THE FOLLOWING MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF SELECMTEN

The Board of Selectmen held a regular meeting Monday, October 16, 2017 in the Council Chamber, Newtown Municipal Center, 3 Primrose Street, Newtown. First Selectman Llodra called the meeting to order at 7:30p.m.

PRESENT: First Selectman Llodra, Selectman William F.L. Rodgers, Selectman Herbert C. Rosenthal.

ALSO PRESENT: Conservation Commission Vice Chairman Holly Kocet and member Tom Philbrick, Pension Committee co-chairs Ellen Whalen and Patrick Burke and Pension Committee members, Devon Francis of FIA, Town Attorney David Grogins, five members of the public and two members of the press.

VOTER COMMENTS: Larry Passaro, 10 Flat Swamp Road asked if a ground breaking date had been planned for the Community Center/Senior Center project. There has not been a date set.

ACCEPTANCE OF THE MINUTES: Selectman Rodgers moved to accept the minutes of the 10/02/17 meeting. Selectman Rosenthal seconded. First Selectman Llodra noted on page 2, #2, paragraph 2 in addition to 'The Finance Department handles all invoices', she also said that the First Selectman is the purchasing authority and signs contracts for town owned buildings. (The NHS auditorium is not a Board of Selectmen project despite the First Selectman being signatory on the contract). The following sentence relative to the owner's rep should read 'The error on the part of the owner's representative in the *Community Center project*'. All in favor of the minutes as amended.

COMMUNICATIONS: First Selectman Llodra noted communications continue to come in relative to Leaps of Faith, from all over the country (att.), asking the Board of Selectmen to reconsider use of Bridge End Farm. When the decision was made it was not the intent of the Board of Selectmen to invite ongoing dialogue on the decision. Selectman Rosenthal believes there is misinformation on this topic. The Board of Selectmen offered to help LOF find a permeant solution. First Selectman Llodra reiterated the Bridge End Farm permit was temporary and encouraged LOF to look for alternatives and return to the board in March. Selectmen Rodgers stated he specifically, at that past meeting, mentioned that LOF was not to simply return for a renewal of the Bridge End Farm site without investigating other alternatives.

FINANCE DIRECTORS REPORT: none.

NEW BUSINESS

Discussion and possible action:

1. **Request from Cultural Arts:** This item will be addressed at the meeting of November 6.
2. **Pension/FIA Update:** Ellen Whalen introduced the members of the Pension Committee present: Patrick Burke, Scott Schwartz, Charlie Farfaglia, Sam Broomer as well as an interested candidate, Guy Howard. Devon Francis presented an overall summary of the Pension plan and the OPEB plan (att.). Selectman Rosenthal questioned the equities to bond allocations. Ms. Francis said that the overall allocation and risk profile of the plan is appropriate and in line with what other municipal plans are doing. In terms of any headline risk, Ms. Francis does not think the town is unduly exposed. Mr. Burke said the committee is exploring going into different options in the next couple of months. The committee keeps an eye on where the trends are going. Ms. Whalen said the interest rate assumption is kept in mind; 7% has been the norm, but is gradually moving below 7%.
3. **Conservation Commission request to ban invasive plants:** Ms. Kocet and Mr. Philbrick were present to discuss a recommendation, by the Conservation Commission, that the Town ban the plants on the Connecticut Invasive Plant List on town owned properties (att.). First Selectman Llodra has shared the list with Land Use and Parks & Recreation; those departments follow the state regulation, which prohibits the purchase and planting of invasives in municipally owned property. Any policy language should include that the list is,

from time to time, amended. Ms. Kocet noted some on the list are not banned, but are still invasive. She asked the board to endorse the ban of all plants on the list, which includes invasive, and potentially invasive, plants. First Selectman Llodra will share this with Land Use and Parks and Recreation Department to get feedback on the impact this will have on their work and to draw their attention to the plant species that are not banned but are identified as potentially invasive. Mr. Philbrick said this will stimulate more conversation between the Conservation Commission, Land Use and P&R.

4. **Community Center Director – proposed job description:** First Selectman Llodra shared a draft job description for the Director of the Community Center. Selectman Rodgers and Selectman Rosenthal thought it was well drafted. First Selectman Llodra will work with the Director of Human Resources to determine how to advertise the position and fix a level of wage. Selectman Rosenthal suggested looking at the salaries of a YMCA Director. Ms. Kron stated she had looked at a number of YMCA's; a lot was determined by the size of the facility. By consensus, the board is agreeable to the job description.
5. **Opioid Lawsuit – Waterbury:** First Selectman Llodra informed the board of a lawsuit being brought against Purdue Pharma by the City of Waterbury (att.). There are large efforts in a variety of locations in CT to initiate lawsuits against distributors and manufacturers of opioids. Newtown has been invited to sign on as partners in the Waterbury lawsuit. There is no cost, all legal work is pro bono. Bristol, Bridgeport, New Milford, Naugatuck, Oxford, Wolcott and Roxbury have joined in the Waterbury suit. First Selectman Llodra would like to participate, as it is important to add our voice. There is no cost or liability for the town. Selectmen Rodgers and Rosenthal agreed. First Selectman Llodra will notify Mayor O'Leary.
6. **Appointments/Reappointments/vacancies/openings:** Selectman Rosenthal moved to refer, to the Fairfield Hills Authority, the appointment of Michael Holmes, (D), to fill a vacancy on the Fairfield Hills Authority to expire 07/31/20. Selectman Rodgers seconded. All in favor.
7. **Driveway Bond Release/Extension:** Selectman Rodgers moved the release of a driveway bond for Jayme Staron, Split Rock Road, M12, B2, L86, in the amount of $1,000. Selectmen Rosenthal seconded. All in favor.
8. **Tax Refunds:** Selectman Rosenthal moved the October 2017 Tax Refunds, No. 6 in the amount of $13,638.64. Selectman Rodgers seconded. All in favor.

VOTER COMMENTS: none.

ANNOUNCEMENTS: none.

EXECUTIVE SESSION: Selectman Rodgers moved to enter executive session for the discussion of a lease amendment by the town, the publicity of terms of which could adversely affect the financial interest of the town and invited Town Attorney David Grogins and Atty. Fran Pennarola to attend. Selectman Rosenthal seconded. Executive session was entered into at 8:30pm and returned to regular session at 8:50pm with the following motion:

Selectman Rodgers moved to authorize the First Selectman to sign the Sixth Amendment to the Lease between the Town of Newtown and Newtown Youth Academy, Inc. (att.) and to further direct the attorneys to put into writing all other aspects of the contract. Selectman Rosenthal seconded. All in favor.

ADJOURNMENT: Having no further business the regular Board of Selectmen meeting was adjourned at 8:51p.m.

Susan Marcinek, clerk

Attachments: ltr re: LOP, 10/91/17; FIA Pension/OPEB performance summary, 9/30/17; Conservation Commission recommendation; City of Waterbury vs. Purdue Pharma; Sixth Amendment to Lease

October 9, 2017

The Honorable E. Patricia Llodra
First Selectman Newtown
Newtown Municipal Center
3 Primrose Street
Newtown, CT 06470

Re: LOF Use of Walnut Tree Hill Field

Dear Selectman Llodra:

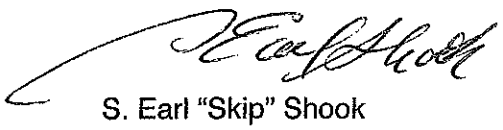
I attended the meeting of the Town Selectmen several weeks ago. The purpose of the meeting was to hear both sides of the Walnut Tree issue. We left the meeting with the understanding that LOF could use the field through September and discussions concerning 2018 would continue over the Winter.

It is my understanding that the Town has revoked the offer for future use and the offer to continue talks over the Winter!!

It is BEYOND ME how a small handful of people (several of whom were faithful volunteers with LOF for many, many years) can destroy one of the PREMIER PROGRAMS for disabled folks of all ages in the UNITED STATES!!! I have been a volunteer since Joel started the program 25 years ago. For all those years THERE WAS NO PROBLEM.....now what has changed??? I have NO CLUE??

I respectfully request that the Selectmen at least agree to continue talks as was said when we left the meeting. I further request that a final decision not be made until all Selectmen visit the site to understand how perfect it is for the skiers. The neighbors cannot even see it, there is never any loud noise and the boats towing the skiers are NO DIFFERENT than anyone else on the Lake towing a water skier!!!

Sincerely,



S. Earl "Skip" Shook
90 South Obtuse Rd.
Brookfield, CT 06804

Town of Newtown

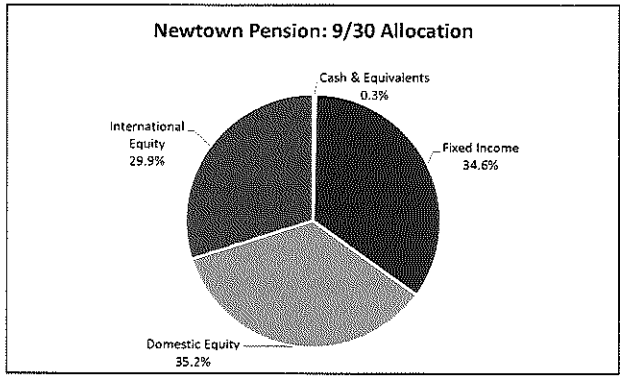
Total Performance Summary & Manager Summary
As of September 30, 2017

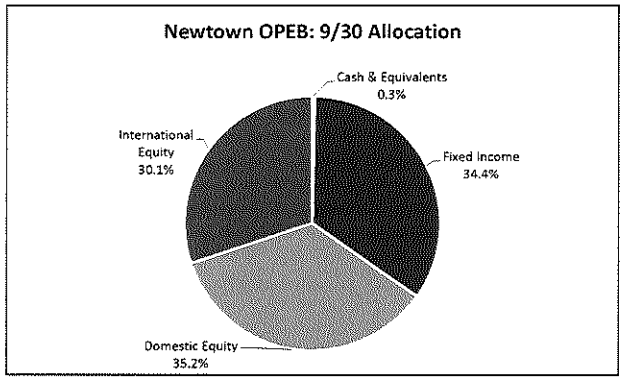
Total Performance Summary	QTR	YTD	1-Year	3-Year	5-Year	10-Year	Since 10/01/1999
Town of Newtown Pension Plan	**3.4%**	**11.2%**	**13.9%**	**6.0%**	**6.5%**	**4.7%**	**6.7%**
Blended Benchmark*	3.4%	10.8%	11.2%	6.9%	8.6%	5.6%	9.9%
Difference	**0.0%**	**0.4%**	**2.7%**	**-0.9%**	**-2.1%**	**-0.9%**	**-3.2%**
	QTR	YTD	1-Year	3-Year	5-Year	10-Year	Since 5/1/2010
Town of Newtown OPEB Plan	**3.5%**	**11.5%**	**13.5%**	**5.9%**	**6.5%**	**N/A**	**5.2%**
Blended Benchmark*	3.4%	10.8%	11.2%	6.9%	8.6%	5.6%	9.9%
Difference	**0.1%**	**0.7%**	**2.3%**	**-1.0%**	**-2.1%**	**N/A**	**-4.7%**

**Blended Benchmark: 35% Bloomberg Barclays U.S. Aggregate Index; 35% Russell 3000 Index; 30% FTSE Developed ex US Spliced Index*

Asset Allocation

Manager	*Pension Plan Asset Allocation ($)*	*Pension Plan Asset Allocation (%)*	*OPEB Plan Asset Allocation ($)*	*OPEB Plan Asset Allocation (%)*	*Long Term Target Allocation (%)*
Total Plan	**42,469,736**	**100.0**	**2,376,718**	**100.0**	**100.0**
Short Term Liquidity	**141,968**	**0.3**	**7,857**	**0.3**	**0.0**
Wells Fargo Government Money Market Fund	141,671	0.3	7,857	0.3	0.0
Wells Fargo Funds Account Cash	296	0.0	-	-	0.0
Fixed Income	**14,675,357**	**34.6**	**818,321**	**34.4**	**35.0**
Wells Fargo Managed Fixed Income Portfolio	11,915,680	28.1	489,698	20.6	0.0
Vanguard Total Bond Index Adm	2,759,678	6.5	328,623	13.8	35.0
Domestic Equity	**14,940,885**	**35.2**	**835,484**	**35.2**	**35.0**
Vanguard 500 Index Adm	10,638,983	25.1	595,438	25.1	25.0
Vanguard Extended Market Index Adm	4,301,902	10.1	240,047	10.1	10.0
International Equity	**12,711,527**	**29.9**	**715,056**	**30.1**	**30.0**
Vanguard Developed Markets Index Adm	12,711,527	29.9	715,056	30.1	30.0





Important Disclosure Information: Past performancemay not be indicative of future results. Account information has been compiled solely by Fiduciary Investment Advisors, LLC, has not been independently verified, and does not reflect the impact of taxes on non-qualified accounts. In preparing this report, Fiduciary Investment Advisors, LLC has relied upon information provided by third party sources. A copy of our current written disclosure statement discussing our advisory services and fees continues to remain available for your review upon request. Historical performance results for investment indices and/or categories have been provided for general comparison purposes only, and generally do not reflect the deduction of transaction and/or custodial charges, the deduction of an investment management fee, nor the impact of taxes, the incurrence of which would have the effect of decreasing historical performance results. It should not be assumed that your account holdings correspond directly to any comparative indices.

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Performance Summary as of 9/30/2017

The pension portfolio produced a return of 3.4% for the third quarter of 2017. The one-year return of the portfolio is 13.9%, the three-year annualized return is 6.0%, the five-year annualized return is 6.5%, and the ten-year annualized return is 4.7%. The OPEB portfolio has produced similar results: 3.5% for the third quarter of 2017, 13.5% on a one-year basis, 5.9% on a three-year annualized basis, and 6.5% on a five-year annualized basis. The OPEB Trust has not been in existence for ten years, and therefore does not have a ten year return history. Both the pension and the OPEB portfolios have outperformed the blended benchmark on a one-year basis, but have underperformed the benchmark on a longer-term basis.

The pension plan ended the quarter with an asset value of approximately $42.5 million, and the OPEB Trust ended the quarter with an asset value of approximately $2.4 million. The long term target allocation of both plans, per the Investment Policy Statement, is 32.5% fixed income, 32.0% domestic equity, 25.5% international equity, 5.0% real estate, 2.5% natural resources, and 2.5% T-Bills/cash equivalents. With the exclusion of the diversifying asset classes, which are not currently being used, the portfolios are generally in line with their target allocation.

Both portfolios are comprised of six underlying investment funds/strategies:

- Wells Fargo Government Money Market Fund *(money market)*
- Wells Fargo Managed Fixed Income Portfolio *(fixed income)*
- Vanguard Total Bond Market Index Fund *(fixed income)*
- Vanguard 500 Index Fund *(large cap domestic equity)*
- Vanguard Extended Market Index Fund *(small/mid cap domestic equity)*
- Vanguard Developed Markets Index Fund *(international equity)*

The Wells Fargo Managed Fixed Income Portfolio is a separately managed fixed income account that is managed by a team of Wells Fargo advisors. The account holds the bonds that were previously purchased by Westport Resources, and the Wells Fargo team is monitoring the bonds. As bonds mature, the assets are being swept into the Vanguard Total Bond Market Index Fund. All of the Vanguard funds within the pension and OPEB Trust portfolios are passive funds, meaning that their sole purpose is to replicate a certain index. As such, these funds provide broad market exposure at a very low cost, but are not designed to generate alpha.

TOWN OF NEWTOWN

CONSERVATION COMMISSION

September 27, 2017

To the Board of Selectmen:

Attached is an invasive plant ban to be considered for your approval. At the Board's meeting of June 20, 2017, you requested the proposal of such a ban by the Conservation Commission as a preliminary step towards the establishment of a native plants policy governing town-owned properties.

The state of Connecticut has defined and banned invasive plants through *Connecticut General Statutes §22a-381a through §22a-381d*. By endorsing this state ban, the Board would be prohibiting the purchase of invasive and potentially invasive plants by town agencies and departments as well as prohibiting the installation of these plants on town property.

Thank you for continuing the dialogue and action concerning this critical issue.

Sincerely,

Holly Kocet
Vice Chair
Conservation Commission

TOWN OF NEWTOWN
CONSERVATION COMMISSION

Town of Newtown Ban on Invasive Plants
As Recommended by the Conservation Commission on 7/25/17

*The Town of Newtown endorses the ban of all plants on the Connecticut Invasive Plant List on town-owned properties. The List includes Invasive and Potentially Invasive Plants as determined by the Connecticut Invasive Plants Council in accordance with Connecticut General Statutes §22a-381a through §22a-381d. All town departments are directed to consult the List before considering any plantings on town-owned land.**

What are invasive plants?

Invasive plants are defined as having:

- a high reproductive rate,
- the ability to establish new plants and grow rapidly under a wide variety of site conditions,
- the ability to disperse wide distances, often by the spreading of vegetative fragments as well as seeds,
- the lack of the natural controls on growth and reproduction that would be found where the invader is native.

Why is a ban on all invasive and potentially invasive plants necessary?

Invasive plants are non-native plants that are disruptive in a way that causes environmental or economic harm, or harm to human health.

In minimally-managed areas, invasive plants crowd out native plants. The presence of invasive plants alters the way plants, animals, soil, and water interact within native ecosystems, often causing harm to other species in addition to the plants that have been crowded out.

Invasive plants deny food and shelter to native insects, pollinators, birds and wildlife which have a symbiotic relationship with native plants developed over centuries.

Invasive, non-native species are considered one of the greatest threats to our environment. The damage they have already caused to natural ecosystems and the economy has cost governments, private land trusts, and landowners billions of dollars each year. Reducing their presence on all town properties is just one step in the larger effort to reversing this very critical and costly problem.

Some nurseries and garden centers in Connecticut continue to sell cultivars of potentially invasive plants. In addition, banned and potentially invasive plants can be purchased from out of state nurseries.

*See attached Connecticut Invasive Plant List, revised November 2014.

This list is updated annually by the CT Invasive Plants Council

CONNECTICUT INVASIVE PLANT LIST November 2014

Connecticut Invasive Plants Council

Ordered by Scientific Name

Statement to accompany list – January 2004: This is a list of species that have been determined by floristic analysis to be invasive or potentially invasive in the state of Connecticut, in accordance with PA 03-136. The Invasive Plants Council will generate a second list recommending restrictions on some of these plants. In developing the second list and particular restrictions, the Council will recognize the need to balance the detrimental effects of invasive plants with the agricultural and horticultural value of some of these plants, while still protecting the state's minimally managed habitats.

In May 2004, Public Act 04-203 restricted a subset of the January 2004 list making it illegal to move, sell, purchase, transplant, cultivate or distribute prohibited plants. Effective July 1, 2009, Public Act 09-52 removed the prohibition on *Pistia stratiotes*.

@ column indicates growth form or habitat: A = Aquatic & Wetland; G = Grass & Grass-like; H = Herbaceous; S = Shrub; T = Tree; V = Woody Vine

Explanation of symbols after Common Name:

(P) indicates Potentially Invasive (all other plants listed are considered Invasive in Connecticut)

* denotes that the species, although shown by scientific evaluation to be invasive, has cultivars that have not been evaluated for invasive characteristics. Further research may determine whether or not individual cultivars are potentially invasive. Cultivars are commercially available selections of a plant species that have been bred or selected for predictable, desirable attributes of horticultural value such as form (dwarf or weeping forms), foliage (variegated or colorful leaves), or flowering attributes (enhanced flower color or size).

"PROHIBITED BY STATUTE?" column indicates prohibited status: Y= prohibited from importation, movement, sale, purchase, transplanting, cultivation and distribution under CT Gen. Stat. §22a-381d; N/A= not prohibited

^ indicates species that are not currently known to be naturalized in Connecticut but would likely become invasive here if they are found to persist in the state without cultivation

The taxonomic names used by the Connecticut Invasive Plants Council on the Invasive Plant List are consistent with the names used by the United States Department of Agriculture PLANTS database, accessible online at www.plants.usda.gov. The Council also maintains a list of scientific name synonyms for reference purposes.

COMMON NAME	@	SCIENTIFIC NAME	SYNONYMS	PROHIBITED BY STATUTE?
Amur maple (P)	T	*Acer ginnala* Maxim.		N/A
Norway maple*	T	*Acer platanoides* L.		N/A
Sycamore maple (P)	T	*Acer pseudoplatanus* L.		Y
Goutweed	H	*Aegopodium podagraria L.*	Bishop's weed	Y
Tree of heaven	T	*Ailanthus altissima* (Mill.) Swingle		Y
Garlic mustard	H	*Alliaria petiolata* (M. Bieb.) Cavara & Grande		Y
False indigo (P)	S	*Amorpha fruticosa* L.		Y
Porcelainberry*	V	*Ampelopsis brevipedunculata* (Maxim.) Trautv.	Amur peppervine	N/A
Mugwort	H	*Artemisia vulgaris* L.	Common wormwood	N/A
Hairy jointgrass (P)	G	*Arthraxon hispidus* (Thunb.) Makino	Small carpgrass	Y
Common kochia (P)	H	*Bassia scoparia* (L.) A.J. Scott	*Kochia scoparia*; Fireweed; Summer cypress	Y
Japanese barberry*	S	*Berberis thunbergii* DC.		N/A
Common barberry	S	*Berberis vulgaris* L.		Y
Drooping brome-grass (P)	G	*Bromus tectorum* L.	Cheatgrass	Y
Flowering rush (P)	A	*Butomus umbellatus* L.		Y
Fanwort	A	*Cabomba caroliniana* A. Gray	Carolina fanwort	Y
Pond water-starwort (P)	A	*Callitriche stagnalis* Scop.		Y
Narrowleaf bittercress	H	*Cardamine impatiens* L.		Y
Japanese sedge^ (P)	G	*Carex kobomugi* Ohwi		Y
Oriental bittersweet	V	*Celastrus orbiculatus* Thunb.	Asiatic bittersweet	Y
Spotted knapweed	H	*Centaurea stoebe* L.	*Centaurea biebersteinii; Centaurea maculosa*	Y
Canada thistle (P)	H	*Cirsium arvense* (L.) Scop.		Y
Black swallow-wort	H	*Cynanchum louiseae* Kartesz & Gandhi	*Cynanchum nigrum*; *Vincetoxicum nigrum*	Y
Pale swallow-wort	H	*Cynanchum rossicum* (Kleo.) Borhidi	*Vincetoxicum rossicum*	Y
Jimsonweed (P)	H	*Datura stramonium* L.		Y
Brazilian water-weed (P)	A	*Egeria densa* Planchon	Anacharis; Egeria	Y
Common water-hyacinth^ (P)	A	*Eichhornia crassipes* (Mart.) Solms		N/A
Russian olive (P)	S	*Elaeagnus angustifolia* L.		Y
Autumn olive	S	*Elaeagnus umbellata* Thunb.		Y
Crested late-summer mint (P)	H	*Elsholtzia ciliata* (Thunb.) Hylander	Elsholtzia	Y
Winged euonymus*	S	*Euonymus alatus* (Thunb.) Sieb.	Burning bush	N/A
Cypress spurge (P)	H	*Euphorbia cyparissias* L.		Y
Leafy spurge	H	*Euphorbia esula* L.		Y
Glossy buckthorn	S	*Frangula alnus* Mill.	*Rhamnus frangula*; European buckthorn	N/A
Slender snake cotton	H	*Froelichia gracilis* (Hook.) Moq.	Cottonweed	Y
Ground ivy (P)	H	*Glechoma hederacea* L.	Gill-over-the-ground; Run-away robin	Y
Reed mannagrass^ (P)	G	*Glyceria maxima* (Hartm.) Holmb.	Tall mannagrass	Y
Giant hogweed (P)	H	*Heracleum mantegazzianum* (Sommier & Levier)		Y

Dame's rocket	H	*Hesperis matronalis* L.		Y
Japanese hops (P)	H	*Humulus japonicus* Sieb. & Zucc.	Japanese hop	Y
Hydrilla	A	*Hydrilla verticillata* (L.f.) Royle	Water thyme	Y
Ornamental jewelweed (P)	H	*Impatiens glandulifera* Royle	Tall impatiens	Y
Yellow iris	A	*Iris pseudacorus* L.	Yellow flag iris; Pale yellow iris	Y
Perennial pepperweed	H	*Lepidium latifolium* L.	Tall pepperwort	Y
Border privet (P)	S	*Ligustrum obtusifolium* Sieb. & Zucc.		Y
California privet (P)	S	*Ligustrum ovalifolium* Hassk.		N/A
European privet (P)	S	*Ligustrum vulgare* L.		N/A
Japanese honeysuckle*	V	*Lonicera japonica* Thunb.		Y
Amur honeysuckle	S	*Lonicera maackii* (Rupr.) Herder		Y
Morrow's honeysuckle	S	*Lonicera morrowii* A. Gray		Y
Tatarian honeysuckle (P)	S	*Lonicera tatarica* L.		Y
Belle honeysuckle	S	*Lonicera x bella* Zabel	Bell's honeysuckle (*misapplied*)	Y
Dwarf honeysuckle^ (P)	S	*Lonicera xylosteum* L.	European fly-honeysuckle	Y
Ragged robin (P)	H	*Lychnis flos-cuculi* L.		Y
Moneywort* (P)	H	*Lysimachia nummularia* L.	Creeping jenny	N/A
Garden loosestrife* (P)	H	*Lysimachia vulgaris* L.	Garden yellow loosestrife	Y
Purple loosestrife	A	*Lythrum salicaria* L.		Y
European waterclover (P)	A	*Marsilea quadrifolia* L.	Water shamrock	Y
Japanese stilt grass	G	*Microstegium vimineum* (Trin.) A. Camus		Y
Eulalia* (P)	G	*Miscanthus sinensis* Andersson	Chinese or Japanese silvergrass	N/A
Forget-me-not	A	*Myosotis scorpioides* L.	True forget-me-not; Water scorpion-grass	Y
Parrotfeather (P)	A	*Myriophyllum aquaticum* (Vell.) Verdc.		Y
Variable-leaf watermilfoil	A	*Myriophyllum heterophyllum* Michx.		Y
Eurasian watermilfoil	A	*Myriophyllum spicatum* L.		Y
Brittle water-nymph (P)	A	*Najas minor* All.	Eutrophic water-nymph	Y
Onerow yellowcress (P)	A	*Nasturtium microphyllum* Boenn. ex. Rchb.	*Rorippa microphylla*	Y
Watercress (P)	A	*Nasturtium officinale* W.T. Aiton	*Rorippa nasturtium-aquaticum*	Y
American water lotus (P)	A	*Nelumbo lutea* Willd.	American water lotus	Y
Yellow floating heart (P)	A	*Nymphoides peltata* (S.G. Gmel.) Kuntze		Y
Scotch thistle (P)	H	*Onopordum acanthium* L.		Y
Star-of-Bethlehem (P)	H	*Ornithogalum umbellatum* L.		N/A
Princess tree (P)	T	*Paulownia tomentosa* (Thunb.) Siebold & Zucc. ex Steud.	Empress-tree	Y
Reed canary grass	G	*Phalaris arundinacea* L.		N/A
Common reed	G	*Phragmites australis* (Cav.) Trin. ex Steud.	Phragmites	Y
Water lettuce^ (P)	A	*Pistia stratiotes* L.		N/A
Canada bluegrass (P)	G	*Poa compressa* L.		Y
Bristled knotweed	H	*Polygonum caespitosum* Blume	*Persicaria longiseta;* Oriental lady's thumb	Y
Japanese knotweed	H	*Polygonum cuspidatum* Siebold & Zucc.	*Fallopia japonica*	Y
Mile-a-minute vine	H	*Polygonum perfoliatum* L.	*Persicaria perfoliata*	Y
Giant knotweed (P)	H	*Polygonum sachalinense* F. Schmidt ex. Maxim.	*Fallopia sachalinense*	Y
White poplar (P)	T	*Populus alba* L.		Y
Crispy-leaved pondweed	A	*Potamogeton crispus* L.	Curly pondweed or Curly-leaved pondweed	Y
Kudzu (P)	V	*Pueraria montana* (Lour.) Merr.	*Pueraria lobata*	Y
Fig buttercup	H	*Ranunculus ficaria* L.	Lesser celandine; *Ficaria verna*	Y
Common buckthorn	S	*Rhamnus cathartica* L.		Y
Black locust*	T	*Robinia pseudoacacia* L.		N/A
Multiflora rose	S	*Rosa multiflora* Thunb.		Y
Rugosa rose* (P)	S	*Rosa rugosa* Thunb.*	Beach, Salt spray, Japanese, or Ramanas Rose	N/A
		**Note: This plant is especially aggressive in coastal areas*		
Wineberry	S	*Rubus phoenicolasius* Maxim.		Y
Sheep sorrel (P)	H	*Rumex acetosella* L.		Y
Giant salvinia^ (P)	A	*Salvinia molesta* Mitchell		Y
Tansy ragwort^ (P)	H	*Senecio jacobaea* L.	Stinking Willie	Y
Cup plant (P)	H	*Silphium perfoliatum* L.		Y
Bittersweet nightshade (P)	H	*Solanum dulcamara* L.	Climbing nightshade	Y
Water chestnut	A	*Trapa natans* L.		Y
Coltsfoot	H	*Tussilago farfara* L.		Y
Garden heliotrope (P)	H	*Valeriana officinalis* L.	Garden Valerian	Y

The Connecticut Agricultural Experiment Station

123 HUNTINGTON STREET, P.O. BOX 1106, NEW HAVEN, CONNECTICUT 06504

Putting Science to Work for Society
Protecting Agriculture, Public Health, and the Environment

Founded 1875

PRESS RELEASE

FOR IMMEDIATE RELEASE
Wednesday, September 27, 2017

MEDIA CONTACTS:

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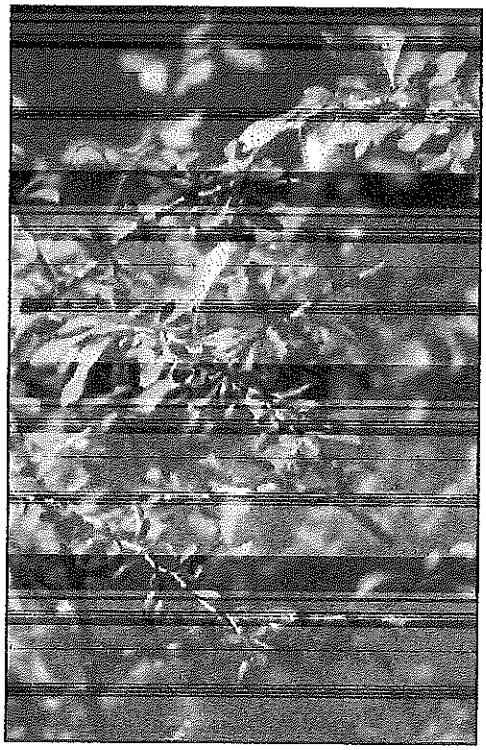
CONNECTICUT AGRICULTURAL EXPERIMENT STATION SCIENTISTS REPORT ON A DECADE'S WORTH OF DATA LINKING INCREASED ABUNDANCES OF BLACKLEGGED TICKS WITH THE INVASIVE SHRUB, JAPANESE BARBERRY.

New Haven, CT – In the most recent issue of the journal *Environmental Entomology*, The Connecticut Agricultural Experiment Station's (CAES) Dr. Scott Williams, Ms. Megan Linske, and Dr. Jeffrey Ward linked increased abundances of blacklegged (aka "deer") ticks (*Ixodes scapularis*) with the invasive shrub Japanese barberry (*Berberis thunbergii*). Japanese barberry was brought to the eastern United States in the late 1800s as a replacement for common barberry (*Berberis vulgaris*) in landscape plantings. Unfortunately, it escaped from cultivation and now grows wild throughout Connecticut's woodlands. Its dense thickets prevent native trees and wildflowers from regenerating and also create a humid environment under which ticks thrive. The CAES research team discovered there are significantly higher abundances of ticks infected with the causal agent of Lyme disease, *Borrelia burgdorferi*, in Japanese barberry-infested forests than in forests without barberry. The team also found that managing barberry can significantly reduce tick abundances for up to 5 years.

The implications of this research are that this invasive plant is altering native Connecticut ecosystems and perpetuating populations of blacklegged ticks which harbor disease agents that can have negative consequences on the health of the Connecticut public. Information on Japanese barberry management can be found at:
http://www.ct.gov/caes/lib/caes/documents/publications/special_bulletins/special_bulletin_feb_2013_ward.pdf

Japanese Barberry

Berberis thunbergii DC.
Barberry family (Berberidaceae)



NATIVE RANGE

Japan

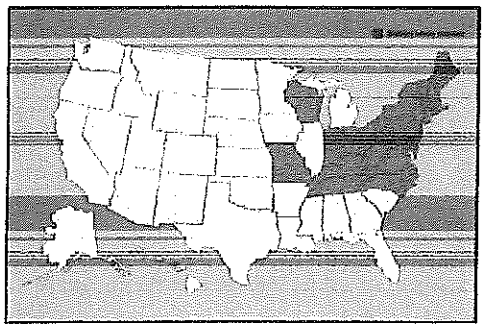
DESCRIPTION

Japanese barberry is a dense, deciduous, spiny shrub that grows 2 to 8 ft. high. The branches are brown, deeply grooved, somewhat zig-zag in form and bear a single very sharp spine at each node. The leaves are small (½ to 1 ½ inches long), oval to spatula-shaped, green, bluish-green, or dark reddish purple. Flowering occurs from mid-April to May in the northeastern U.S. Pale yellow flowers about ¼ in (0.6 cm) across hang in umbrella-shaped clusters of 2-4 flowers each along the length of the stem. The fruits are bright red berries about 1/3 in (1 cm) long that are borne on narrow stalks. They mature during late summer and fall and persist through the winter.

NOTE: Japanese barberry may be confused with American barberry (*Berberis canadensis*), the only native species of barberry in North America, and common or European barberry (*Berberis vulgaris*) which is an introduced, sometimes invasive plant.

ECOLOGICAL THREAT

Japanese barberry forms dense stands in natural habitats including canopy forests, open woodlands, wetlands, pastures, and meadows and alters soil pH, nitrogen levels, and biological activity in the soil. Once established, barberry displaces native plants and reduces wildlife habitat and forage. White-tailed deer apparently avoid browsing barberry, preferring to feed on native plants, giving barberry a competitive advantage. In New Jersey, Japanese barberry has been found to raise soil pH (i.e., make it more basic) and reduce the depth of the litter layer in forests.



DISTRIBUTION IN THE UNITED STATES

Japanese barberry has been reported to be invasive in twenty states and the District of Columbia. Due to its ornamental interest, barberry is still widely propagated and sold by nurseries for landscaping purposes in many parts of the U.S.

HABITAT IN THE UNITED STATES

Barberry is shade tolerant, drought resistant, and adaptable to a variety of open and wooded habitats, wetlands and disturbed areas. It prefers to grow in full sun to part shade but will flower and fruit even in heavy shade.

BACKGROUND

Japanese barberry was introduced to the U.S. and New England as an ornamental plant in 1875 in the form of seeds sent from Russia to the Arnold Arboretum in Boston, Massachusetts. In 1896, barberry shrubs grown from these seeds were planted at the New York Botanic Garden. Japanese barberry was later promoted as a substitute for common barberry (Berberis vulgaris) which was planted by settlers for hedgerows, dye and jam, and later found to be a host for the black stem grain rust. Because Japanese barberry has been cultivated for ornamental purposes for many years, a number of cultivars exist.

Plant Conservation Alliance's Alien Plant Working Group
Weeds Gone Wild: Alien Plant Invaders of Natural Areas
http://www.nps.gov/plants/alien/

BIOLOGY & SPREAD

Japanese barberry spreads by seed and by vegetative expansion. Barberry produces large numbers of seeds which have a high germination rate, estimated as high as 90%. Barberry seed is transported to new locations with the help of birds (e.g., turkey and ruffed grouse) and small mammals which eat it. Birds frequently disperse seed while perched on powerlines or on trees at forest edges. Vegetative spread is through branches touching the ground that can root to form new plants and root fragments remaining in the soil that can sprout to form new plants.

MANAGEMENT OPTIONS

Do not plant Japanese barberry. Because it is a prolific seed-producer with a high germination rate, prevention of seed production should be a management priority. Because barberry can resprout from root fragments remaining in soil, thorough removal of root portions is important. Manual control works well but may need to be combined with chemical in large or persistent infestions.

Biological

No biological control organisms are available for this plant.

Chemical

Treatments using the systemic herbicides glyphosate (e.g., Roundup®) and triclopyr (e.g., Garlon®) have been effective in managing Japanese barberry infestations that are too large for hand pulling. For whole plant treatment, apply a 2% solution of glyphosate mixed with water and a surfactant. This non-selective herbicide should be used with care to avoid impacting non-target native plants. Application early in the season before native vegetation has matured may minimize non-target impacts. However, application in late summer during fruiting may be most effective. Triclopyr or glyphosphate may be used on cut stumps or as a basal bark application in a 25% solution with water, covering the outer 20% of the stump.

Manual

Because Japanese barberry leafs out early, it is easy to identify and begin removal efforts in early spring. Small plants can be pulled by hand, using thick gloves to avoid injury from the spines. The root system is shallow making it easy to pull plants from the ground, and it is important to get the entire root system. The key is to pull when the soil is damp and loose. Young plants can be dug up individually using a hoe or shovel. Hand pulling and using a shovel to remove plants up to about 3 ft high is effective if the root system is loosened up around the primary tap root first before digging out the whole plant.

Mechanical

Mechanical removal using a hoe or Weed Wrench® can be very effective and may pose the least threat to non-target species and the general environment at the site. Tools like the Weed Wrench® are helpful for uprooting larger or older shrubs. Shrubs can also be mowed or cut repeatedly. If time does not allow for complete removal of barberry plants at a site, mowing or cutting in late summer prior to seed production is advisable.

USE PESTICIDES WISELY: Always read the entire pesticide label carefully, follow all mixing and application instructions and wear all recommended personal protective gear and clothing. Contact your state department of agriculture for any additional pesticide use requirements, restrictions or recommendations.

NOTICE: mention of pesticide products on this page does not constitute endorsement of any material.

CONTACTS

For more information on the management of Japanese barberry, please contact:

- Ian Shackleford, Ottawa National Forest, E6248 U.S.2, Ironwood, MI 49938; (906) 932-1330 x508
- Jessica Murray, Ecological Restoration Coordinator, Berkshire Taconic Landscape Program, The Nature Conservancy, PO Box 268, Sheffield, MA 01262; (413) 229-0232 x228; jmurray at tnc.org

SUGGESTED ALTERNATIVE PLANTS

Many attractive native shrubs are available that make great substitutes for Japanese barberry. A few examples include bayberry (*Myrica pensylvanica*), ink-berry (*Ilex glabra*), winterberry (*Ilex verticillata*), arrow-wood (*Viburnum dentatum*), mountain laurel (*Kalmia latifolia*), ninebark (*Physocarpus opulifolius*) and hearts-a-bustin' (*Euonymus americana*). Please check with your state native plant nursery for suggestions for plants appropriate to your area.

Norway Maple

Acer platanoides

Maple Family (Aceraceae)

Invasive Plant Information Sheet

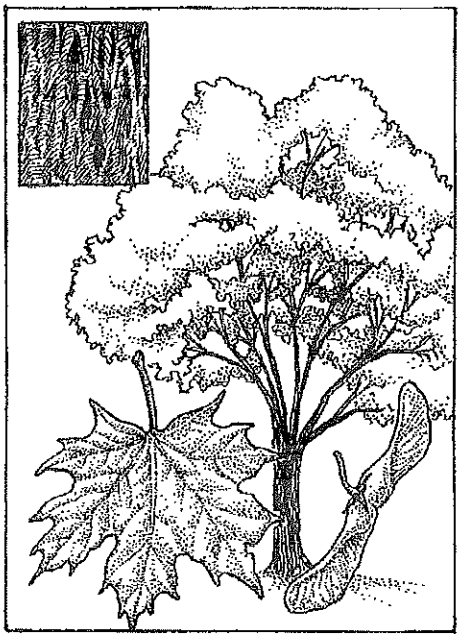


Illustration by R. Farnsworth

Description: Norway maple, a deciduous tree, reaches a height of 40-50 feet, occasionally exceeding 90 feet. The leaves are dark green, simple, opposite, 4"-7" wide with 5 lobes. The mature tree has a rounded crown of dense foliage and the bark is grayish-black and furrowed. Norway maple is distinguished from other maples by the milky fluid that oozes from freshly broken leaf petioles (stems). The tree leafs out and produces seeds earlier than other maples. Its normal fall foliage is pale yellow; however, there is a popular cultivar known as "Crimson King" which has deep reddish purple fall foliage.

Origin: Norway maples are native to Europe, from Norway southward. Populations in the United States have either escaped from cultivation or originated from individual trees used as ornamental specimens.

Habitat: Norway maple is well adapted to various soil extremes, such as sand, clay or acid. It grows in hot and dry conditions, and it can tolerate ozone and sulfur dioxide air pollution. Norway maples are widely planted in the United States and can be found from the northern border with Canada south to the Carolinas (Hardiness Zones 3-7).

Why is it a problem? Individual trees produce large numbers of seeds that are wind dispersed and invade forests and forest edges. The dense canopy formed by Norway maple inhibits the regeneration of sugar maple and other tree seedlings, reducing forest diversity. Also, since Norway maple has shallow roots, it competes with other plants in the landscape, including grasses, and can cause damage to pavement in urban settings.

Management: Norway maple can be controlled by hand removal of seedlings. Larger trees in the natural landscape can be girdled.

Alternatives:

Acer rubrum (Red Maple) has red fall color and is a good wildlife food source.

Acer saccarinum (Silver Maple) is a good wildlife food source, but may be too large for use as a street tree.

Acer saccarum (Sugar Maple) is a good wildlife food source, but is susceptible to road salt damage.

Quercus spp. (Oaks) are an excellent wildlife food source.

Tilia *americana* (Basswood) is a good shade tree.

Written by:
Tim Abbey
CT Agricultural Experiment Station
May 2000

References:

Dreyer, G. Trees and Shrubs for Your Community. Northeast Utilities.

Dirr, M. 1998. Manual of Woody Landscape Plants, 5th ed. (Champaign, IL: Stipes Publishing Co.)

Gleason, H. A. and A. Cronquist. 1991. Manual of Vascular Plants of Northeastern United States and Adjacent Canada. 2nd ed. (Bronx, NY: The New York Botanical Garden) 910 pp.

This fact sheet was produced by the **Connecticut Invasive Plant Working Group**. For more information, visit our website at: www.cipwg.uconn.edu. Printing has been funded in part by the USDA Animal and Plant Health Inspection Service.

USDA

Invasive Plants in Pennsylvania

Privets

(Japanese, Border, Chinese and Common)

Ligustrum japonicum, L. obtusifolium, L. sinense and *L. vulgare*

Photo: Troy Evans, www.bugwood.org

Background:

These four species of privets were originally imported for use in landscaping around 1860. They are still often used in hedges and landscaping.

Range:

The various privets are originally from Japan, China and Europe. They have spread through the eastern United States, from New Hampshire and Michigan in the north to Florida and Texas in the south.

pennsylvania
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
www.dcnrstate.pa.us

Description:

Privets are deciduous or semi-evergreen shrubs that often form dense thickets. They have opposite or whorled stems that are brown to gray with slightly rough bark. Privets produce white flowers from April to June, which are followed by green drupes from July to March. These fruit gradually ripen to a dark purple or black color in the winter. It is often difficult to differentiate between the four privets to the species level, particularly when they are not flowering.

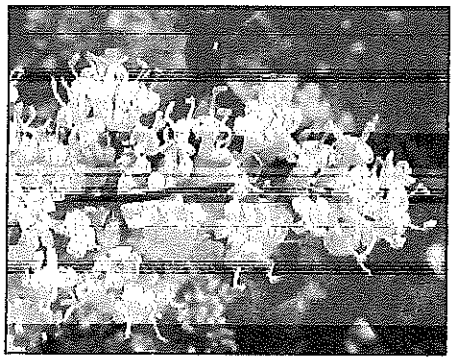


Photo: Rebekah Wallace, U. of Georgia, www.invasive.org

Habitat:

Privets are often found in bottom-land forests, fence-rows, fields and rights-of-way. They seem to prefer disturbed areas with rich soil.

Biology and Spread:

Privets mainly spread to new areas via their seeds. Often-times, these are distributed by birds, which have eaten the fruit. Once introduced to an area, privet can regenerate from root and stump sprouts, making it difficult to eradicate.

Ecological Threat:

Privets can form dense thickets, which reduce light and moisture availability for native shrubs and wild-flowers. This decreases plant diversity and impacts the animals which depend on them for food and shelter.

Photo: Leslie Mehrhoff, U. of Connecticut, www.invasive.org

How to Control this Species:

Once established in an area, privet can be difficult to control or remove.

With smaller populations, hand removal can be used. However, fragments of root that are left behind in the ground can re-sprout.

Larger areas can also be treated with herbicides such as glyphosate. Herbicide can be applied to the leaves, or painted on cut stems or stumps. Once the herbicide is applied, disturbances to the privet should be avoided for approximately one year, in order for the herbicide to travel through the privet's root systems.

No biological controls are currently known for privet. Studies show that controlled burning does not appear to have a lasting effect on privet populations, so it is not recommended as a control option.

Look-A-Likes:

There are a large variety of shrub-sized, berry-producing, deciduous alternatives to privets for landscaping purposes. These include species such as spicebush (*Lindera benzoin*), dogwoods (*Cornus* spp.) and chokeberry (*Aronia* spp.). These species will all provide food and cover for wildlife.

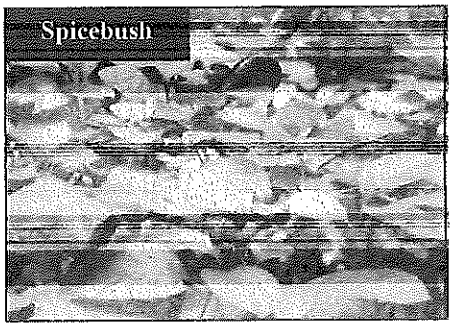


Photo: Jessica Sprajcar, DCNR

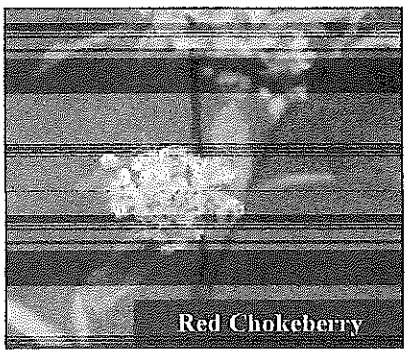


Photo: Chris Vans, River to River CWMA, www.forestryimages.org

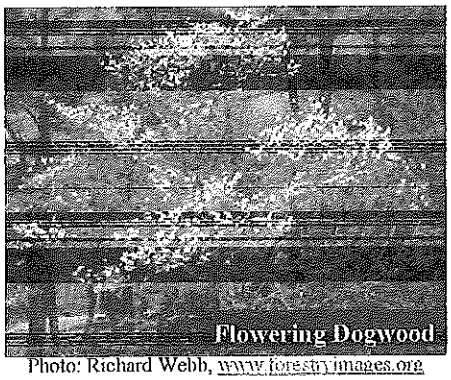


Photo: Richard Webb, www.forestryimages.org

References:

USDA Plant Guide:
http://plants.usda.gov/plantguide/pdf/pg_lisi.pdf

University of Connecticut Plant Database:
http://www.hort.uconn.edu/plants/index.htm

Center for Invasive Species and Ecosystem Health: www.invasive.org

For More Information:

Plant Invaders of Mid-Atlantic Natural Areas, National Park Service:
http://www.nps.gov/plants/alien/pubs/midatlantic/midatlantic.pdf

Invasive Plants Field and Reference Guide, U.S. Forest Service:
http://na.fs.fed.us/pubs/misc/ip/ip_field_guide.pdf

City of Waterbury
v.
Purdue Pharma L.P., et al.

Paul J. Hanly, Jr.
Simmons Hanly Conroy
August 31, 2017

Opioid Addiction in Modern America

- Past: Taking on Oxycontin/Purdue Fraudulent Marketing on behalf of Individuals
- Present: Taking on the Opioid Industry's False and Fraudulent Marketing on behalf of Communities

First National Opioid Lawsuits

- Simmons Hanly Conroy invented opioid litigation, having filed the first OxyContin lawsuits against Purdue Pharma and Abbott Laboratories in 2003, alleging patients' addictions to opioid OxyContin was a result of the drug companies' fraudulent marketing campaign.
- 5,000 individuals were represented in the litigation, which settled in 2006 for a very substantial sum.
- Around the same time SHC enabled the US DOJ to prosecute Purdue.

10 years later: Opioid Epidemic

- In the past ten years since the first Opioid lawsuit was settled, the national addiction to opioids has continued to grow and has been characterized as an "Opioid Epidemic" by public health agencies.
- The National Institutes of Health identified drug companies' "**aggressive marketing**" as a major contributor to the nation's opioid abuse problem.
- In 2014, opioid addiction accounted for the main driver of overdose deaths in the country. There have been 18,893 overdose deaths related to prescription pain relievers and 10,574 overdose deaths related to heroin. (American Society of Addiction Medicine)

Community Opioid Litigation

- In August 2016, SHC filed a lawsuit on behalf of Suffolk County, NY, against the manufacturers of opioids seeking to hold them accountable for their role in this epidemic and its resulting significant costs on the county.
- Pleading the Epidemic
  - Who built the epidemic?
  - How did they build the epidemic?
  - Who did the epidemic harm?
  - How was the community harmed?

Who Built the Epidemic?

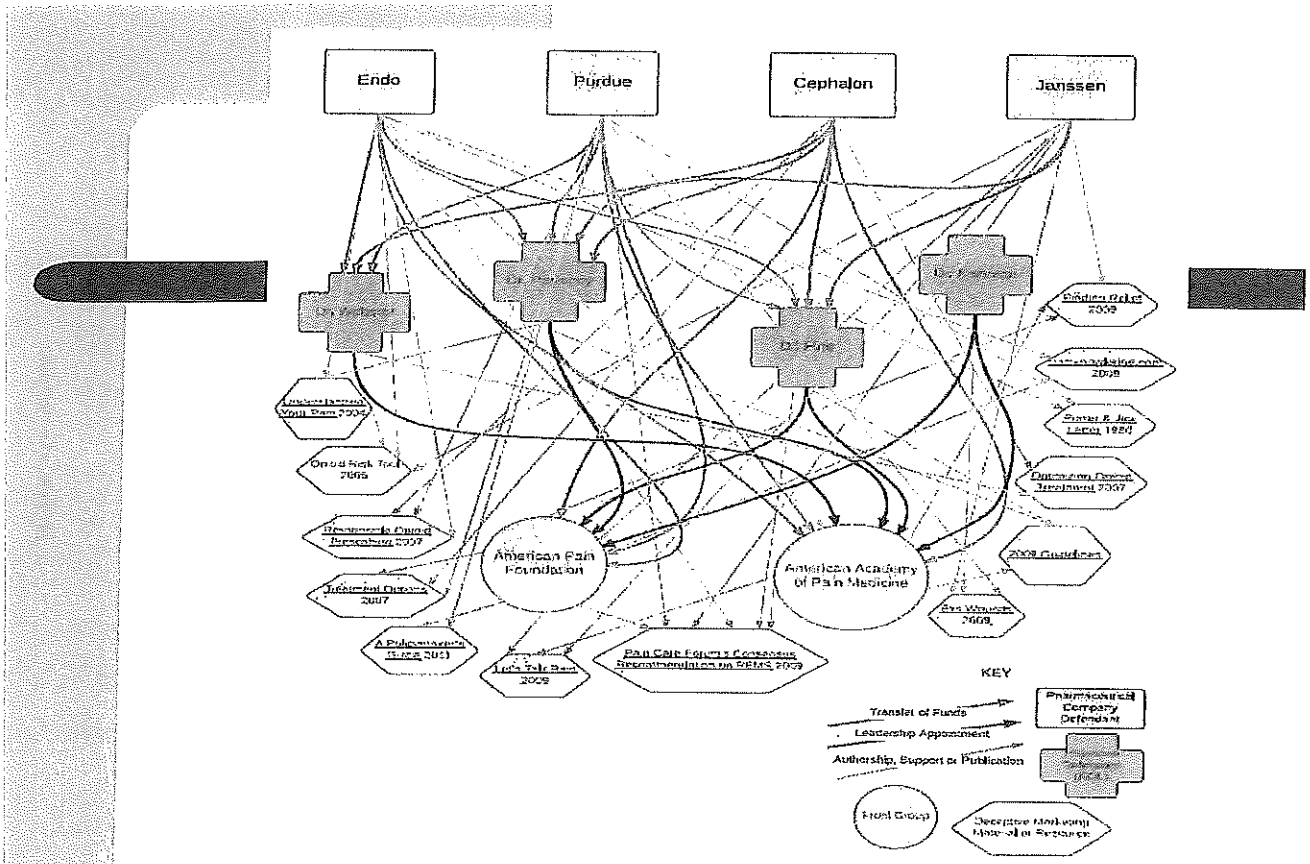
- Purdue Pharma Entities (including The Purdue Frederick Co., Inc. of New York State)
- Teva Pharmaceuticals USA, Inc.
- Cephalon, Inc.
- Johnson & Johnson
- Janssen Pharmaceuticals Entities
- Endo Pharmaceuticals Entities
- KOL (Key Opinion Leaders) – 4 Physician Defendants

How did these Defendants build the Epidemic?

- Front Group Messaging
  - Created Front Groups, such as APF and AAPM
    - "the risks of addiction are…small and can be managed."
- Physician Messaging
  - Targeted "new" practice areas, such as Dentistry and Sports Medicine
    - Dispelled studies indicating addiction was occurring
- Unbranded Ad Messaging
  - Such as "Long experience with opioids shows that people who are not predisposed to addiction are very unlikely to become addicted to opioid pain medications."

Theories of Liability

- Deceptive Acts and Practices
- False Advertising
- Public Nuisance
- Violation of Social Services Law
- Fraud
- Unjust Enrichment


Endo
Purdue
Cephalon
Janssen
American Pain Foundation
American Academy of Pain Medicine
Pain Care Forum's Consensus Recommendations on REMS 2009
KEY
Transfer of Funds
Leadership Appointment
Authorship, Support or Publication
Pharmaceutical Company Defendant
Front Group

Economic Burden of Opioid Epidemic Overall

Annual estimated economic burden of prescription of opioid abuse in the US:

$78.4 billion

Average distribution:

Lost productivity: $42 billion

Health Insurance: $26.1 billion

Criminal Justice: $7.6 billion

Substance Abuse Treatment: $2.8 billion

Nat'l Center for Injury Prevention and Control, Centers for Disease Control and Prevention

Some Impacted Municipal Departments and Details

- Health care costs examples
  - Employee Medical Health Plan Costs (costs of opioids, opioid therapy, addiction treatment)
  - Workers Compensation Program (costs of opioids, opioid therapy, addiction treatment)
- Public Health costs examples
  - Intake and Costs at Addiction Treatment Centers

(cont.)

Some Impacted Municipal Departments and Details (cont.)

- Criminal justice and victimization costs examples
  - Costs associated with opioid-related arrests, probations, and detentions
  - Increased court costs for opioid-related offenses
- Emergency Response costs such as Naloxone administration
- Medical Examiner's Office

Current Status of the Suffolk County Case – Opposition Papers

- Motion Practice
  - Joint Motion to Dismiss, Stay (2 total)
  - Corporate and Individual Defendants' Motions to Dismiss (7 total)
  - Joint Motion to Preclude Payment to SHC
- Coordination
- Other Considerations
  - Interlocutory Appeal
  - Time to Resolution

City of Waterbury
v.
Purdue Pharma L.P., et al.

James Hartley
Drubner, Hartley & Hellman
August 31, 2017

Connecticut Cities & Towns Have Been Particularly Hard Hit by the Epidemic

- 917 people died in CT from a drug overdose in 2016 alone
- Between 2012 and 2015, CT rose from ranking 50th in the nation in overdose deaths to 12th place
- On average, two people die everyday in CT from an accidental drug overdose; higher than the rate of automobile deaths
- Opioid-related ER visits and hospital stays are up significantly
- These tragic statistics are the end result of increased opioid sales by opioid manufacturers

The Experience in Waterbury is Typical of Many Other CT Cities & Towns

- 28 fatal drug overdoses in 2016; 32 deaths already in 2017
- Narcan administered by the City over 200 times in 2016
- Exorbitant opioid prescription costs to the City
- Exorbitant opioid addiction treatment costs to the City
- Increased drug-related crime in the City
- Adverse impact being felt throughout the Waterbury community

Questions?

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Alton, Illinois
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SIXTH AMENDMENT TO LEASE

AGREEMENT made as of the _____ day of _____, 2017, by and between **TOWN OF NEWTOWN**, a municipal corporation located in the County of Fairfield, State of Connecticut, hereinafter referred to as "LANDLORD", and **NEWTOWN YOUTH ACADEMY, INC.**, a Connecticut non-stock corporation, located in the County of Fairfield, State of Connecticut, hereinafter referred to as "TENANT".

WITNESSETH:

WHEREAS, the parties entered into an Agreement of Lease, dated September 28, 2007, as amended by Amendment to Lease dated June 26, 2008, as further amended by a Second Amendment to Lease dated December 5, 2008, as further amended by a Third Amendment to Lease dated November 23, 2009, as by a Fourth Amendment to Lease made as of February 22, 2010, and as further amended by a Fifth Amendment to Lease made as of March 24, 2011 for the lease of a certain piece or parcel of land (described in Exhibit A of the Lease) on the Fairfield Hills Campus situate in the Town of Newtown, County of Fairfield, State of Connecticut.

WHEREAS, the parties have negotiated certain modifications to the Lease to provide for mutual accommodations as to use and clarity as to the basis of NYA's discharge of its lease fee obligations.

NOW, THEREFORE, in consideration of the agreements contained herein, and for one dollar ($1.00) and other valuable consideration, it is hereby agreed that the Lease is amended as follows:

1. By deleting the text of Article 1B in its entirely, and substituting the following therefore:

Section 1B1. Tenant shall pay reasonable common charges as may be assessed by landlord for services provided to Tenant which benefit the Tenant, including snow removal and clean up of the Shared Parking, as called for in Section 1A.3 above, parking lot lighting and lawn care. Tenant shall pay common charges calculated at $.42 per square foot for the first 25,000 square feet and $.15 per square foot for the remaining 62,500 square feet, for a total of $19, 375, payable in quarterly installments of $4,843.75.

1. By deleting the text of ARTICLE 3, in its entirety, and substituting the following therefore:

Section 3.1 In consideration of the possession, continued use and occupancy of the Leased Premises, Tenant shall provide to the Town a lease fee ("Lease Fee") of $1,200,000, payable as follows: $600,000 in the form of a credit to Tenant for Tenant's demolition of Bridgewater Hall and the removal of all demolition materials, including but not limited to asbestos and lead paint, and the balance of which shall be paid in the form of reduced use fees

having a present value, over the life of the Lease of $600,000, and $543,000 as of September, 2017 payable at the rate of $27,500 per year, provided as follows:

(a) The Town shall receive a discount of $25 per court hour off of NYA's Standard Advertised Rates for 1,100 hours.

(b) The "Standard Advertised Rates" are the rates set by NYA for all users and may vary as of September 1 of each Lease Year. Any change in the rates will be disclosed at or before the April meeting provided for in ARTICLE 6.1(b).

(c) The current Standard Advertised Rates are as follows:

1. Single basketball court - $85 per hour.

2. Full use of the turf field - $350 per hour in prime season, $250 in off season.

3. Use of front portion of the turf field - $225 per hour, use of the back portion is $150

(d) The Town's discounts for usage vary with the portion of the facility used. For a basketball court, the discount shall be $25 per hour. For full turf usage, the discount shall be $50 per hour and for half turf usage, $25 per hour.

(e) The Town shall be obligated to use 1,100 hours at the discounted rates set forth above.

(f) In determining the hours use by the Town of Newtown Parks and Recreation Department, the measuring period will be November 1 to October 31.

The parties further agree that the Lease, as herein modified, shall continue in full force and effect.

(signature lines appear on the following page)

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

TOWN OF NEWTOWN

_____

By: _____
E. Patricia Llodra
Its First Selectman
Duly Authorized

_____

NEWTOWN YOUTH ACADEMY

_____

By: _____
Salvatore D'Amico
It's President
Duly Authorized