Community Center Construction Phase	P & R	10,000,000	10,000,000			
7	Bath House/Concession Stand at Eichlers Cove	P & R	425,000	425,000			
8	Police/Communications Facility	POLICE	800,000	800,000			
9	Newtown Technology Park	ECON DEV	815,000	725,000	90,000		
10	Hawleyville Sewer Extension	ECON DEV	5,000,000				5,000,000
	<b>BOARD OF EDUCATION</b>						
1	Middle School Improvements Project - Phase II	BOE	4,321,000	4,321,000			
			31,765,000	25,000,000	90,000	1,500,000	5,175,000
<b>GRAND TOTALS</b>			59,944,338	46,379,338	90,000	7,500,000	5,975,000

Dear Mrs. Llodra, Mr. Rodgers, and Mr. Furrier,

Hello. My name is Lexy Leidlein. You may know my mom, Debbie Leidlein. I have a concern that I would like to notify you about. During the Spring and sometimes the Fall, my friends and I go into the woods and pick up trash that we find on the ground. We wear gloves and sneakers and bring big trash bags. We're sad to see so many people throwing trash in the woods that an animal can eat and cause them to become severely injured or die. I have come up with a couple of ideas that might or will make the woods a better environment.

One of my ideas is to make one month every year trash month. What that will do will encourage people to pick up trash and I will myself encourage my neighbors and other friends to help out too. Signs could be displayed around town to remind people to pick up trash. My other idea is to pick a special day and make it "Neatin up Newtown Day". On that day every year everybody goes around town and into the woods and picks up trash. The day could end with an

enjoyable celebration at one of the parks in Newtown for everybody who helped out by picking up trash.

If we all pitch in and pick up some trash once in a while, the world and Newtown will become a better place for everybody.



Sincerely,

Lexy Leidlein😊😊😊