

**LEGISLATIVE COUNCIL REGULAR MEETING
COUNCIL CHAMBERS, 3 PRIMROSE STREET, NEWTOWN, CT
WEDNESDAY, MAY 17, 2023**

MINUTES

PRESENT: Jeffery Capeci, Tom Long, Chris Gardner, Dan Honan, Lisa Kessler, Ryan Knapp, Michelle Embree Ku, Charles Gardner, William DeRosa, Matthew Mihalcik

ABSENT: Angela Curi, Phil Carroll

ALSO PRESENT: First Selectman Dan Rosenthal, Finance Director Bob Tait and two members of the public

CALL TO ORDER: Mr. Capeci called the meeting to order with the Pledge of Allegiance at 7:30 pm.

VOTER COMMENT: None

MINUTES: Charles Gardner moved to approve the minutes from the 5/3/23 meeting. Matt Mihalcik seconded, all in favor.

COMMUNICATIONS: Chairman Capeci received an email from the retired Assistant Tax Collector regarding tax suspense list which will be on the agenda for the next meeting.

COMMITTEE REPORTS: Matt Mihalcik reported that the Finance and Admin committee met for the BOE Non-lapsing fund policy, Joint Policy with Outside Agencies and Capital Non-recurring policy. They will report back to the LC when they have more information.

FIRST SELECTMAN'S REPORT: First Selectman Rosenthal informed the LC that the Tax Collector, Donna Saputo passed away. She was a great person and an asset to the Town. They have posted the job and they have a good candidate and anticipate someone in the position in the next few weeks. At the BOS meeting they added three small pieces of property into open space. He also reported that with 2 months to go there is an approximate surplus in the budget on the municipal side of \$400,000.

UNFINISHED BUSINESS

"Do Not Block the Box" Ordinance – Not Discussed

Fair Rent Commission Ordinance – Charles Gardner moved to adopt the proposed Fair Rent Commission Ordinance (att.), Matt Mihalcik seconded. Ryan Knapp explained that the state requires this for towns of certain size. They looked at other communities and settled on 5 members with 2 year terms. The commission will be volunteer and make decisions but will not handle money. All in favor.

NEW BUSINESS

Set the Mill Rate effective July 1, 2023 – Charles Gardner moved that they set the mill rate at 26.24 effective July 1, 2023, Matt Mihalcik seconded, all in favor.

Capital Improvement Plan Calendar 2024-25 through 2028-29 – Charles Gardner moved to approve the Capital Improvement Plan Calendar 2024-25 through 2038-29 (att.), Matt Mihalcik seconded, all in favor.

American Rescue Plan-\$60,000 for New Police Firearms, Associated Equipment and Ammunition – Charles Gardner resolved to provide for an appropriation totaling \$60,000 for new police firearms, associated equipment and ammunitions (att.), to be funded from the American Rescue Plan (ARP), Matt Mihalcik seconded. This is a transition from the 45 to 9mm guns. It was asked why we have waited until now to upgrade the guns because in the write up from Capitan Bishop, he references a 2014 FBI recommendation. First Selectman Rosenthal explained that at that point they had just purchased guns and now they are ending their useful life. After 7 years they are either refurbished or replaced. All in favor.

Executive Session - Charles Gardner moved to go into executive session to discuss pending litigation regarding Massimo Americas, Inc. v. Town of Newtown, Dan Honan seconded. Executive session was entered into at 7:57pm and ended at 8:04pm with the following motion: Charles Gardner resolved to settle litigation with Massimo Americas, Inc as discussed in executive session, Matt Mihalcik seconded, all in favor.

Voter Comment – David Landau, 13 Wiley Lane, asked if police officers exempt from the 10 round magazines? First Rosenthal stated that he believes so and it is in the statue. He asked if the Fair Rent Commission ordinance will be amendable yearly? Jeff Capeci stated that any ordinance is amendable. He also asked what is the tenants' mechanism for an issue? Jeff Capeci responded that is what the board is there to do. The statue required that they create an ordinance and the statue lays it out.

Announcements - None

Having no further business, the meeting was adjourned at 8:08pm

*Respectfully submitted,
Arlene Miles, Clerk*

Attachment: Fair Rent Commission Ordinance, Capital Improvement Plan Calendar 2024-25 through 2028-29, PD ARM Appropriation

Proposed: Fair Rent Commission

[Adopted by the Legislative Council ###]

§ 20-##. Establishment; membership.

A. Pursuant to and in conformity with sections 7-148b through 7-148f of the General Statutes, there is hereby established a commission known as the Fair Rent Commission for the Town of Newtown. Said Commission shall consist of five members appointed by the First Selectman, with the approval of the Board of Selectmen, which Commission may, but is not required to, include at least one tenant and one landlord. The term of office shall be two years. The Charter provisions on minority representation shall be observed.

§ 20-##. Powers and duties.

A.

Said commission shall have such powers, duties and responsibilities as are provided pursuant to sections 7-148b through 7-148f, inclusive, of the General Statutes, including, but not limited to, make studies and investigations, to conduct hearings and receive complaints relative to rental charges on housing accommodations, except those rented on a seasonal basis (meaning housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year), to ensure that rental charges are not harsh and unconscionable, thus creating a fair and equal process for the tenant and landlord; and

B.

In determining whether a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Fair Rent Commission shall consider such of the following thirteen (13) circumstances as are applicable to the type of accommodation in question:

- (1) The rents charged for the same number of rooms and other housing accommodations in the same and in other areas of the municipality;
- (2) The sanitary conditions existing in the housing accommodations in question;
- (3) The number of bathtubs and showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof;
- (4) Services, furniture, furnishings and equipment supplied therein;
- (5) The size and number of bedrooms contained therein;
- (6) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- (7) The amount of taxes and overhead expenses, including debt services, thereof;
- (8) Whether the accommodations are in compliance with the ordinances of the city and the general statutes relating to health and safety;
- (9) The income of the petitioner and the availability of accommodations;
- (10) The availability of utilities;
- (11) Damages done to the property by the tenant caused by other than ordinary wear and tear;
- (12) The amount and frequency of increases in the rental charges;
- (13) Whether, and the extent to which, the income from an increase rental charge has been or will be reinvested in improvements to the accommodation.

§ 20-##. Meetings and reports; rules and regulations.

A.

The Commission shall meet as required or at a minimum annually, and at such other times as the Commission may determine. A Chairman, Vice Chairman and Secretary shall be chosen, and the Commission is empowered to adopt rules and regulations for putting into effect the provisions of this article, which rules and regulations shall not be inconsistent with the provisions thereof or sections 7-148b through 7-148f of the General Statutes. Such rules and regulations shall be filed with the Town Clerk.

B.

The Commission shall annually prepare and transmit to the Legislative Council and to the Board of Selectmen a report of its activities.

§ 20-##. Fines/Escrow.

A.

The Fair Rent Commission shall have the powers to collect fines and collect funds to be held in escrow consistent with state statutes.

§ 20-##. Receipt and disbursement of funds.

A.

All funds received by the Fair Rent Commission from any source shall be placed in the custody of the Financial Director of the Town of Newtown to be held, administered and disbursed by the Financial Director as part of and through the General Fund of the Town of Newtown, subject to any limitations on the use of the funds and in accordance with any statutory requirements concerning funds, including escrow funds, received by the Fair Rent Commission.

§ 20-##. Member compensation; expenses.

Members of the Commission shall serve without pay.

Town of Newtown
Board of Finance - Capital Improvement Plan Calendar
CIP 2024-25 through 2028-29

July/Aug, 2023	Departments work on 2024-25 / 2028-29 CIP.
September, 2023	First Selectman with Finance Director review department submittals.
September 18, 2023	Board of Selectmen Reviews First Selectman proposed 2024-25 / 2028-29 Capital Improvement Plan (9/18; 10/2 meetings) Note: the BOE has their own approval process.
October 2, 2023	Board of Selectmen approves proposed 2024-25 / 2028-29 Capital Improvement Plan (CIP)
September 28, 2023	Board of Education presents to the Board of Finance 2024-25 / 2028-29 Capital Improvement Plan (CIP)
October 10, 2023	Board of Selectmen presents to the Board of Finance 2024-25 / 2028-29 Capital Improvement Plan (CIP)
Oct thru Nov, 2023	Board of Finance Reviews 2024-25 / 2028-29 Capital Improvement Plan (10/26 meeting; 11/13 meeting; special meetings if needed)
November 13, 2023	Board of Finance completes recommended Capital Improvement Plan (CIP)
November 15, 2023	Board of Finance recommended CIP presented to the Legislative Council. (Due by November 30).
January 17, 2024	Legislative Council approves the Capital Improvement Plan Legislative Council determines which first year projects go to referendum in April. LC expenditure CAP worksheet is presented by the Finance Director.

A resolution providing for an appropriation totaling \$60,000 for new police firearms, associated equipment and ammunition. To be funded from the American Rescue Plan (ARP) grant.

\$60,000 requested appropriation was recommended by the ARP Working Group on 04/27/2023.

The ARP Working Group is comprised of the following:

Board of Selectmen

- Ed Schierloh *

Board of Finance

- Sandy Roussas
- Erica Sullivan *

Legislative Council

- Charles Gardner *
- Matthew Mihalcik *
- Michelle Ku *

Ex-officio

- First Selectman, Dan Rosenthal *

Detail attached.

The purpose of this memo is to request the consideration of funding to replace the department's current duty firearm with a more modern and versatile weapon. The department currently uses the Glock model 21 Gen 4 (fourth generation), a 45 caliber pistol, for its duty weapons. During the annual inspection of the firearms in December of 2022, it was discovered that the guns are due for either rebuilding with the replacement of worn parts or replacement of the firearms. The cost to rebuild the weapons and replace the magazines would be approximately \$200 per gun for parts for a total of approximately \$11,000. The manufacture date of the Gen 4 Glock is between 2010 and 2016. Glock is currently producing Gen 5 (fifth generation) models. Given the replacement part cost and considering the age of the weapons, pricing was obtained for new weapons. Based on the pricing and trade-in value of the current firearms, the department is looking to transition to a Glock Gen 5, model 45, 9mm handgun, with a Red Dot Optic.

The considerations for this transition include significant improvements to the Glock Gen 5 over the Gen 4, the addition of modern optics for the weapons, and the ballistics improvements of 9mm ammunition. The Gen 5 Glock's new model variations are an improvement over previous generations by making the guns ambidextrous; previous versions required armorers to make changes for left-handed shooters. Glock also removed the finger grips with adjustable back straps allowing for more versatility and comfort for shooters with different hand sizes. Both of these features are improvements that have caused equipment and training issues for officers at the police department.

In 2014 the FBI completed an extensive study and found that, for many reasons, the 9mm round was the recommended round for law enforcement. The study found no discernable difference in the terminal performance of the 9mm vs. other calibers. The 9mm cartridge has less felt recoil, allowing for faster and more accurate shot strings than the .40 or .45. Additionally, 9mm ammunition is about 25 to 30% less expensive and more available than .45 caliber ammunition. The annual cost for .45 ammunition is approx. \$12,000 a year, and there is a 12 to 18-month delay in receiving this ammunition. The projected cost of 9 mm ammunition is \$9,000, and the ammunition is available.

The department currently uses red dot optics on patrol rifles. The officer's accuracy, speed, and confidence greatly increased with the red dot vs. the traditional sighting system. Red Dot Optics on duty pistols are now the industry standard as it allows the officer to keep both open eyes making for faster and more accurate target detection, improved target detection under stress, improved situational awareness, more accuracy with moving targets, faster follow up shots, and greater accuracy for aging officers or those with vision issues. The red dot optic is not compatible with our current duty pistol.

The 9mm GLOCK Gen 5 model 45 (MOS) with an attached Red dot sight offers the best combination of caliber and sighting system for a duty weapon in law enforcement today. Currently, this model firearm with the optic is \$904.96 each. The sellers are offering a \$310.00 trade-in value for our current firearms, dropping the cost to \$594.96 per gun.

- The total purchase price for fifty-five firearms with optics is \$32,800.
- New holsters and magazine pouches would be needed at an estimated cost of \$10,800.
- The purchase of ammunition is estimated to cost \$15,000.00 (ammunition rates fluctuate based on market availability, and this estimate is on the high side). This would include ammunition for transitional training and new duty ammunition.
- The total estimated cost for the firearms, equipment, and ammunition is estimated to cost \$58,600.00.

Prepared by Bryan Bishop

On Tue, Feb 14, 2023 at 9:33 AM Robert Tait <robert.tait@newtown-ct.gov> wrote:

Hello Captain,

- Question on the ARP request. Ammo is \$15,000?
- What does the department do with the old ammo?
- Typically, how much is budgeted each year for ammo.

thanks

Bob

The ammunition for the transition is estimated at \$15,000.00. This covers the cost of the ammunition needed for the transition training. The cost and availability fluctuate with market demand. Currently, we are running low on the .45 caliber ammunition we have, so there would be little left over. Depending on the quantity, the leftover ammunition could be sold or traded if there is a substantial amount or kept for training if it is a small amount.

Typically, ammunition costs between \$6,000 to \$8,000 a year. Currently, the lead time on some ammo types is 12-18 months.

Bryan Bishop
Captain
Newtown Police Department