

**BOROUGH OF NEWTOWN
NEWTOWN, CONNECTICUT**

Minutes of the regular meeting of the Borough of Newtown Board of Burgesses on **Tuesday, October 12, 2021** in the Old Court Room at Edmond Town Hall, Newtown, CT. Warden Maher called the meeting to order at 7:32p.m.

Present: Warden Jay Maher, Burgess James Gaston, Burgess Anthony Baiad, Burgess Bill Lucas, Burgess Sarah Phillips, Burgess Jarod Modzelewski, Treasurer Paula Brinkman, Tax Collector Jodie Enriquez, Tree Warden Rob McCulloch, Zoning Officer Rob Sibley and Clerk Ann Scaia.

Absent: Senior Burgess Chris Gardner

Also Present: 2 members of the public.

Burgess Baiad made a motion to accept the September 14, 2021 annual meeting minutes,
seconded by Burgess Lucas. Motion passed.

Burgess Baiad made a motion to accept the September 14, 2021 regular meeting minutes,
seconded by Burgess Lucas. Motion passed.

Warden's Report: Warden Maher announced the resumption of a discussion for possible reimbursement to Robin Lynch, of 32 Main Street, for the purchase of shrubbery with regard to fencing on her property. Warden Maher shared an overview regarding this issue as follows: He stated all parties were familiar with the steps Mrs. Lynch pursued to vet out whether a fence was appropriate for their property; Burgess Gaston had approached Mrs. Lynch alerting her of the need to acquire certificate of appropriateness from the Historic District; An application was submitted which was discussed over various meetings; Suggestions were proposed with the end result of Mrs. Lynch agreeing to the condition of planting shrubbery to soften the look of the fence rather than move the fence; Warden Maher stated at the end of the Historic District Commission meeting of May 27, 2021, there was no commitment from the Borough to pay for the shrubbery for the fencing. Had there been a commitment, the Borough would have been involved in securing of the material. The Borough was never consulted. In final, the Borough is not legally responsible for the expense of the shrubbery. Warden Maher concluded, if the Board of Burgesses supports reimbursing Mrs. Lynch, then he will support their decision.

Burgess Gaston made a motion to lift the discussion from the table, seconded by Burgess Lucas. Motion passed.

Burgess Gaston made a motion to approve reimbursement of \$947.93 to Robin Lynch, of 32 Main Street, for the purchase of shrubbery, seconded by Burgess Modzelewski.

Burgess Modzelewski views this as a special circumstance given the events leading up to the final agreement to plant shrubbery. He supports reimbursement to Mrs. Lynch.

Robin Lynch reiterated her reasoning for being reimbursed starting with her disability and the decision to install a fence to protect her child and dog from Main Street traffic/pedestrians as she is unable to run after her dog/child. She contacted Zoning Officer Rob Sibley and conveyed she lived on Main Street in the historic district and would like to install a fence. Mr. Sibley stated that a 4' high fence located on her property was within the zoning regulations for Borough. She was not directed to seek out permission from the Historic Commission. She summarized the key points of discussion during the Borough and Historic District meetings regarding responsibility of informing property owners of contacting the Historic District for certificate of appropriateness. She further conveyed she does not believe this will set a precedent as she believes this is a unique set of circumstances.

Burgess Gaston clarified that there was another version from Rob Sibley and that the Historic District Commission has no authority to determine who covers costs for the solutions mandated by the commission. He further stated consulting fees required to create solutions are historically the responsibility of the home owner, however it was waived in this circumstance. Burgess Gaston stated had the Historic District Commission been given an opportunity to review the fence they would have not likely approved a western style round fence with green mesh wire which led to the mandate to plant all season shrubbery to soften the look of the fence. Burgess Gaston stated the addition of the shrubbery is an enhancement to their property. The reimbursement is asking tax payers to pay for Mrs. Lynch's enhancement of their property. He further stated this would set a precedent with Borough Historic District property owners requesting Borough taxpayers to pay for the differential costs of what they want versus what the Historic District requires. Also, a precedent will be set where the Borough will be required in perpetuity to pay for the care and/or replacement of the bushes if they don't survive or the property owner neglects them, whether intentionally or unintentionally. This would transpire to the Lynches and any other property owners thereafter. Mrs. Lynch did not contest that precedent.

Burgess Lucas stated the tax payers should not be responsible for the enhancement of other Borough resident's property. He agreed with the precedent points of Burgess Gaston. In particular, Burgess Lucas also stated this can set a precedent that Historic District residents would expect the Borough to pay any difference always claiming hardship.

The motion was defeated with 4 no votes and 1 yes.

Warden Maher offered a brief overview of the Ad Hoc Sidewalk Committee meeting held on October 4, 2021. The committee reviewed the Sugar Street Sidewalk project. Copies of the drawing have been sent to Zoning Officer Sibley and George Benson in Land Use. If offered positive feedback, the drawings will then be forwarded to CT DOT for review. The committee also discussed the "Safe Walks Project" with sidewalks from Grand Place to the Newtown Middle School, Currituck Road Connector from the Monument to Summit Road and Church Hill Road/Queen Street intersection which will be discussed in Sidewalks.

Warden Maher reviewed which Borough properties currently do not have access to municipal water given last month's discussion of possible use of American Rescue Package Act funds to supply municipal water. Warden Maher reported 13 streets are currently without municipal water.

Tree Warden's Report: Tree Warden McCulloch reported he has been completing ongoing work orders and "emergency only" work due to funds already being depleted. He also reported the clearing of storm related debris is finally finished. Tree Warden McCulloch stated he would be removing dead trees located at Toro Restaurant, Hawley Elementary School and Caraluzzi's parking lot. The Board of Burgesses requested Tree Warden McCulloch plant new replacement maple trees at: 18 Main Street; in front of C.H. Booth Library; in front of Edmond Town Hall and 4 Glover Avenue.

Tax Collector's Report: Tax Collector Enriquez reported the following for September 2021: Taxes Collectable \$163,366.22; Current Taxes: \$161,030.68; Back Taxes: \$981.14; Interest: \$836.26; Liens & Fees: \$96.00. Total Submitted to Treasurer to Date: \$159,500.00. Current Taxes Collected: \$160,084.22 representing 97.99%. Please review attached report for September 2021.

Burgess Gaston made a motion to accept the Tax Collector's Report for September 2021,
seconded by Burgess Baiad and unanimously approved.

Treasurer's Report: The September 2021 report presents: A deposit of \$1,429.80 was made from the Borough Zoning Office. A deposit of \$15,500.00 made from Tax Collector, Jodie Enriquez. A transfer of \$26,500.00 was made to cover last month's invoicing. A transfer of \$16,929.80 was transferred into the ISC Account from the Borough Operating Account. A transfer of \$26,500.00 was transferred from the ISC Account to the Borough Operating Account. Interest on the 6 mo. CD was \$5.44 making a total of \$79,331.50. Please review attached report for September 2021.

Burgess Lucas made a motion to accept the Treasurer's Report for September 2021,
seconded by Burgess Gaston and unanimously approved.

Zoning Officer's Report: Zoning Officer Sibley reported during the September 8, Zoning Commission meeting, the commission voted to opt out of a state statute regulating accessory apartments better known as "granny pods". Zoning Officer Sibley explained Newtown's and the Borough's current statutes regarding "granny pods" are in many ways redundant to the state statute and in other ways more comprehensive. The Board of Burgesses agreed to opt out of the state statute.

Burgess Gaston made a motion to opt out of Public Act 21-29 "provisions of subsection 5 of subsection [(a)] (d) of section 8-2 regarding authorizations of the installation of temporary

healthcare structures, otherwise known at “Granny Pods”, seconded by Burgess Phillips and unanimously approved.

Historic District: Warden Maher reported an application of appropriateness was approved for the proposed “Welcome” sign at the Historic District meeting on September 30th.

Burgess Gaston made a motion to approve funds up to \$7,500.00 to be taken out of the Historic District line item to produce and install five signs, seconded by Burgess Baiad and unanimously approved.

Sidewalks: Warden Maher revisited last month’s discussion of maintenance associated with sidewalk’s edgings previously presented by Burgess Modzelewski. Warden Maher has titled this the “The Loop Project” starting at Trinity Church traveling down Main Street to Queen Street up to the Fire Department on Church Hill Road. Warden Maher calculated 10,000 linear feet of sidewalk requiring overgrowth to be edged back. Warden Maher estimated the cost not to exceed \$5,000.00 to complete the work.

Burgess Modzelewski made a motion to spend up to \$5,000.00 to repair the sidewalks in the “Loop Project”, seconded by Burgess Baiad and unanimously approved.

Warden Maher also reported the importance of a project discussed during the Ad Hoc Sidewalk Committee meeting. This addresses the cross walks and handicap access at the intersection of Church Hill Road and Queen Street. Currently there is a need for a cross walk on Queen Street; handicap access on the southeastern corner of Queen Street; and handicap access on the north corner of Church Hill Road. Warden Maher approached Benesch for an estimate to execute drawings for this project. The estimated cost for the drawings is \$11,200.00. Burgess Modzelewski noted there is no handicap access at the cross walk in front of Hawley Elementary School. He requested this also be included in the project. The Board of Burgesses agreed to include it in the project.

Burgess Gaston made a motion to make a special appropriation of \$11,200.00, from the Borough Operating Fund Balance to the Sidewalk line item, seconded by Burgess Modzelewski and unanimously approved.

Streets & Parks: None.

New Business: None.

Old Business: None.

Public Participation: Laura Lerman, of 55 Main Street, stated she recently attending a conference run by Western Alliance of the Arts. There was discussion of the correlation of the arts and commerce. It was suggested 1% of the American Rescue Package Act be held aside for the Arts. First Selectman stated the funds would be utilized for infrastructure. Mrs. Lerman approached the Board of Burgesses asking them to consider 1% of the Borough's money from the American Rescue Package Act be utilized for the Arts. She expressed the funds could be utilized to market and better showcase the Arts in Newtown. Burgess Gaston requested Mrs. Lerman outline an itemization of the costs associated with her plans so Burgess Gaston could confer with the Borough's legal counsel to assess the viability based on the parameters for using the American Rescue Package Act funds. Mrs. Lerman agreed to submit an itemization to Burgess Gaston for review.

The regular meeting of the Board of Burgesses will be held on Tuesday, November 9, 2021 at 7:30p.m. in the Old Court Room in Edmond Town Hall, Newtown, CT.

There being no further business, Burgess Lucas made a motion to adjourn the meeting at 8:40 p.m., seconded by Burgess Gaston and unanimously approved.

Respectfully submitted,

Ann Scaia
Borough Clerk

NEWTOWN BOROUGH TAX

MONTHLY REPORT THRU: **SEPTEMBER 2021**

TOTAL TAXES DUE FOR GRAND LIST 2020:		\$163,367.21
LAWFUL CORRECTIONS:	INCREASE	\$17.66
	DECREASE	-\$18.65
TAXES COLLECTABLE:		✓ <u>\$163,366.22</u>

AMOUNTS COLLECTED TO DATE:

CURRENT TAX:		\$161,030.68
BACK TAX		\$981.14
INTEREST:		\$836.26
LIENS & FEES:		\$96.00
TOTAL COLLECTED TO DATE:		✓ <u>\$162,944.08</u>

TOTAL SUBMITTED TO TREASURER TO DATE:		\$159,500.00
REFUND GIVEN FROM CURRENT YR TAX		\$0.00
REFUND GIVEN DUE FROM PRIOR YR		\$0.00
		✓ <u>\$159,500.00</u>

TAX COLLECTION SUMMARY:

GL 2020	TAXES COLLECTED	✓ \$161,030.68	
	TAXES SUSPENDED	\$0.00	
	TRANSFERS	\$16.90	
	BOUNCED CHECKS	-\$372.34	
	REFUNDS	-\$591.02	
	TOTAL CURRENT TAX COLLECTED	✓ <u>\$160,084.22</u>	97.99%
	UNCOLLECTED TAXES	✓ <u>\$3,282.00</u>	2.01%
	OVERPAYMENTS	-\$849.11	

NOTE:

BACK TAXES OUTSTANDING FOR LIST 2019 AND PRIOR:

UNCOLLECTED TAXES	\$544.99
OVERPAYMENTS FROM PRIOR YEARS	-\$153.43
ADJUSTMENTS	\$0.00
TRANSFER (TO CURRENT YEAR)	-\$16.90
BOUNCED CHECK FROM BT PAID	-\$665.85

DATE:
11-Oct-21

SIGN: *Nodie Enriquez*
BOROUGH TAX COLLECTOR

BOROUGH OF NEWTOWN

Treasurer's Report

Month Ending September 30, 2021

	ACCOUNT 673 Operating Account	ACCOUNT 2470-D Insured Cash Sweep	ACCOUNT 873 American Rescue Plan	TOTAL
BEGIN 9/1/2021	\$250,010.27	\$387,213.15	\$274,747.32	\$911,970.74
Interest Transfer	-\$10.27	\$10.27		\$0.00
Transfer to Clerk's Account	check #311 -\$26,500.00			-\$26,500.00
Transfer in from ICS	\$26,500.00	-\$26,500.00		\$0.00
Deposit from Bldg/Zoning	\$1,429.80	\$0.00		\$1,429.80
Deposit from Tax	YTD:\$159,500 \$15,500.00	\$0.00		\$15,500.00
Transfer out to ICS Acct.	-\$16,929.80	\$16,929.80		\$0.00
Interest earned 9/30/2021	\$10.28	\$15.58	\$12.04	\$37.90
ENDING BALANCE 9/30/2021	\$250,010.28	\$377,668.80	\$274,759.36	\$902,438.44

6 MONTH CD Account matures 9/10/2021	RENEWAL 9/15/21 : 6 months @ .20 APY
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BEGIN 9/1/2021	\$79,326.06
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Interest earned 9/30/2021	.25 APY til 9/ \$5.44
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ENDING BALANCE 9/30/2021	\$79,331.50
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Respectfully submitted 10/12/2021