

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

The Board of Selectmen held a regular meeting Monday, May 6, 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 Glenys Salas, Pension Chair Ellen Whalen and one member of the public.

VOTER COMMENTS: none.

COMMUNICATIONS: First Selectman Capeci reported there have been many emails claiming a charter violation surrounding 6 Commerce. That is not the opinion of Town Attorney; there is nothing that prohibits the First Selectman from having informal meetings relative to the sale of property. The Board of Selectmen and the Legislative Council decide whether to sell a property based on the requirement of chapter eight of the Charter. Selectman Cruson asked that an item relative to this topic be added, for discussion to a BOS agenda. Selectman Embree Ku agrees it is hard to respond to emails without being sure of the process on the disposition of property. The Armed Forces Day luncheon is on May 17 at the Aqua Turf.

ACCEPTANCE OF THE MINUTES: Selectman Cruson moved to accept the regular meeting minutes of April 15 2024. Selectman Embree Ku seconded. Selectman Cruson noted the following amendment: The dispatch contract date is July 1, 2024 – June 30, 2028. The motion as amended unanimously passed.

FINANCE DIRECTORS REPORT: The Legislative Council amended the BOE budget, referendum is May 14th. Finance is importing budget date for FY2025 and closely following updates on the school budget. The Finance Department is working with the First Selectman and Human Resources to ensure a smooth transition of ADP Payroll. A 5-year price block will keep prices stable in the short term. Ms. Salas negotiated a free upgrade of the Town's capital planning software from Access database to a browser based tool. This will enhance the reporting capabilities for the CIP in the coming budget cycle. The Town auditors are here this week. Ms. Salas and First Selectman Capeci are meeting with department heads to review their budgets. Controllers are being interviewed for the Finance Department; qualified candidates may apply. Fringe benefits will be consolidated into a single expense line. The Town is self-funded on health insurance and pension benefits; consolidation of costs more closely mirrors the actual nature of the cost. Consolidating fringe benefits will improve transparency about the size and pressure of this cost center on the overall Town budget and will simplify budget reporting, readability of the Town budget and simplify the general ledger. Implementation will require a transfer amendment for the FY2025 budget.

NEW BUSINESS

Discussion and possible action:

1. **Transfer:** Selectman Cruson moved to transfer \$10,000: \$9,230 from Contingency and \$770 from Other Employee Benefits to Profession Services – Official. Selectman Embree Ku seconded. In 2022 the Town signed a contract with Fiducient for annual review of the defined contribution plans that was not captured in the budget process. This transfer will cover a Dec. 2023 invoice. Funds will need to be appropriated in 2025; it will formally be part of the budget in 2026. The motion unanimously passed.
2. **ARP Appropriation:** Selectman Cruson moved to approve \$124,000 appropriation from ARP grant: \$35,000 to the Transfer Station for 2 cubic yard waste cans and 2 four cubic yard waste cans from the ARP grant. Selectman Embree Ku seconded. The motion unanimously passed. Selectman Cruson moved to approve \$50,000 to Parks & Recreation to complete the bathroom renovations at Dickinson Park from the

Rec'd. for Record 5-7 2024
Town Clerk of Newtown 12:00pm
Debbie Aurelia Halstead

ARP grant. Selectman Embree Ku seconded. The motion unanimously passed. Selectman Cruson moved to approve \$25,000 to Parks & Recreation for a replacement pool vacuum from the ARP grant. Selectman Embree Ku seconded and talked about the Legislative Council removing this from the budget that would then go to referendum. This is still in the current budget; can the funds be used for something else? At this time there are no pool vacuums and ARPA is available as a funding mechanism. Ms. Salas noted a deficit for lawn care is being carried, the additional \$25,000 could be used to offset this. There was continued discussion and the motion unanimously passed. Selectman Cruson moved to approve \$14,000 to Parks & Recreation for a drum mulch head from the ARP grant. Selectman Embree Ku seconded. Ms. Salas said funds were appropriated for the foot bridge and lapsed, Ms. Salas recommends paying for the bridge with capital outlay in 2024. The motion unanimously passed.

RECURRING BUSINESS:

Discussion and possible action:

- 1. Appointments/Reappointments/Vacancies/Opening:** Selectman Cruson moved to appoint Vincent Pietrozario as a full board member on the Board of Ethics for a term to expire on 1/6/26 and the appoint of Joseph Brodacki to Assistant Animal Control Officer for a term to expire 4/17/25. Selectman Embree Ku seconded. The motion unanimously passed.
- 2. Driveway Bond Release/Extension:** Selectman Cruson moved that the driveway bond extension request for 19 Commerce Road be approved as recommended by the Town Engineer and outline in the document dated May 6th. Selectman Embree Ku seconded. The motion unanimously passed.
- 3. Tax Refunds:** Selectman Cruson moved to approve Tax Refunds #36, dated May 6, 2024, in the total amount of \$15,275.68. Selectman Embree Ku seconded. The motion unanimously passed.

VOTER COMMENTS: Barney Molloy, 35 Tunnel Road stated a meeting regarding a disposition of public property will draw public interest and suggested having the Town Attorney present.

ANNOUNCEMENTS: none.

ADJOURNMENT: Having no further business the regular Board of Selectmen meeting was adjourned at 8:03p.m.

Respectfully submitted,
Susan Marcinek, clerk

May 6, 2024

Jeff,

To be good stewards of town assets, the Board of Selectmen and Legislative Council members must understand the processes outlined in the Charter. Additionally, given the number of emails we have received in the past several weeks, I continue to believe that a discussion would help everyone, including the public, know what to expect when town property is being considered for sale. So, I am asking again for a better understanding of the process for the disposition of the 6 Commerce Rd property as well as other town-owned properties.

A general outline of the process, as you see it, would be helpful. Additionally, I ask that the following specific questions be addressed by our legal counsel.

1. **Our Charter indicates specific requirements for the disposition of property. Specifically, 8-10(a) indicates that "The First Selectman, with the approval of the Board of Selectmen and the Legislative Council by a majority vote of its membership, may propose the Disposition of Real Property."**
 - a. **Is the First Selectman precluded from discussing the possibility of selling the property with developers if 8-10(a) has not occurred?**
 - b. **Is the First Selectman precluded from obtaining an appraisal for a town-owned property if 8-10(a) has not occurred?**
 - c. **Has step 8-10(a) been fulfilled for any of the following properties: 3 Main Street, 28A Glen Rd, 6 Commerce Rd?**
2. **The Charter, Chapter 8-10(c) indicates that "After the proposal to dispose of Real Property is made the Town shall: Have all properties affected in the proposed Disposition appraised by an appraiser licensed or certified by the State of Connecticut to ascertain their values both before and after the transaction." Does this mean that:**
 - a. **if an appraisal is done prior to step 8-10(a), a second appraisal "after the proposal to dispose of Real Property is made" is necessary?**
 - b. **the process intends for the Board of Selectmen and the Legislative Council to approve the disposition of property before knowing the appraised value (and whether the sale would require a referendum)?**
3. **Does the disposition of 2 Buttonshop Rd fall under the requirements in Chapter 8 of our Charter? And will further action by the BOS and LC be required?**

Thank you for your consideration,

Michelle Embree Ku