

THE FOLLOWING MINTUES RE SUBJECT TO APPROVAL BY THE BOARD OF SELECTMEN

The Board of Selectmen held a regular meeting Tuesday, February 20, 2024. The meeting was held in the Council Chambers at the Newtown Municipal Center. First Selectman Capeci called the meeting to order at 7:32 p.m. and opened the meeting with salute to the flag.

PRESENT: First Selectman A. Jeffrey Capeci, Selectman Michelle Embree Ku and Selectman Dan Cruson

ALSO PRESENT: Finance Director Robert Tait, Board of Fire Commissioner members Tim Whelan and Dave Ober, Newtown Community Center Director Matthew Ariniello, Board of Finance member Barney Molloy and one member of the press (7:56pm).

VOTER COMMENTS: none

COMMUNICATIONS: The Finance Director interviews have been held. Four candidates have been screened down to two candidates. One final interview was held today; another will be held on Thursday. Once a decision has been made the Board of Selectmen will hold a special meeting on Feb. 26 so that the Board of Finance can consider the candidate on Feb. 27 and the Legislative Council on Feb. 28. The budget is at the Board of Finance. Police union negotiations began and will likely go through March. The Town is being sued due to a Fair Rent case. The First Selectman has encouraged CTR to resubmit the proposal; chances are better the LC will pass it. The EDC meeting is in executive session to discuss a proposal for 6 Commerce and the plans that are owned by the developer. It then goes to BOS, BOF and LC to approve the concept. It would have to go through Land Use and Building approval. First Selectman Capeci will get answers for Selectman Embree Ku's questions relative to the EDC and include communications received via the Selectmen page (att.). Selectman Embree Ku wants to be sure we are adhering to statutory requirements. Selectman Embree Ku asked if the Board of Education Business Director will be involved in the search for a Finance Director. First Selectman Capeci will ask the Business Director if she would like to sit in, however there is only one more interview left to conduct.

ADD TO THE AGENDA: Selectman Cruson moved to add for discussion and possible action on the American Rescue Plan Ad Hoc Committee to the agenda at the end of New Business. Selectman Embree Ku seconded. The motion unanimously passed.

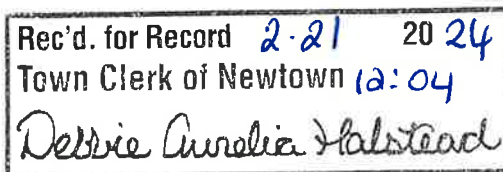
ACCEPTANCE OF THE MINUTES: Selectman Cruson moved to accept the regular meeting minutes of February 5, 2024. Selectman Embree Ku seconded. The motion unanimously passed.

FINANCE DIRECTORS REPORT: The rating agency call is on February 22, 2024 at 2:30pm. Mr. Tait went over some questions that will be discussed in the call. March 5 the rating is announced. The bond sale will be March 19 to be settled on April 2.

NEW BUSINESS:

Discussion and possible action:

- 1. Transfer:** Selectman Cruson moved to approve the \$40,000 transfer from Contingency to Repair & Maintenance (Fire) for the removal of class B firefighting foam as well as major fire pump and engine repairs. (att.). Selectman Embree Ku seconded. Tim Whalen and Dave Ober were present to answer any questions. There are three trucks in the CIP. Selectman Embree Ku asked if it be appropriate to use ARP funds of \$13K for mandated remediation. The ARP funds were split between five departments and the departments have been spending the funds down. Mr. Tait stated if funds are reimbursed it will go back into the budget by a reversal of the transfer. Reimbursement will not take place until all the work is complete and paid for. The motion unanimously passed.



2. **Resolution:** Selectman Cruson moved to approve the resolution providing for an appropriation totaling \$250,000 to be used for: an outdoor playscape at the Newtown Community Center as approved in the 2024-25 Capital Improvement Plan. To be funded from the Newtown Community special revenue fund. Selectman Embree Ku seconded. 26. Matt Ariniello is hoping to break ground in May. If the snow melts some site work can begin sooner. The motion unanimously passed.
3. **Resolution:** Selectman Cruson moved to approve the resolution providing for an appropriation totaling \$500,000 to be used for: a new auxiliary pool HVAC system as approved in the 2024-25 Capital Improvement Plan. To be funded from the Capital & Non-Recurring fund in the amount of \$250,000 and the Newtown Community Center special revenue fund in the amount of \$250,000. Selectman Embree Ku seconded. The motion unanimously passed.
4. **American Rescue Plan Ad Hoc Committee:** Selectman Cruson moved to recreate the American Rescue Plan Ad Hoc Committee to be comprised of three members of the Legislative Council, two members of the Board of Finance and one member of the Board of Selectmen, with the First Selectman additionally serving in an ex officio capacity. Further the purpose of the Ad Hoc ARPA committee is to conduct needs assessments to make recommendations to the Board of Selectman on potential uses for remaining unappropriated ARPA funds. Additionally, any appropriated funds that have not been encumbered by October 1, 2024 will be evaluated and a recommendation regarding their use made to the Board of Selectmen. Selectman Embree Ku seconded. The motion unanimously passed. Selectman Cruson moved to appoint Michelle Embree Ku, Derek Pisani, John Zachos, John Fletcher, Steve Goodridge and Eric Paradis to the American Rescue Plan Ad Hoc Committee. Selectman Embree Ku seconded. The motion unanimously approved.

RECURRING BUSINESS:

Discussion and possible action:

1. **Appointments/Reappointments/Vacancies/Opening:** Selectman Cruson moved the appointments as outline in the document dated February 20, 2024 be made for the boards and commissions as listed (att.). Selectman Embree Ku seconded. All in favor.
2. **Driveway Bond Release/Extension:** none.
3. **Tax Refunds:** none.

VOTER COMMENTS: none.

ANNOUNCEMENTS: none.

ADJOURNMENT: Having no further business the regular Board of Selectmen meeting was adjourned at 8:04p.m.

Att.: Michelle Embree Ku email, Feb. 19, 2024; Dave Ackert email dated Feb. 21, 2024; \$40K transfer; Appointments/Reappointments, Feb. 20, 2024

Respectfully submitted,
Susan Marcinek, clerk



Susan Marcinek <susan.marcinek@newtown-ct.gov>

Town Property Disposition

Michelle Embree Ku <michelleku.newtown@gmail.com>

Mon, Feb 19, 2024 at 11:20 AM

To: Jeff Capeci <jeff.capeci@newtown-ct.gov>, Dan Cruson <dancruson.newtown@gmail.com>

Cc: Susan Marcinek <susan.marcinek@newtown-ct.gov>

Jeff and Dan,

In the past week, we have had several questions regarding the disposition of the property at 6 Commerce Rd. The town is also considering the sale of 3 Main Street, and there are ongoing considerations for Fairfield Hills property. The most recent questions prompted me to look more closely at the process for property disposition, and I found that I need clarification.

Given that we have many new people on the boards, I think it is worth clarifying the processes for sale or lease of 6 Commerce Rd., 3 Main St., and Fairfield Hills properties so that when the time comes for BOS or LC involvement, everyone, including the public, is comfortable with how we got to that point.

Can we obtain answers for the following (involving legal counsel as appropriate):

1. Has the Economic Development Commission been granted authority as a "development agency" (as defined by CGS Sec. 8-188) for 6 Commerce Rd.? If so, when/how was that authority granted?
2. Is the EDC a "development agency" for 3 Main Street? If so, when/how was that authority derived?
3. The Fairfield Hills Authority was established by ordinance as a municipal development agency (Chapter 10, Article V). Is an ordinance required for a development agency's authority to carry over from one election cycle to the next?
4. Are there any other currently owned town properties for which the EDC has been granted authority as a development agency?
5. Is there a limit to how long a "development agency" has authority, and are there statutory requirements that must be fulfilled for a "development agency" to maintain its status?
6. If a town body is designated as a development agency for a town a property, do the Charter requirements for disposition of property (Chapter 8) still apply?
7. The Charter (8-10(e)) indicates specific requirements for the disposition of property which include a referendum for property having an appraised value of \$1.5M or more. Is 6 Commerce Rd, 3 Main St, or any Fairfield Hills property constrained by that requirement?
8. If so, should a local referendum question be considered for inclusion on the 2024 primary ballot or on the November election ballot?

I hope that by asking these questions now, it will pave the way for a smooth(er) process for future plans.

Thank you,

Michelle



Susan Marcinek <susan.marcinek@newtown-ct.gov>

Fwd: Roles & Responsibilities Related to Development of 6 Commerce Rd.

Jeff Capeci <jeff.capeci@newtown-ct.gov>

Wed, Feb 21, 2024 at 11:06 AM

To: Susan Marcinek <susan.marcinek@newtown-ct.gov>

----- Forwarded message -----

From: **Dave Ackert** <dave@daveackert.com>

Date: Tue, Feb 20, 2024 at 11:22 AM

Subject: Roles & Responsibilities Related to Development of 6 Commerce Rd.

To: Michelle Embree Ku <michelleku.newtown@gmail.com>, Jeff Capeci <jeff.capeci@newtown-ct.gov>, <dan@crusonfornewtown.com>

Dear BOS,

There are so many uncertainties about the First Selectman's role, and the EDC's role as a 'development agency', when it comes to 6 Commerce Rd., and why after trying unsuccessfully to develop the property over the past 18 years, the effort continues today. One thing is certain though - the same community sentiment and opposition to the idea have not changed. In fact, despite never holding a public hearing in accordance with State and local law to find out what those you serve actually want, or do not want with regard to our property, the community continues to speak and is more united in its resolve and opposition than ever before. You need not look any further than at the updated POCD draft presented last week to P&Z. As you know, this is the document that is supposed to guide town decisions, and the focus on developing 6 Commerce Rd. flies in its face. Relevant sections are attached to this email for your review. I hope you'll all let these important details sink in before making any decision to plow forward with any development at 6 Commerce Rd.

Thank you,
Dave

Dave Ackert

6 Cider Mill Rd.

Sandy Hook, CT 06482

 **2024 POCD.pdf**
1072K

Town of Newtown

Plan of Conservation and Development



Planning & Zoning Commission Meeting

February 15, 2024

BTJ Planning

Emergent Themes

1. **Quality of Parks and Open Spaces:** Residents appreciate the town's natural amenities, indicating a strong connection to local parks and open spaces.
2. **Affordability and Cost of Living:** Challenges related to the affordability of living in Newtown, including taxes and housing costs, are significant concerns.
3. **Transportation and Traffic Issues:** Traffic congestion and the need for improvements in transportation infrastructure are major concerns.
4. **Environmental Conservation:** There's a strong consensus on the importance of protecting open spaces and addressing environmental issues such as loss of vegetation and insufficient protection of natural resources.
5. **Economic Development:** Supporting local entrepreneurship and the development of key areas like Fairfield Hills are seen as crucial for economic growth.

Emergent Themes

6. **Housing Diversity and Availability:** The survey reveals a demand for more diverse housing options, including affordable and senior housing, to meet the community's needs.
7. **Community Services and Facilities:** The majority of respondents feel that current community services and facilities meet their needs, but there are calls for enhancements in certain areas.
8. **Public Safety:** A high level of agreement exists on the perception of safety within the town.
9. **Education and Schools:** While not detailed in the initial summary, schools often emerge as a priority in community surveys, linked to quality of life and future planning.
10. **Sustainability Initiatives:** Interest in sustainability, including the promotion of green building standards and renewable energy use, reflects a forward-looking

Draft Vision Statement

2014: The goal of the Town of Newtown is to protect and enhance its picturesque, rural, historic New England setting and attributes. The architecture and landscaping of all types of properties will be designed to protect the image of a rural and historic town. Over the next ten years various town agencies will work in concert to maintain a suitable variety of homes for its citizens taking into account varying lifestyles and economic capabilities while providing and developing equal recreational activities and facilities for all age groups. We will work together as a town to promote and protect open space, farmland and trails throughout the town always maintaining an environmentally active position protecting our aquifers, wetlands and other ecologically sensitive areas. Education for Newtown's children will continue to excel in quality and efficiency. Newtown will succeed in attracting commercial businesses at a rate equal to its growth and the design of the town's roads and traffic patterns will enhance business development while minimizing traffic congestion for the residents. Fairfield Hills will evolve to a vibrant area that provides facilities to serve municipal government, recreational activities, community and cultural arts, and commercial activities while still maintaining open space.

Proposed: Newtown is committed to promoting environmental conservation, sustainable developed development, and community connectivity; this future includes interconnected trails and open spaces, strengthened safeguards for natural habitats and resources, upgraded transportation networks to enhance safety and reduce congestion, the provision of diverse housing options, and the development of community hubs like Fairfield Hills; the Town will foster economic growth through thoughtful redevelopment of existing areas while maintaining its historic charm and ecological integrity.

Draft POCD Goals: Natural Resources

Existing (2014) Goals:

- Continue to preserve and protect Inland Wetlands and Watercourses from potential sources of contamination or development.
- Achieve and protect high water quality classifications throughout Newtown.
- Regulate development and storm water management activities within flood hazard areas to protect life and property and to preserve the natural storm retention functions of the watershed.
- Protect prime agricultural land resources and promote agricultural uses.
- Conserve and protect natural systems and their functions in order to maintain indigenous wildlife and plant life.

Proposed Goals:

- Continue to preserve and protect Inland Wetlands and Watercourses from potential sources of contamination or development.
- Regulate development and storm water management activities within flood hazard areas to protect life and property and to preserve the natural storm retention functions of the watershed.
- Protect aquifers and safeguard high water drinking quality.
- Explore strategies to expand and accelerate renewable energy opportunities in Newtown.
- Improve power grid reliability.

Draft POCD Goals: Economic Development

Existing (2014) Goals:

- Grow Newtown's commercial property tax base at a rate at least equal to the Town's growth in its residential tax base.
- Increase the inventory of viable economic development sites.
- Prioritize the clean-up and re-use of Newtown's brownfield sites.
- Facilitate the maintenance and development of agricultural businesses in scale with Newtown.

Proposed Goals:

- Prioritize redevelopment of vacant, urbanized sites.
- Expand opportunity for economic activity at Fairfield Hills.
- Consider strategies to support existing businesses and attract new commercial activity in Newtown.

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

ANY AMOUNT FROM CONTINGENCY>>>> ALL SIGN OFF

To Robert Tait,

The Board of Fire Commissioners is requesting funds to cover the cost of removing class B firefighting foam. Class B foam is primarily used to extinguish flammable liquids and petroleum fires (vehicle fires). CT-DEEP (Department of Energy and Environmental Protection) has outlawed the use of class B foam because of health and environmental issues which have required the Town of Newtown and the Board of Fire Commissioners to take action to comply with this state mandate.

The Town of Newtown has three fire trucks that carry this firefighting foam that was identified as having banned additives (PSAF). The State of CT has produced a compliant procedure to rid the Town Fire Departments of this foam and has put in place a procedure to reimburse for the work performed. The reimbursement is on a first come first served basis and therefore needs to be initiated soon. Three in-state companies were quoted for the work required including proper disposal as required by DEEP procedures. An amount of **\$13,066.70** was lowest quoted to do the work.

The Board of Fire Commissioners will initiate this process and has funds to temporarily cover the cost from its own budget. Not knowing the timeline of the State of CT for reimbursement this money will need to be replenished so we can continue to pay expenses for the remainder of the 2023-2024 budget.

The Board of Fire Commissioners is also requesting additional funds to be added to the truck repair line item to cover unexpected costly repairs. We have had several major repairs this year. The BOFC truck repair line item is designed for annual inspections and maintenance not major fire pump and engine repairs. Because of these additional repairs we have a deficit in this account. The amount of **\$25,000.00** is being requested to cover an expected deficit of \$12,000 by the end of this month with additional funds to hopefully take this account to the end of the budget year. In total we are requesting \$38,066.70

Tim Whelan
2/13/2024

BOARD OF SELECTMEN – February 20, 2024

APPOINTMENT

Commission on Aging, Alt.

(D) Jack Kitterman, 22 Sherman St., S.H. to fill a vacancy to expire 1/6/25

Board of Ethics, Alt.

(D) Brian Roche, 15 Sunset Hill Rd. 1/6/24 -1/6/28

Bike & Trail

(D) Frank Pitrone, 10 Tanglewood La., S.H. no term